



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, December 10, 2008**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

6. CITIZEN'S FORUM

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

7. PUBLIC HEARINGS

**A. ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS
SPONSORED BY MAYOR MYERS BY REQUEST**

8. CITY MANAGER'S REPORT

9. MINUTES

- A. NOVEMBER 5, 2008**
- B. NOVEMBER 12, 2008**
- C. NOVEMBER 19, 2008**

10. MAYOR'S REPORT

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 3RD READING

- 1. ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS (TO BE REMOVED FROM TABLE)
SPONSORED BY MAYOR MYERS BY REQUEST**

B. RESOLUTIONS – NONE

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. TAG – DHS GIRLS BASKETBALL BOOSTERS**
- 2. RAFFLE – DHS GIRLS BASKETBALL BOOSTERS**
- 3. RAFFLE – DOVER TEACHERS UNION**
- 4. RAFFLE – GREAT BAY FIGURE SKATING CLUB**



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- 5. RAFFLE – GREAT BAY FIGURE SKATING CLUB**
- 6. RAFFLE – SAINT MARY ACADEMY**
- 7. RAFFLE – SOMERSWORTH POLICE**
- 8. RAFFLE – MARGERY SULLIVAN CHAPTER, DAUGHTERS OF THE AMERICAN REVOLUTION**

- 9. RESOLUTION: RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 10. RESOLUTION: CONTINUATION OF AGREEMENT FOR WORK
BOOKS/FOOTWEAR. SOLE VENDOR REDS SHOE BARN
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 11. RESOLUTION: CHANGE AWARD OF BID #B09024 FOR SNOW PLOWING/
HAULING SERVICES FOR CITY STREET/PARKING LOTS
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 12. RESOLUTION: B09028 AWARD OF STREET SWEEPER
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 13. HENRY LAW AVENUE RECONSTRUCTION PROJECT CHANGE ORDER #3 TO
PO 30-210883
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

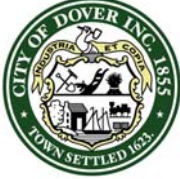
- 14. SHORELINE STABILIZATION @ MAGLARAS PARK ENGINEERING OVERSIGHT
BY GeoINSIGHT INC.
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 15. B09034 COCHECO RIVERBANK RESTORATION PROJECT
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

- 16. ACCEPTANCE OF DAY CONSERVATION EASEMENT
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST**

COMMITTEE REPORTS

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



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B. RESOLUTIONS

1. **ACCEPTANCE OF OAK STREET ARMORY PROPERTY**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST
2. **LEASE AGREEMENT WITH THE STATE OF NEW HAMPSHIRE – STORAGE BUILDING ON OAK STREET**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST
3. **ESTABLISHMENT OF RECREATION FACILITIES CAPITAL RESERVE FUND (TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2008)**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST
4. **ESTABLISHMENT OF FIRE & RESCUE FACILITIES CAPITAL RESERVE FUND (TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2008)**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST
5. **ESTABLISHMENT OF POLICE FACILITIES CAPITAL RESERVE FUND (TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2008)**
SPONSORED BY MAYOR SCOTT MYERS BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS (TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2008)**
SPONSORED BY MAYOR SCOTT MYERS
2. **CHAPTER 79, CITY PROPERTY (TO BE REFERRED TO PUBLIC HEARING ON JANUARY 14, 2008)**
SPONSORED BY COUNCILOR DOUG DEDE

D. COUNCIL CORRESPONDENCE

1. **PETITION TO LEAVE LOWER SIXTH STREET OPEN TO LOCAL TRUCKS UP TO CLASS 8**

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

City Manager's Report

December 10, 2008

Our real problem, then, is not our strength today; it is rather the vital necessity of action today to ensure our strength tomorrow.

By Dwight D. Eisenhower



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

STREETS, WATER, SEWER UPDATES

Utilities: During the month of November, the Water Department completed hydrant winterization. This consisted of hydrant pumping and performing all necessary leak repairs. The Utility crews worked in conjunction with the Fire Department to repair the 16" main in front of Saint Thomas Aquinas High School. A new 8" water main was also installed on Bellamy Road between Old Littleworth Road and West Knox Marsh Road. Crews installed water and sewer service taps for new homes on Fourth Street and Durham Road and the contractor renewed service at 18A Roberts Road. Mold was removed from the Isinglass recharge pump house.

The motor for the Brick yard was received but due to an incorrect fit it will need to be sent back. The Sewer Division assisted the City of Somersworth for the day with our sewer jet and TV unit and has subsequently been billed. Generator maintenance was performed throughout the month on all non-Cat generators. A purchase order was received for radio work for the Butterfield pool pump station for SCADA.

Streets: Winter preparations continued with the repair/reconstruction of manholes and catch basins on plow routes and catch basins were cleaned as needed. Work was performed on structures on Union Street, Atkinson Street, Coheco Street, Maplewood Avenue, Arcola Street, Trakey Street, Central Avenue, Indian Brook Drive, Webb Place and Atlantic Avenue. Sidewalks repairs were made on Portland Avenue and Main Street, Horne Street, Trakey Street, Union Street and Chestnut Street. Grading was performed on Old Garrison Road, Bayview Road and on two portions of Boston Harbor Road. Debris was cleaned up on Mt Vernon Street from a washout caused by heavy rains. Crews have been busy screening sand in the pit to make it usable for the roads. The brine truck is now up and running and the sanders have been prepped and are ready for winter operations.

The Highway Division continued filling potholes and shimmed bad areas including Mast Road corner, the end of Bear Road and several areas on Gulf Road. Approximately 160' of granite curbing was picked up and delivered for the new North End Fire Station.

Trees were cleaned up and cut in the Portland Avenue parking lot where approximately twelve spaces had become unusable to overgrowth. This lot is currently used as an overflow lot. Brush cutting was also performed on County Farm Road, County Farm Cross Road, Garrison Hill, Abbey Sawyer Memorial Highway, Back River Road, Crosby Road and Spruce Lane Extension.

The Community Services Director is finalizing the bid for the maintenance of the road surfaces. The bid is anticipated to be advertised in January.

PROGRAMS AT CITY CENTERS/BUREAUS

Police Special Investigations Bureau: Members of the Dover Police Department's Special Investigations Unit continue to investigate three recent deaths. The David King homicide, which occurred in late August; the apparent beating death of Richard Nolette, which occurred in October; and the fire related death of Daniel McDevitt on November 23rd, all which remain under investigation.

During the month of November, twelve letters were generated by the Special Investigations Unit and sent to on-site liquor establishments in Dover. "On-site" liquor establishments are bars or restaurants versus "off-site" which are stores that sell alcohol for consumption elsewhere. These letters were the result of the analysis of police reports involving overly intoxicated persons. When it is determined that an intoxicated person had been over-served, a letter is sent from the police department to that establishment advising them of the situation. Copies of the letters, along with the police reports, are also forwarded to the New Hampshire Liquor Commission's Bureau of Enforcement for their review. A follow up investigation by the Bureau of Enforcement on one of the incidents resulted in a five day liquor license suspension for the business Central Wave.

Patrol Division: On November 5th the Emergency Operations Center (E.O.C.) was activated for a "Graded Drill". This is a periodic drill mandated by the Federal Government to test the readiness of cities and towns surrounding the Seabrook Nuclear Power Plant. The Police Department works closely with the Fire Department for training and testing of the City's emergency operation response on a regular basis.

On November 6th, the Traffic Bureau Commander and other members of the department attended a planning session to discuss the security and traffic control needs for the State's Point of Dispensing Plan. The Point of Dispensing Plan provides local agencies direction for planning and activating a location for the mass dispensing of medication or vaccinations to the general population in a rapid and precise fashion. The Point of Dispensing location for the City of Dover and the Town of Barrington is the Dover Middle School.

As the result of traffic surveys and resident input, the department conducted several patrols to target speeders on Glenwood Avenue. Dozens of vehicles were stopped as the result of this directed enforcement.

The Police Department continued its tradition of participation in the annual Holiday Parade on November 30th. The Dover Police Color Guard led the parade and the Mounted Patrol Unit also proudly participated. This event involves significant logistical, personnel and traffic implications due to the complete closure of the City's primary traffic corridor. The bulk of the coordination was done by the department's Traffic Bureau Commander, who works closely with representatives of the Dover Lodge of Elks to make the event a success. 30 officers are needed to assist with crowd and traffic control. In addition, seven Police Explorers and five parking enforcement officers all contribute to the overall operation.

The Dover Police Department is preparing for another season of enforcement of the winter parking ban. Third shift officers have been distributing warning cards to vehicles found parked on City streets and in City owned parking lots over the latter part of November. Winter parking permits for use in off-street municipal parking lots are being issued on an ongoing basis, especially for residents of downtown properties that do not have adequate off-street parking. The winter parking permits are available at no charge and at any time of day or night in the Police Department lobby. By ordinance, parking is restricted on all City streets between the hours of 1:00 am and 6:00 am from December 1 to April 1.

The Traffic Bureau Commander and the Police Department's IT administrator have been participating members of a committee to evaluate and select a vendor in response to the City's Request for Proposals for Parking Pay Stations. This process comes on the heels of the recently completed Downtown Parking Facility and System Report which was completed by the Council's Dover Parking Facility Ad-Hoc Steering Committee. Institution of paid on-street parking in the core area of downtown was one of the committee's main recommendations. The evaluation process has involved

a thorough review of each vendor's proposal, followed by individual meetings with each vendor's representative for equipment demonstrations and questions.

Community Service Program: The Community Service program tracked 29 active participants in the month of November, with 9 new entries. Of the 29 subjects in the program, 6 worked off their hours during the month. A total of 41.5 hours of community service work was completed. There were three members that completed their court ordered hours in November.

To date in 2008, 481 hours of community service have been completed by a total of 63 individuals. This year 26 participants have completed their court ordered obligations.

Most of the community service work was completed at the river-walk with late fall clean up and trash removal. It should be noted that one community service day was cancelled due to the Thanksgiving holiday.

Diversion Program: The Diversion Committee met on Wednesday, November 19th to hear one case, as a "Teen Center Review Board". This was not an actual Diversion case. The participant had put together a long list of negative behaviors at the Teen Center that needed attention, and it was agreed to use this method.

As of this report there are two new candidates scheduled for appearance in front of the Diversion Committee on Thursday, December 18th.

Community Outreach Program: Recently the bureau received a significant donation of furniture and media equipment from McIntosh College. Several large work tables, dozens of quality chairs and an extensive multi-media projection system were obtained at no cost. All these items will enhance the programs and presentations conducted throughout the year at the bureau's offices in the McConnell Center.

The Dover Police Department's Explorer Post continues to win awards among its 13 current members. The Explorer program consists of 14 to 20 year-olds that are interested in the field of law enforcement. At the New Hampshire Exploring Awards banquet, hosted by the Daniel Webster Council, Dover Explorer Emily Martuscello was awarded the Silver "E" award, the highest youth award presented, which goes to the Explorer who has shown outstanding qualities and has demonstrated outstanding service and commitment to the program. She also received the Young American Award, which is a national award that recognizes excellence in various fields and service to the community.

Dover Explorer Jacob Petlon received the Outstanding Explorer of the Year Award. This recognition is for an individual who displayed outstanding motivation and growth, and contributed to the success of the post. Post advisor Sgt. William Malsbury received the William H. Spurgeon III award, the highest national award presented to an adult volunteer who has contributed significant leadership to the program. Sgt. Malsbury has been volunteering for the post since 1992.

The Dover Police Department's Parents Program kicked off this month with over 100 families participating. The program is an early intervention course for the parents of Dover's 5th grade DARE students. The course increases parental knowledge of alcohol and drug abuse issues and trends during six hours of in-class training conducted by certified DARE officers spread out over three two-hour sessions. Parents are also assigned four homework projects which require approximately three

additional hours of student/parent communication on alcohol and drug abuse issues. The Parent Program is funded by an \$18,000 from the New Hampshire Department of Health and Human Services.

The Community Outreach Bureau was well represented at the Annual Holiday Parade on November 30th. The Dover Teen Center had a great turnout by its members as nearly 20 walked in the parade with the theme "Have a Groovy Christmas". Members had created 70's style tie-dye t-shirts along with signs promoting the activities and opportunities available at the Teen Center.

The Teen Center was joined by Dover Youth to Youth's contribution to the parade with their float "Santa's Toy Shop". Dozens of Y2Y members adorned the float or walked along side carrying banners and signs promoting their program and successes. Chief Colarusso took the opportunity to walk with the kids of both groups.

There continues to be a strong desire by area schools to bring programming conducted by Dover Youth to Youth to their community. On November 5th and 6th Dover Youth to Youth presented to middle school age students at the Strafford School a program on alcohol and tobacco industry advertising literacy. This program educates the students on the deceptive strategies used by the industry to target teens.

Dover Youth to Youth was also invited to Laconia this month to teach advocacy and presentation skills to a group of youth hoping to begin their own Youth to Youth program.

Youth to Youth coordinator Dana Mitchell was honored by Breathe New Hampshire with the Robert B. Kerr Award for his outstanding supervision of members of Dover Youth to Youth as they created a myriad of tobacco prevention related public service announcements for radio and print. The award also recognized that he excelled with assisting the youth to propose, draft and ultimately get local ordinances passed; and provided them with the skills necessary to testify at New Hampshire legislative hearings

Teen Center: The Dover Teen Center calendar for November consisted of superior educational and social programming for our youth participants. A total of 447 visits on 17 days of programming yielded just over 26 participants per day.

Some program highlights for the month of November included, but were not limited to, the following:

- TC Bingo Mania (11/4)
- TC Trip – FunSpot Arcade (TW Day) (11/7)
- TC Tournament – "8-Ball Tournament" (11/13)
- TC Special Event – "Parents Open House" (11/17)
- TC Crafts Day – Tye-Dye T-Shirt Making (11/18)
- DOVERPALOOZA SHOW – "T-Day Show" (11/21)
- TC Special Event – "3rd Annual Thanksgiving Dinner (11/26)

We had two special events at the Teen Center that were not included in the average attendance numbers listed above. First was the Teen Center Parents Open House. This was an opportunity for twenty eight parents of members to spend time meeting all the staff and tour the facility. Second, was the bi-monthly teen band night, called DoverPalooza, on the 21st, which had over 60 participants.

Recreation: There have been a number of requests for scholarships this month for the winter basketball programs. Four scholarships have been issued and the Rec anticipates several more.

Sign-ups are ongoing for many basketball leagues, including Lil' Shots (K - 2nd graders), Midget (3rd and 4th graders), 5th & 6th grade house, JH (7th & 8th grade), Northeast League (HS Boys) and high school girls. Games are played at the McConnell Center on Sunday mornings and Thursday evenings. The 35+ Men's Basketball League and the 50+ Men's Basketball League wrapped up sign-ups and will begin games the first week of December. Both leagues have 6 teams.

Attendance:

5th & 6th grade house league (basketball): 81 registrations

Pilates: 32 registrations (Full)

18+, 35+, 50+, SWBL: 24 teams

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

The Self-Guided Day Trip Committee went to the Currier Museum in Manchester, NH on November 12th. Ten seniors enjoyed the day. The group will be going to Strawberry Banke in Portsmouth on December 8th and lunch at Café Espresso.

On November 18th, Marcia, our travel person, along with 42 others, went on an overnight trip to Foxwoods and Mohegan Sun Casinos in Connecticut. A good time was had by all.

Our monthly social for November was held on the 21st with 22 members present. Martha Maynard from ServiceLink spoke for a few minutes about their services. Roland Hofemann played the piano for the group. Phyllis Johnson was the Show & Tell guest and spoke about her hobby – Puppets and Marionettes.

Senior Mystery Luncheons

2 nd Tuesday, 1 st Wednesday, 3 rd Saturday	50
Senior Day Outing	10
Monthly Social	22

Indoor Pool: During the month of November the Indoor Pool saw the end of the fall session of swimming lessons for the public and also saw the end of the Home School lessons that took place on Friday afternoons. The pool has seen its fair share of Therapy swimmers with both Marshwood and Noble school systems using the pools on a weekly basis to account for about 30 swimmers.

High School swimming has begun with Dover, St. Thomas, Spaulding, Oyster River and Berwick Academy using the pool on a regular basis. The Masters team is still running strong with 30 to 35 swimmers here every practice. Seacoast Swimming continues its short course season coming in every day of the week except for Sundays.

There were also 8 birthday party rentals during the month.

Hydrofitness: 20 participants daily
Rec Swim: 10-20 swimmers daily
Lap Swim: 75-150 daily

Ice Arena: Programs for this month consist of Coed C League on Monday nights, Beginner lessons on Wednesdays and Chix with Stix.

The Alumni Jamboree was held on Thanksgiving Day with 4 teams (15 players each) participating. Attendance was 236.

A wedding took place at the beginning of the month with a 2 hour rental.

Attendance for the Arena is as follows:

Birthday Parties	3
Coed C League:	75 players (5 teams)
Chix with Stix	18 participants
Beginner Lessons - Wednesdays	9 participants
Stick Practice:	378

DEPARTMENTAL COLLABORATION & ENHANCEMENTS

This month, the Police Department converted to an updated computer aided training (CAT) program. The CAT program allows for the frequent training of officers while at the same time validating their retention of the assigned lessons. Each week a new lesson is assigned to every officer on a variety of topics to include law updates, department policies and procedures or the latest investigative techniques. At the end of the lesson, a brief exam measures their understanding of the learning points.

The Inspection Services Division and Fire Operations have finalized their move to the North End Station and have not missed a day of servicing our community during the move.

A sample of the city-wide electronic work order and asset management system has been installed for supervisors to peruse so they can become more familiar with the system.

The City Attorney has drafted changes to Chapter 89 (Dogs) of City Ordinances with the addition of a provision for restricting dogs on athletic fields.

The City Attorney drafted and circulated an agreement between the SAU and the City detailing a proposed ten year relationship to share cable franchise fees and to provide expanded cable broadcasting.

The Planning Director is reviewing opportunities for grants that may be used to archive plans and documents associated with plans. The goal of this project would be to archive plans and make them accessible to the public through the Treneo archival system.

The Library Director chose rubber tile color and texture with Hogan Flooring for carpeting replacement on the stairs and foyers. Materials are being ordered.

The Library Director also worked with Facilities and Grounds to stem two severe leaks from the flat roof and contacted Portland Glass for several skylight leaks.

The Recreation Department met with the School Department for the quarterly coordination meeting. Fall and winter facility use was discussed and schedules were reviewed to iron out anticipated issues. Also discussed were joint projects involving the renovation of the Bellamy Field.

PARKING & TRANSPORTATION

Staff continued preparations for the roll out of the FastTrans project anticipated for December 1st, 2008. This preparation included finalizing the route, and developing publicity materials for the project. The first month of service will be free to riders to introduce the program.

The Recreation Department is working on advertising the FastTrans System with the Senior Center participants and other McConnell Center tenants as soon as it begins service to the building.

MASTER PLAN

The Community Services Director is meeting with the Cemetery Board to discuss a Cemetery Master Plan.

PLANNING & ZONING

Jeff Taylor and Associates continued to work on the Form Based Code project. Two Charrettes were held in November. The first one on November 19th for stakeholders and Planning Board members, and the second meeting on November 22nd with the public. The public session was attended by 20 people who contributed constructive feedback that will be used to quantify the existing characteristics of downtown development. Notes and images from these sessions are being assembled and be made available to the public on the Google Group created for the project.

CITY GROUNDS – FACILITIES & PARKS

The Recreation Director met with the Department of Environmental Service representatives and are working on the Wetland Permit application for the temporary docking facilities and the end of River Street.

Facilities and Grounds crews began preparing for the winter by picking up and storing trash cans from park areas and winterizing waterlines in the cemetery as well as the Shaw's Lane concession stand. Dead trees were removed in front of Sherwin Williams and in the First Street lot. Large branches and dead trees that blocked the roadway during windstorms and heavy rains were also cleaned up.

GENERAL UPDATES

- On November 1st the City of Dover became a safer community with the opening of the new Liberty North End Fire Station. This opening was accomplished through the hard work, dedication and creative problem solving abilities of our North End Building Inspection Committee, our contractors and the employees and families of Dover Fire and Building Inspection Services. Budget restrictions encouraged all employees to assist with the moving of essential equipment and setting up the new station. Every member of the department took great pride in doing their part to make the move as seamless as possible with the least amount of disruption to our citizens.
- Operational changes have been implemented throughout the Fire Department with the opening of the new station and will be evaluated regularly by the Fire Chief to ensure maximum effectiveness.
- Well over 400 citizens took the time to attend and tour the North End Fire Station during the Grand Opening and we were all overwhelmed by the outpouring of support and goodwill from the citizens of Dover.
- The old boiler at the Public Library was certified asbestos-free, providing no further obstacle to its replacement. The old boiler was patched externally, allowing some heating to occur.
- Work is ongoing on RFP document for the Financial Management Software. The School Department attended a Unifund demo in November to see school related functionality. Finance is working with City of Somersworth Finance Department to coordinate a demo by Unifund for revenue related functions. Finance Director met with representative of Interware Software to discuss ongoing changes to this vendor's software product and other municipal projects this vendor is currently working on in NH.
- The Human Services Department is making referrals for children's coats. They are also making referrals to the Police Department for Christmas food baskets.
- The Human Services Department is assisting the Fire Department by taking referrals for the Toys for Tots Christmas Program. This month, referrals totaled 168 families numbering 376 children. Calls will continue to be taken well into December.
- The Human Services Director continues to monitor State and Federal budget deficits as their costs 'could' be passed on to various towns and cities. No direct downshifting has been specifically pinpointed at this time.
- The Human Services Department has spent more for oil in the past 5 months than for all of Fiscal Year 2008. Fuel Assistance is to kick in December 1st and should relieve this situation until at least the third quarter.
- With the opening of the new North End Fire Station, all mutual aid box alarm cards have been reviewed and rewritten to ensure the most effective and efficient response. There are several of these cards which outline which vehicles and staff respond to an emergency depending on where it is in the city and what type of emergency it is. For instance, if there is a fire in the South End of the City and we need extra help, Durham will come to our mutual

aid before one of our neighboring communities to the north, like Rochester. Dispatch uses these when emergencies arise to determine who is dispatched where.

NEIGHBORHOOD AREA SPOTLIGHTS

A community meeting was held for the Back River Road residents possibly affected by the blasting at the Picnic Rock Development project. This was a collaborative meeting between Fire & Rescue, the Planning Department, representatives from the blasting company and development team to answer any questions residents had. Approximately 20 people attended, half residents and half staff. The meeting was very useful for hearing resident's concerns and in providing information to the residents about the project needs and building process. This resulted in a conservative blasting plan approach for the blasting that was needed to finish a sewer line tie-in at that location. More blasting will be needed next spring and another meeting will be scheduled at that time. This meeting was held in the new Liberty North End Station Community/Training Room.

On November 19th, the first Friends of Willand Pond meeting was held in the McConnell Center. There were almost 30 residents in attendance. Jeff Taylor began his process of empowering the residents to form this new advocacy group.

Additionally, a site walk was held on November 22nd, to review the Home Depot storm water pond, in Somersworth, by the Somersworth Conservation Commission. Home Depot has applied for a conditional use permit and for the proper wetlands permit to correct the pond.

Also relative to Willand Pond, the City of Somersworth has awarded their bid for construction of the Commercial Drive extension/connector roadway.

The Dover Open Lands Committee held a site walk on November 29th to review the area north of the pond as potential conservation land.

The upgrades to Alden Woods Neighborhood Park have begun with site improvements and movement on the addition of more equipment for hopeful construction next spring.

ACKNOWLEDGEMENTS & EVENTS

Congratulations to the Fire Department. They received the 2007 Life Safety Achievement Award which celebrates 2007 being a year free from fire fatalities in the City of Dover. They have received this award for the last five years.

Thank you to Katherine McKernan of Bow, NH who donated \$20 to the Library.

\$100 was received from the Cocheco Quilters Guild for future programming.

Friends of the Library renewed a museum pass (\$250) for Portland Museum of Art and funded \$233 for new lined drapes in the office and Story Hour room.

The Library donated booksale leftovers to Franciscan Monastery in Kennebunkport for shipment to Lithuania.

Friends of the Library annual booksale netted \$6500 for the group.

OPERATING STATISTICS

	November 2007	October 2008	November 2008
	30 Days	31 Days	30 Days
F&R Ambulance Revenue	\$45,137	\$109,977	\$97,365
F&R Total Calls for Service	385	431	351
F&R Calls for Fires	13	19	24
F&R Simultaneous Emergency Incidents	51	54	55
F&R 3/4 Simultaneous Emergency Incidents	11	11	9
F&R Emergency Medical Calls	190	229	174
F&R Patients Transported Area Hospitals	180	217	160
F&R Hazardous Condition Calls	9	7	6
F&R Service Calls - Miscellaneous	48	26	38
F&R Lock Outs	74	76	54
F&R False/Good Intent Calls	51	74	55
F&R Certificate of Occupancy Inspections	140	9	20
F&R Life Safety Inspections	5	3	1
F&R Business Inspections	43	23	21
F&R Sprinkler/Alarm Inspection	14	3	9
F&R Car Safety Seat Inspections	8	0	6
F&R Building Inspections	97	104	37
F&R Electrical Inspections	82	78	85
F&R Plumbing/Mechanical Inspections	78	177	100
F&R Health Inspections	19	70	49
F&R Housing Standards Inspections	15	3	4
F&R School/Daycare Inspections	7	1	4
F&R Oil Burner Inspections	9	4	6
F&R Woodstove/Fireplace Inspections	4	7	7
F&R Burning Permits Issued	7	0	12
F&R Building Permits Issued	23	32	21
F&R Blasting Permits Issued	1	3	2
Fire Loss Totals	\$41,000	\$7,500	\$252,000
Library-Circulation	22,052	23,686	22,030
Library-New Patrons	119	163	139
Library-Total Cardholders	25,715	27,356	27,469
Library-Public Meetings Held	57	24	27
Library-Audio Downloads	13	13	18
Library-Internet/PC Usage	2,046	2,773	2,259
Library-Museum Passes borrowed	25	42	47

Library-Circulation desk hold requests	1,370	1,448	1,166
Library-Remote online hold requests	862	943	959
Library-Attendance at Programs	325	400	518
Human Services-Number of Contacts	476	458	420
Human Services-Number of Cases	107	80	89
Human Services-Case Expenditures	\$39,926	\$37,598	\$37,575
F&G – Number of Burials - Traditional	6	3	5
F&G – Number of Cremations	-	3	6
F&G – Concrete Foundations for Monuments	-	10	6
F&G – Number of Work Orders Received	124	142	138
Total Visitors to Website	61,037	48,457	46,981
Average Visitors to Website Per Day	2,034	1,563	1,566
City Clerk – Total Revenue	\$6,131	\$8,006	\$6,572
City Clerk – Death Certificates Issued	257	210	208
City Clerk – Marriage Licenses Issued	42	18	15
City Clerk – Birth Certificates Issued	313	218	167
City Clerk – Notary Public Requests	14	60	43
City Clerk – Marriage Certificates Issued *	-	-	35
City Clerk – Justice of the Peace Requests *	-	-	7
Vehicle Registrations	2,133	2,483	2,167
Police Dept Total Calls for Service	2,240	2,422	2,023
Police Dept Total Number of Offenses	157	162	178
Police Dept Motor Vehicle Stops	594	767	516
Police Dept Total Motor Vehicle Summonses	109	101	72
Police Dept MV Accidents Investigated	73	75	77
Police Dept Parking Tickets Issued	436	362	410
Police Dispatch Total Phone Calls	11,516	9,988	7,331
Police Dispatch – 911 Calls	336	364	269
Police Dispatch – Radio Transmissions	9,019	9,303	7,230
Police Records Bureau Revenue	\$16,510	\$27,617	\$24,458
Police Reports/Criminal Record Requests	79	91	83
Police Case Reports Processed	923	953	633
Police Prosecution – Adult Arraignments	64	99	43
Police Prosecution – Adult Trials	3	4	2
Police Prosecution – Hearings	37	21	13
Teen Center Participants-Average Per Day	23	25	26
PD Com. Service Program –Juveniles Tracked	27	21	29
PD Community Service Hours	35	41	42
Public Works – Work Orders Resolved	117	97	30
Public Works – Work Orders Pending	174	25	8
PW – Water Gallons Pumped	68,426,000	77,695,000	61,959,000
PW – Average Water Gallons per Day	-	2,506,000	2,065,000
Total Tonnage of Trash Collected	437.51	404.83	347.27
Total Tonnage of Paper Collected	133.32	111.93	140.92
Total Tonnage of Commingles Collected	79.1	98.1	95.06
Arena Public Skate Attendance	870	453	887
Arena Rock Night Attendance	192	68	137

McConnell Center –'Open Gym' Participants	1730	2165	2101
McConnell Center Common Area Reservations	104	73	63
Senior Center Membership Renewals	28	37	15
Senior Center New Memberships	22	17	6
Senior Center – Participants on Trips	39	97	43
Senior Center – Daily Game/Class Participants	868	990	639
Senior Center – Walk ins, no particular activity	395	883	536

* = new statistic provided

HUMAN RESOURCE STATISTICS & UPDATES
November, 2008

Average Number of Employees Paid by Department			
Department:	November 2007	October 2008	November 2008
	4 week	5 week	4 week
Community Services	72	72	73
Executive	13	16	14
Finance	16	16	16
Fire & Rescue	53	61	59
Human Services	3	3	3
Library	24	22	22
Planning	9	6	6
Police	89	84	85
Recreation	70	64	66
Average Number of Employees Total	348	344	344

Personnel Status		
New Hires for Month	2	(2 – Recreation)
Separations for Month	3	(3 – Recreation)
New Hires – Fiscal Year to Date	26	(7 – Comm Svcs, 1 – Exec, 1 – Finance, 2 – Fire, 4 – Police, 11 – Recreation)
Separations – Fiscal Year to Date	27	(5 – Comm Svcs, 2 – Fire, 4 – Police, 16 – Recreation)

Gross Wages Paid		
November 2007	October 2008	November 2008
4 week	5 week	4 week
\$1,497,358	\$1,544,600	\$1,230,244

Employee Name	Position	Dept	Employee Type	Base Rate	Reason
Separations:					
Ayers, David	Seasonal Maintenance Worker	Rec	SPT	10.87/hr	Voluntary
Fortier Jr., Joseph	Rec Program Associate	Rec	SPT	11.04/hr	Voluntary
Page, Bethanne	Rec Program Associate	Rec	SPT	9.91/hr	Voluntary
New Hires:					
Cheslock, Joseph	Rec Program Specialist	Rec	SPT	12.53/hr	
Piche, Tara	Rec Program Associate	Rec	SPT	8.90/wk	

The City Manager and Human Resources Director met with the City Council on three separate occasions to review the tentative union agreements reached with both Fire unions.

The Human Resources Director continued negotiations with the AFSCME union.

Total Permits Issued: November 2008

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
08-18	ELLIS	10A	FOURTH STREET	CONVERT RETAIL TO SALON	C	6	54-D	3300	61
08-418	MARTINDALE, WILLIAM	42M	DOVER POINT ROAD	INTERIOR OFFICE RENOVATIONS	C	K	24A-6	4000	65
08-420	L&R REAL ESTATE	51	WEBB PLACE	CONSTRUCT EXIT ACCESS CORRIDORS	C	D	2	78500	815
08-421	LIBERTY MUTUAL	100	LIBERTY WAY	NEW REVOLVING DOOR	C	E	24	91000	935
08-423	ARANOSIAN OIL CO.	52	CENTRAL AVENUE	GAS PUMPS W/ CANOPY	C	15	71	35000	375
08-425	JONATHAN MAPES	547	CENTRAL AVENUE	GAS STATION/CONVENIENCE STORE	C	4	76	0	25
08-431	DAVIS, BARTOL, ERICKSON, LI	15	MEMBERS WAY	CONSTR. FOUNDATION ONLY FOR REARC	D		17	25000	275
08-432	SHEN	436	CENTRAL AVENUE	INTERIOR RENOVATIONS FO A RESTAUF	C	6	21-1	1000	35
08-433	HENRY	454	CENTRAL AVENUE	INTERIOR RENOVATIONS OF A RETAIL SC	C	6	21-A	20000	225
08-434	COLWELL-ELLIS	10A	FOURTH STREET	INTERIOR RENOVATION OF RETAIL/OFFIC	C	6	54-D	8000	105
08438	DOVER BROADWAY REALTY	89	BROADWAY	DEMO 4 METAL GARAGES	C	26	11	0	25
08-343	GLADIOLA LANE DEVELOPME	32	GLADIOLA WAY	SINGLE FAMILY W/ATTACHED GARAGE	R	A	28-4	93000	955
08-347	GODDARD	660	CENTRAL AVENUE	INT. RENOV. TO CONVERT OFFICE SPAC	R	30	136	30000	325
08-413	DEGENARRS	19	BALDWIN WAY	CONSTRUCT A REAR DECK ADDITION/E	R	L	40-8	4000	65
08-417	GLADIOLA LANE DEVELOPME	39	GLADIOLA WAY	SINGLE FAMILY RESIDENCE W/ATTACH	R	A	28-15	93000	955
08-419	GERJUOY	8	WOODMAN PARK DRIVE EST. A CUSTOMARY HOME OCCUPATIO	R	12	140-A		0	25
08-422	MERRITT	5	CONSTITUTION WAY	CONSTRUCT A SIDE CARPORT ADDITIO	R	K	21-44	8500	115
08-424	HARTNETT	10	GOVERNOR SAWYER LANE	CONSTRUCT 3 SEASON PORCH ON EXIS	R	17	144	8000	105
08-427	SESSLER	134	GROVE STREET	ADD 3/4 BATH TO 2ND FLOOR	R	29	71	6000	85
08-428	LEWIS	11 & 13	ELM STREET	REMOVE & REPLACE SHINGLES & SHEA	R	12	96	7000	105
08-436	BOUCHER	4	DEEPWOOD DRIVE	REMOVE & REPLACE/CONST. FRONT PO	R	I	22	1500	45

<u>Permit #</u>	<u>Owner's Last Name</u>	<u>Street #</u>	<u>Street</u>	<u>Description</u>	<u>Type</u>	<u>Map Lot</u>	<u>Construction Value</u>	<u>Fee</u>
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Total Permits Issued 21

Total Construction Value \$516,800.00

Total Fees Collected: \$5,721.00

Type of Permits Issued		Certificate of Occupancy's	
Apartment dwlg units	0	Apartment Units	0
Commercial	2	Commercial	3
Condo Units	0	Condo Units	14
Congregate Care Facility	0	Congregate Care Facility	0
Convert 1 to 2 Fmly Dwlg	0	Convert 1 to 2 Fmly Dwlg	1
Duplex Unit	0	Duplex Unit	0
Industrial	0	Industrial	0
Multi Family	0	Renovations	3
Manufactured Dwlg	1	Manufactured Dwlg	2
Single Family Dwelling	2	Single Family Dwellings	5
		Total	28

PROJECTS BEFORE DOVER PLANNING BOARD

NAME	LOCATION		Total Units	Units Built*	Units left	DATE OF PB SIGNATURE	DATE OF PB APPROVAL	SCRD DATE	PLANNING FILE #	MAP	LOT	EXPIRATION DATE	SCHOOL	Students**
Code	H = Homes A = Apts. C = Condos													
Multi-Family:														
Paolini	54 Dover Point Road	C	12	0	12		7/22/2008		P08-15	K	20		G	3.96
Cedar Cove	Regent Dr	A	62	54	8	5/29/2008	4/22/2008	6/19/2008	P07-64	E	66	5/29/2012	W	20.46
Summit Land	Fifth St	A	8	0	8	4/7/2008	4/22/2008	Site	P08-10	5	16	4/7/2012	H	2.64
Temple Associates	Washington St	A	15	15	0	3/4/2008	10/23/2007	5/14/2008	P06-03	2	14	3/4/2012	W	4.95
Bamford	Third St	A	20	0	20	9/12/2007	8/14/2007	Site	P06-37	6	46	9/12/2011	H	2.2
New Meadows Inc	Knox Marsh Rd	A	120	48	72	9/27/2005	9/27/2005	Site	P04-04	H	35C	9/27/2009	W	13.2
PRPC	Roseanne Dr	H/C	18	16	2	2/2/2006	9/13/2005	5/23/2006	P04-46	I	3	2/2/2010	G	5.94
Total: Multi-family			117	69	28									32
Subdivisions:														
Harbor Hills	Dover Point Rd	H	14	0	14	4/2/2008	10/23/2007		P07-39	L	89G		G	5.18
Paddocks/Tidewater Farms	Saddle Trail Dr	H	9	1	8	2/21/2008	10/23/2007	2/21/2008	P07-43	N	8	2/21/2012	G	7.4
Long Meadow	Gladiola Way	H	20	7	13	1/30/2008	8/28/2007	2/6/2008	P06-40	A	28	1/30/2012	H	7.4
Picnic Rock	Back River Rd	H	21	0	21	10/31/2007	7/10/2007	11/6/2007	P07-32	16	20	10/31/2011	G	7.77
Schooner Landing	Schooner Dr	H	10	2	8	7/19/2007	4/10/2007	7/25/2007	P06-54	M	96A	7/19/2011	G	3.7
Pacific Landing	Upper Factory Rd	H	15	4	11	2/8/2007	7/25/2006	2/8/2007	P05-72	E	49	2/18/2011	W	5.55
Goldberg/Tolend Rd Prop.	Columbus Ave/Tolend	H	72	0	72	10/5/2006	7/14/2005	11/2/2006	P03-36	G	24	10/5/2010	W	26.64
Stern Subdivision	Lika Dr	H	3	0	3	3/23/2006	2/28/2006	3/23/2006	P05-71	E	45	3/23/2010	W	1.11
Duffy Drive	Middle Rd	H	3	3	0	10/24/2005	10/11/2005	10/25/2005	P05-24	M	101	10/24/2009	G	1.11
Narrows at Tidewater Farm	Wysteria Dr	H	5	3	2	12/16/2005	8/9/2005	12/21/2005	P05-38	N	8-3	12/16/2009	G	1.85
Emerald Woods III	Emerald Ln/Viridian Ln	H	37	0	37	1/31/2006	6/14/2005	2/1/2006	P05-10	F	15	1/31/2010	W	13.69
StoneCroft	Carriage Hill Ln	H	11	8	3	8/9/2005	5/24/2005	8/9/2005	P05-18	A	16	8/9/2009	H	4.07
Havenwood Farm at Alden	Boxwood/Wildewood	H	32	13	19	6/6/2005	5/10/2005	6/7/2005	P04-42	B	21	6/6/2009	H	11.84
Ayer	Falcon Dr	H	5	4	1	5/24/2005	2/22/2005	6/8/2005	P04-61	N	21	5/24/2009	G	1.85
Waldron Falls	Watson Rd	H	10	3	7	3/30/2005	1/11/2005	4/7/2005	P04-59	E	37	3/30/2009	W	6.29
White Tail	Picard Ln	H	17	2	15	1/10/2005	11/10/2004	1/10/2005	P04-47	A	19	1/10/2009	H	6.29
Emerald Woods I & II	Emerald Ln	H	25	16	9	12/6/2004	9/28/2004	12/10/2004	P02-01	F	27	12/6/2008	W	9.25
Weeden	Garrison Rd	H	4	3	1	9/28/2004	6/22/2004	10/4/2004	P04-25	I	1P	9/24/2008	G	1.48
Lionheart	Littleworth Rd.	H	4	2	2	2/24/2004	2/24/2004	3/8/2004	P03-66	G	28-1	2/24/2008	W	1.48
Cornerstone Crossing III	Conerstone Dr	H	18	7	11	7/5/2004	7/8/2003	7/16/2004	P02-26	B	18	7/5/2008	H	6.66
Ayer	McKone Ln	H	3	1	2	6/5/2003	6/5/2003	6/5/2003	P02-67	N	18	6/5/2007	G	1.11
Three Rivers Farm	Three Rivers Farm Rd.	H	6	3	3	6/9/1999	6/9/1999	6/9/1999	P99-13	N	2,3,4B,4A	6/9/2003	G	2.22
Total: Single Family			344	82	262									134
TOTAL APPROVED UNITS			461	151	290									166
Elderly:														
The Village at Thornwood	Middle Rd	H	48	0	48	7/2/2008	3/13/2007		P06-55	M	4	7/2/2011	G	
Arbor Woods	Mast Road	H	63	4	59	2/20/2007	1/9/2007	2/20/2007	P06-24	H	4	2/20/2011	W	
Dover Retirement Cottages	Back River Rd	C	48	0	48	8/4/2006	2/28/2006	Site	P05-48	I	56	8/4/2010	Living	
Dover Retirement	Back River Rd	A	115	115	0	8/4/2006	5/9/2005	Site	P05-49	I	56	8/4/2010	Assisted	
Total: Elderly			274	119	155									
APPROVED + ELDERLY			735	270	445									166

* Built or permit issued and unit under construction

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

**COMMUNITY SERVICES
CAPITAL IMPROVEMENT PROJECTS
Status as of November 2008**

BROADWAY/RR CULVERT (formerly NY St Drainage)

Current: Attorney remains working on resolution with the railroad.

Previous: The City Attorney, City Engineer and Community Services Director are meeting with an outside attorney to assist in coming to a resolution with the railroad regarding the easement issue.

HENRY LAW AVE RECONSTRUCTION

Current: A final punch list has been generated and the contractor is working on those items.

Previous: Finished paving has been done on the street. Only a few driveways need to be finished paved. A final punch list has been generated and the contractor is working on those items.

TOLEND LANDFILL REMEDIATION

Current: The AS/SVE system field installation is complete. The equipment manufacturer is late completing the equipment package. The system is expected to arrive at the landfill in December. Start up of the system has been delayed until early spring. Operation of the system is not feasible during winter temperatures. The AS/SVE system will remove contaminants from a hotspot discovered during the pre-design investigation studies. EPA is completing its review of several other reports and it is anticipated that EPA will recommend a change in the source control remedy to a pump and treat system. The pump and treat system will be designed over the winter and constructed in 2009 if EPA approves the change. One of the advantages of the pump and treat system is it can be implemented one to two years sooner than the proposed trench system with off the shelf technology.

Previous: EPA has approved the 100% Remedial Design for the Southern Plume. The AS/SVE system is under construction and is schedule to begin operation in October.

ATLANTIC / GULF RD WATERMAIN REPLACEMENT

Current: The project has been bid and awarded. The project will start this spring.

Previous: The project has been bid and awarded. Start date is being negotiated with contractor.

RIVER ST PUMPSTATION UPGRADE

Current: Comments have been made on the 50% plans. Design engineer is working on 90% plans.

Previous: 50% design plans are being reviewed by staff. The staff will meet with the design engineer the first week in October.

WASHINGTON ST BRIDGE TO RIVER ST

Current: Project has been awarded and the contractor will start to mobilize in December.

Previous: Bids have been received and the City is awaiting the states permission to award the bid. The bid will go before the Council in November for approval.

OLD ROCHESTER RD/LONGHILL RD WATER

Current: The project has been completed.

Previous: The project has been substantially completed. A punchlist has been developed and the contractor is working on resolving these items.

SEWER INFLOW / INFILTRATION MITIGATION

Current: Final plans and specifications are being completed in anticipation of construction bidding in late winter following approval of CIP funding for this project. Construction is planned for the spring of 2009.

Previous: Preliminary plans and specs for bidding have been received from the Engineering firm and are under review by City staff. Comments will be submitted and revisions made so purchasing can advertise the project for construction over the winter for construction in the spring.

BRIDGE PROGRAM

Current: The Washington Street Bridge deck has been placed in the CIP. The Whittier Street Bridge deck repairs have been completed.

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

NEW ROCHESTER RD/LONGHILL RD SIDEWALK/INTERSECTION

Current: The project has been finished with the exception of the signals. The contractor is waiting for PSNH to install power to the meter. The signals are currently anticipated to be flashing by Mid-December.

Previous: The project was finished paved on October 31. Minor landscaping is being done the first week of November. The signals are currently anticipated to be completed and flashing by the end of November.

COCHECO RIVER SHORELINE STABILIZATION PROJECT

Current: Bids have been received with 17 firms submitting proposals. Proposals are being analyzed for qualifications, experience on similar projects, references, and cost. The sensitive nature of the work being conducted in the tidal portion of the Cocheco River requires expertise by the contractor working in that environment. It is anticipated that a contract for the selected bidder will be presented to the City Council in December for approval. The project must be constructed during the winter months to minimize impacts to the river ecology.

Previous: The project design was completed and put out to bid for construction. Bids are due back in the middle of November and a Resolution is expected to be placed on the December Agenda to award a contract for construction. The project will be constructed over the winter.

City of Dover

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

	1,000 - 4,999.99	5,000 - 9,999.99	10,000 - 24,999.99	25,000 - Over	Totals
July	27	11	4	8	50
August	20	5	5	6	36
September	45	20	8	6	79
October	31	7	4	2	44
November	25	7	6	4	42
December					
January					
February					
March					
April					
May					
June					
Totals:	148	50	27	26	251

City of Dover

Bid Solicitation Report

For November 2008

12/2/2008

Department	PO Date	PO No	Vendor	Description	PO Amount
Bid Number	Bid Date	Bid Due	CC Meeting	Item No	PO Notes
	Approved By	Fund		Function/Division	
Tax Collection				#10 Window Envelopes	
Q09-010	11/19/2008	12/04/2008			
Total for					
30 Comm Serv PW					
CS Admin				High Performance Cold Patch	
B09035	11/18/2008	12/09/2008			
		General Fund		CS - Streets	
CS Admin				Winter Asphalt-Pot Holes	
B09035	11/18/2008	12/09/2008			
		General Fund		CS - Streets	

City of Dover
Bid Solicitation Report
For November 2008

12/2/2008

Department	PO Date	PO No	Vendor	Description	PO Amount
Bid Number	Bid Date	Bid Due	CC Meeting	Item No	PO Notes
	Approved By	Fund		Function/Division	
CS Admin			Matthew Bender & Co.	Impeller 13.3 w/impeller wear rings/par	
B09036	11/19/2008	12/03/2008			
			Sewer Fund	CS - Sewer	
Total for Comm Serv PW					
35 Recreation					
Recreation Admin	11/18/2008	35-254611	Pop Tops Co Inc	Basketball T shirts	1,406.32
Q09-008	11/05/2008	11/17/2008			
	PA		Recreation Pgms	Recr Pgm	
Total for Recreation					1,406.32
Grand Total All Departments					1,406.32

City of Dover

Purchase Order Report

For November 2008

12/2/2008

Department	PO Date Bid Number Approved By	PO No	Vendor Bid Date CC Meeting	Bid Due Fund	Item No Function/Division	Description PO Notes	PO Amount
TAX COLLECTION	11/17/2008	15-254588	INTERWARE DEVELOPMENT			IMAS SUPPORT	13,256.00
	PA						
Total for							13,256.00
00 Other							
CS Admin	11/16/2008	30-254697	Moon River Development			Moon River Development TR 73717	19,500.00
	PA						
					Performance Deposit Fund		
Total for Other							19,500.00
15 Finance							
Financ	11/13/2008	15-254584	strafford county commissioners			2008 county Tax apportionment	6,772,323.00
	PA						
					General Fund County Tax		
Total for Finance							6,772,323.00
18 Planning							
Planning	11/03/2008	18-254365	Joseph & Joanne McCormack			Housing Rehabilitation Loan	15,000.00
	PA						
					Housing Rehab Loan Fund	Housing Rehab	
Planning	11/03/2008	18-254364	William & Thelma Dionne			Housing Rehabilitation Loan	8,000.00
	PA						
					Housing Rehab Loan Fund	Housing Rehab	

City of Dover

Purchase Order Report

For November 2008

12/2/2008

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Date CC Meeting	Bid Due Fund	Item No	Description PO Notes Function/Division	PO Amount
Planning	11/17/2008	18-240688	The Louis Berger Group, Inc			Change Order- Final Phase Washington St Br	291,750.00
	PA					Transportation Impr Pgm	
Total for Planning							314,750.00
19 Misc General Gov't							
Public Library	11/03/2008 B08100	15-254429	Johnson Controls	06/23/2008	06/30/2008	Boiler Replacement	25,900.00
	PA					General Fund Planning	
Total for Misc General Gov't							25,900.00
21 Police							
Police Admin	11/19/2008	21-254696	Queues Enforth Development, I			QED Software Maintenance Service	19,040.00
	PA					General Fund Police Support	
Total for Police							19,040.00
22 Fire & Rescue							
F& R Admin	11/03/2008 B09031	22-254285	Fire Tech & Safety	10/15/2008	10/29/2008	Thermal Imaging Camera	14,095.00
						F&R Suppression	
Fire and Rescue	11/13/2008	22-254426	sousa signs			North End Fire Station Sign	9,526.00
	PA					F&R Buildings	

City of Dover

Purchase Order Report

For November 2008

12/2/2008

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Date CC Meeting	Bid Due Item No Fund	Description PO Notes Function/Division	PO Amount
F& R Admin	11/07/2008	22-254425	Goodwins Office Products		North End Station Lockers	6,192.00
	PA				F&R Buildings	
Total for Fire & Rescue						29,813.00
30 Comm Serv PW						
CS - Admin	11/17/2008	30-254586	Aggregate Recycling Corp		Segregation & Rec of CD & Demo Waste	99,400.00
	PA				Residential Solid Waste CS - Waste Mgmt	
CS Admin	11/03/2008	30-254428	T Buck Construction		Deck Repair Whittier Street Bridge	9,876.00
	PA				General Fund CS - Streets	
CS Admin	11/13/2008	30-254583	Town of Madbury NH Tax		Property Taxes	7,390.00
	pa				Water Fund CS - Water	
Total for Comm Serv PW						116,666.00
39 Public Library						
Public Library	11/17/2008 B09032	39-254585	Hogan Flooring LLC 10/15/2008	11/04/2008	Replace Carpeting	9,084.05
	PA				Trust - Public Library Public Library	
Public Library	11/04/2008	39-254430	EBSCO Publishing		Subscriptions	6,403.47
	PA				Library Fines Public Library	
Total for Public Library						15,487.52

City of Dover

Purchase Order Report

For November 2008

12/2/2008

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Date CC Meeting	Bid Due Fund	Item No	Description PO Notes Function/Division	PO Amount
40 Human Services							
Human Services	11/05/2008	40-254367	Strafford Cap			Grant/Subsidy	11,000.00
	PA					General Fund Human Serv - Admin	
Total for Human Services							11,000.00
Grand Total All Departments							7,337,735.52

City of Dover

Expenditures of Major Funds

November 30, 2008

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Encumb	Budget Availability	Avail %
1000 General Fund							
City Council	169,096.00	195,649.00	2,593.45	85,406.76	89,173.18	21,069.06	10.77
Executive	979,026.00	981,828.00	86,174.73	376,386.51	6,403.66	599,037.83	61.01
Finance	1,167,001.00	1,174,742.28	86,480.01	476,278.02	105,190.58	593,273.68	50.50
Planning	445,954.00	476,359.00	36,884.91	208,600.77	31,015.15	236,743.08	49.70
Misc Gen Gov't	849,357.00	1,004,608.32	24,399.05	191,874.43	210,679.71	602,054.18	59.93
Police	6,422,037.00	6,464,842.06	422,355.65	2,509,708.09	35,841.85	3,919,292.12	60.62
Fire & Rescue	6,228,171.00	6,236,570.00	468,351.98	2,451,831.79	12,459.90	3,772,278.31	60.49
Comm Serv PW	5,322,246.00	5,954,374.13	205,213.48	1,620,617.65	388,987.04	3,944,769.44	66.25
Recreation	1,310,221.00	2,945,450.73	144,334.82	3,279,091.39	22,407.13	(356,047.79)	(12.09)
Public Library	1,074,129.00	1,083,739.74	70,956.23	427,884.16	5,328.66	650,526.92	60.03
Human Services	717,702.00	722,667.15	51,475.50	242,083.15	18,821.96	461,762.04	63.90
Debt Service	9,108,852.00	9,108,852.00	0.00	1,102,266.60	0.00	8,006,585.40	87.90
Other Financing Sources/Uses	100,000.00	100,000.00	0.00	0.00	0.00	100,000.00	100.00
School	39,216,997.00	39,496,516.44	2,802,310.64	13,588,215.54	3,852.31	25,904,448.59	65.59
Intergovernmental	6,837,272.00	6,772,323.00	6,772,323.00	6,772,323.00	0.00	0.00	0.00
Total for General Fund	79,948,061.00	82,718,521.85	11,173,853.45	33,332,567.86	930,161.13	48,455,792.86	58.58
3320 Residential Solid Waste							
Comm Serv PW	1,113,486.00	1,188,053.37	7,704.79	349,873.02	702,729.03	135,451.32	11.40
Total for Residential Solid Waste	1,113,486.00	1,188,053.37	7,704.79	349,873.02	702,729.03	135,451.32	11.40
3381 McConnell Center							
Comm Serv PW	0.00	0.00	42.67	143.51	0.00	(143.51)	0.00
Recreation	745,662.00	785,150.85	11,264.72	134,530.83	17,521.34	633,098.68	80.63
Total for McConnell Center	745,662.00	785,150.85	11,307.39	134,674.34	17,521.34	632,955.17	80.62

City of Dover

Expenditures of Major Funds

November 30, 2008

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Encumb	Budget Availability	Avail %
5300 Water Fund							
Comm Serv PW	4,158,670.00	4,255,571.03	208,068.20	1,283,435.63	99,087.09	2,873,048.31	67.51
Total for Water Fund	4,158,670.00	4,255,571.03	208,068.20	1,283,435.63	99,087.09	2,873,048.31	67.51
5320 Sewer Fund							
Comm Serv PW	5,575,072.00	5,588,830.29	301,424.48	1,990,774.36	32,377.94	3,565,677.99	63.80
Total for Sewer Fund	5,575,072.00	5,588,830.29	301,424.48	1,990,774.36	32,377.94	3,565,677.99	63.80
5500 Arena Fund							
Recreation	1,619,173.00	0.00	0.00	4,130,023.01	0.00	(4,130,023.01)	0.00
Total for Arena Fund	1,619,173.00	0.00	0.00	4,130,023.01	0.00	(4,130,023.01)	0.00

City of Dover

Revenues of Major Funds

November 30, 2008

(General Fund Includes Property Taxes and Education Revenues)

Account	Original Budget	Adjusted Budget	Revenues This Period	Revenues Year To Date	Revenue Due	Uncollected %
1000 General Fund						
Taxes	57,943,419.00	57,936,002.00	13,814.17	58,012,288.14	(76,287.51)	(0.13)
Licenses & Permits	4,467,223.00	4,467,223.00	187,505.50	1,721,763.74	2,746,019.42	61.47
Intergovernmental	2,594,315.00	2,594,285.00	10,017.00	648,923.88	1,945,361.12	74.99
Charges for Services	1,385,535.00	2,974,444.00	105,467.39	871,503.95	2,102,158.75	70.67
Misc. Revenue	1,125,128.00	1,155,392.00	71,683.66	613,919.95	541,472.05	46.86
Education	12,389,888.00	12,389,888.00	384,952.52	2,937,019.44	9,452,868.56	76.30
Operating Transfers In	50,000.00	50,000.00	0.00	0.00	50,000.00	100.00
Other Financing Sources	0.00	0.00	0.00	0.00	0.00	0.00
Total for General Fund	79,955,508.00	81,567,234.00	773,440.24	64,805,419.10	16,761,592.39	20.55
3320 Residential Solid Waste						
Charges for Services	1,113,486.00	1,113,486.00	61,121.25	466,586.80	646,899.20	58.10
Misc. Revenue	0.00	0.00	2.17	84.11	(84.11)	0.00
Total for Residential Solid Waste	1,113,486.00	1,113,486.00	61,123.42	466,670.91	646,815.09	58.09
3381 McConnell Center						
Misc. Revenue	731,096.00	731,096.00	23,454.53	101,211.76	629,884.24	86.16
Operating Transfers In	14,566.00	14,566.00	45,579.71	169,633.67	(155,067.67)	#####)
Total for McConnell Center	745,662.00	745,662.00	69,034.24	270,845.43	474,816.57	63.68
5300 Water Fund						
Charges for Services	4,137,670.00	4,137,670.00	104,989.90	1,421,978.83	2,715,691.17	65.63
Misc. Revenue	21,000.00	21,000.00	1,517.12	13,005.57	7,994.43	38.07
Total for Water Fund	4,158,670.00	4,158,670.00	106,507.02	1,434,984.40	2,723,685.60	65.49
5320 Sewer Fund						
Licenses & Permits	0.00	0.00	0.00	0.93	(0.93)	0.00
Intergovernmental	210,499.00	210,499.00	0.00	8,361.28	202,137.72	96.03
Charges for Services	4,262,654.00	4,262,654.00	127,836.55	1,417,815.02	2,844,838.98	66.74
Misc. Revenue	32,000.00	32,000.00	1,180.25	15,367.67	16,632.33	51.98
Other Financing Sources	1,069,919.00	1,069,919.00	0.00	0.00	1,069,919.00	100.00
Total for Sewer Fund	5,575,072.00	5,575,072.00	129,016.80	1,441,544.90	4,133,527.10	74.14

City of Dover

Revenues of Major Funds

November 30, 2008

(General Fund Includes Property Taxes and Education Revenues)

Account	Original Budget	Adjusted Budget	Revenues This Period	Revenues Year To Date	Revenue Due	Uncollected %
5500 Arena Fund						
Charges for Services	1,588,909.00	0.00	0.00	0.00	0.00	0.00
Misc. Revenue	30,264.00	0.00	0.00	0.00	0.00	0.00
Operating Transfers In	0.00	0.00	0.00	5,289,718.40	(5,289,718.40)	0.00
Total for Arena Fund	1,619,173.00	0.00	0.00	5,289,718.40	(5,289,718.40)	0.00

FISCAL YEAR 2009 CITY COUNCIL EXPECTATIONS OF CITY MANAGER

1. Maintain effective communications, both verbal and written, with the City Council by remaining open and accessible to all members of the Council equally, responding to requests and completely, and keeping the council informed on problems and issues. The City Manager shall provide the Council with information regarding ongoing negotiations with Organized Labor.

November:

- An invitation went out to all Councilors to the Fire Department Grand Opening Ribbon Cutting Ceremony and Open House on November 20th.
- City manager and department heads attended the Coffee with the Mayor to discuss departmental specifics if needed.
- Documents relating to the upcoming FastTrans project, the ongoing Form Based Code project and the Central Avenue Corridor Study were all generated and added to the department's web page.
- A Google Group, accessible from the City web page, has been created to encourage public input regarding the Form Based Code project. Pictures and text regarding this project have been disseminated.
- Meetings with various City Boards and Commissions have occurred to discuss and answer questions on the new Acceptable Use Policy.
- Tours of the library carpeting for Planning Board members and one City Councilor were completed in anticipation of possible CIP funding.
- An Internal Control Review by Municipal Resources Inc was facilitated. This process was designed to include the input of the members of the City Council.
- The City Manager and Human Resources Director met with the City Council on three separate occasions to provide updates on tentative agreements reached with both Fire Unions.

2. The City Manager should be responsive to requests and suggestions made by the City Council and members of the public, including actions taken in the City Manager's report.

November:

- It came to our attention during the building of the new station that some of our neighbors were a bit apprehensive about having the station in their neighborhood. Firefighters hand delivered over 100 invitations to the North End Station's Open House to the citizens living in the neighborhoods surrounding the building. Many of them introduced themselves during the Open House and not one voiced any complaint or concerns about the first three weeks the building was open.
- The Legal Division provided timely responses to five requests for information made pursuant to RSA 91—A.

3. Update the Council on changes made within the organizational structure that increases efficiency and effectiveness, with cost savings estimates provided.

November:

- The City Attorney was assigned to prosecute a criminal matter which would normally fall outside the scope of services of the City Attorney. This matter related to the prosecution of State v. Richard Jennings. Avoided cost was \$10,000.

4. Handles emergencies and crises effectively.

November:

- An emergency repair was made to the Whittier Street Bridge this month. A hole eight feet by six feet was repaired by T. Buck Construction at a cost of \$9,876. The bridge was closed for ten days due to the repair.

5. Along with the City Manager submitted budget, offer a summary of items/programs/services that would be available options to the City Council in either adding to or removing from the proposed budget. A dollar figure shall be included with each item in the summary. This will include a list of new expenditures, items of significant increase or decrease, and items removed from previous budget.

November:

- Currently receiving new position requests for approval by departments per the Budget Schedule.

6. Provide a 20-30 page budget summary as a separate booklet for the FY 2010 budget. This budget summary shall be an easy-read booklet with emphasis on major funds (General fund, Enterprise funds, and McConnell Center).

November:

- Work continues to progress on assembling detail and background necessary for presentation to public and Council.

7. Establish Department Head goals and deliver to the City Council, along with, or prior to delivering of the FY 2010 budget.

November:

- Department head goals have been reviewed for November and made a part of the City Manager's Report.

8. Hold a budget specific public forum allowing for public comment by May 15, 2008.

November:

- Not applicable at this time.

9. Host quarterly public information sessions. Topics may include roads and sidewalks, parking/traffic/crosswalks along with other pertinent topics that may arise during the course of the year. (other informational meetings are being included below)

November:

- Jeff Taylor and Associates continued to work on the Form Based Code project. Two Charrettes were held in November. The first one on November 19th for stakeholders and Planning Board members, and the second meeting on November 22nd with the public. The public session was attended by 20 people who contributed constructive feedback that will be used to quantify the existing characteristics of downtown development. Notes and images from these sessions are being assembled and be made available to the public on the Google Group created for the project.
- A community meeting was held for the Back River Road residents possibly affected by the blasting at the Picnic Rock Development project. This was a collaborative meeting between Fire & Rescue, the Planning Department, representatives from the blasting company and development team to answer any questions residents had. Approximately 20 people attended, half residents and half staff. The meeting was very useful for hearing resident's concerns and in providing information to the residents about the project needs and building process. This resulted in a conservative blasting plan approach for the blasting that was needed to finish a sewer line tie-in at that location. More blasting will be needed next spring and another meeting will be scheduled at that time. This meeting was held in the new Liberty North End Station Community/Training Room.
- The first Friends of Willand Pond meeting was held in the McConnell Center. There were almost 30 residents in attendance.

10. Review Codes/Ordinances to assure that they are updated and enforceable and present proposed changes to the City Council as they become available through the City Council meeting agenda.

November:

- Blasting Ordinance is currently being reviewed for updates
- Changes in truck routes were approved by City Council this month and signs will be installed in December.
- The Planning Board is reviewing changes to the City's Zoning regulations, Site Plan regulations and Subdivision regulations.
- Changes to Chapter 89 (Dogs) of City Ordinances have been drafted with the addition of a provision for restricting dogs on athletic fields.
- Changes to Chapter 79 (City Property) of City Ordinances have been drafted in conjunction with a Councilor requested addition of provision allowing the City Hall auditorium to be rented for political events.

11. Rebuild/upgrade channel 22 broadcast equipment and expand offerings with available resources.

November:

- Production of an emergency PSA to be played on channel 22 relating to disaster preparedness is continuing as well as the assembling of a documentary on the new fire station to ensure citizens' awareness of the Fire Department's capabilities and services.
- A draft agreement between the SAU and the City detailing a proposed ten year relationship to share cable franchise fees and to provide expanded cable broadcasting is being developed.
- Informational slides continue to be updated on a weekly basis.

12. Complete the consolidation of Clerk/Tax Collector services and the moving of offices with the City hall within the approved budgetary limits.

November:

- Facilities and Grounds personnel worked to address punch list of items. IT personnel initiated contract to upgrade and establish necessary data and phone lines – this work was completed in new Finance area. Phone service is scheduled to transfer phone lines for finance/accounting personnel on or about December 10, 2008. During the week of December 8th – 12th Finance (to include Water & Sewer billing) is scheduled to move upstairs to new office locations. Once completed, the migration of the next office will be able to take place. Plans for Clerk/Collection office furniture reviewed with Goodwin Office Products for layout modifications. Upon Water & Sewer billing moving upstairs a workstation will be set up in the vacated space in Collections to help facilitate planning of office set up and workstation set up for the combined Clerk/Collection Office.

13. Advise the City Council on cost savings opportunities in either outsourcing (including areas that may have been previously reviewed and deemed at the time to not be cost effective or efficient) or any regionalization of services that may be appropriate at the County and/or State level, as well as with neighboring communities.

November:

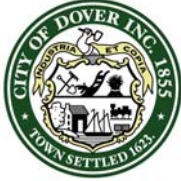
- The Library Director completed the Findlay Foundation application for a potential \$25,000 award for highest percentage increase in new borrowers among NH libraries. She began to research the ICMA/Gates application for "Public Library Innovation Grant" program and also worked with Friends of the Library on possible further fundraising ideas for 2009.
- The Purchasing Agent attended a seminar on Cooperative Purchasing by Communities in an effort to improve cost effectiveness of group based purchases to include state and federal contracts.

14. Provide recommended policy changes to City Council to meet challenges of the new economy and banking environment. City Manager should present ideas on meeting

these challenges. Establish quarterly public information forums to inform and allow for citizen Q&A regarding community issues/projects

November:

- The City's Investment Policy is being reviewed in conjunction with obtaining pertinent information to make necessary updates to the policy based on current economic conditions and recent changes to State laws.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: Wednesday, November 5, 2008
Meeting Time: 7:00 pm

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

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

Councilor Scott led the Pledge of Allegiance.

1. CAPITAL IMPROVEMENTS PROGRAM (CIP) OVERVIEW WITH PLANNING BOARD

Mayor Myers referred to the CIP and explained that it was a six-year plan for the City's capital purchases or projects. He said the Council would be looking at fiscal years 2010 through 2015, which begin on July 1, 2009. He said the basic criteria for something to be in the CIP would be a cost of \$10,000 or greater and a useful life of three years or longer. He said it could be a vehicle purchase, road construction project, road and sewer upgrades, and school replacement or addition. He said the Council had a number of things before them and they will be presented with the Planning Board. He said there will be several opportunities for the public to comment on the CIP, both with the City Council and Planning Board, over the next few weeks. He said that the School Superintendent and School Board members were also present, because there are several projects that involve the school.

City Manager Joyal referred the Council to the CIP Book and went over a few things. He reminded the Council that this CIP Book was not authorizing funding, but a plan. He said after the CIP is approved, then he will come back to the Council with resolutions to fund the plans in a number of different ways. He said the Council should be focusing mostly on Fiscal Year 2010, but will also look at the following years. He went over the rate changes for Fiscal Year 2010: Tax Rate Change of \$0.62; Water Rate Change of (\$0.01); and Sewer Rate Change of \$0.18. He went on with his discussion of the CIP Book. He referred the Council to Page 15, and discussed the Council looking at and possibly changing the City's self-imposed financial policies to see if the limits are still realistic, or if adjustments are needed to make the debt levels come back down under the City's limits. He went over the summary of financing methods and different tables with the Council. He asked the Council if they had any general questions before he started discussing the different projects in the CIP.

Councilor Scott referred to Page 19 and asked what the \$13.2 million was under Special Revenue.

City Manager Joyal said that was the funding for a parking facility.

Mayor Myers invited Superintendent John O'Connor to give his presentation on the School Department's portion of the CIP.

Superintendent O'Connor gave his Powerpoint presentation on the School Department's portion of the CIP.

Councilor Scott asked how many students from Barrington and Nottingham were presently enrolled.

Superintendent O'Connor said there were 500 students from those communities, fewer than 30% of the student population in the high school. He said there is a strong possibility that Barrington will not build a high school and will ask to extend the 10-year agreement.

Councilor DeDe asked what Barrington paid per student.

Superintendent O'Connor said they paid about \$10,000.

Mayor Myers asked why the School had \$1.25 million left over from Fiscal Year 2009.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Superintendent O'Connor said the first \$400,000 out of the \$2 million was for the roof project at Dover High School. He said the other \$100,000+ was for architectural and engineering studies that were needed for Horne Street School.

Mayor Myers asked if there was a project that wasn't being done that explained the \$1.25 million.

Superintendent O'Connor said the money was earmarked for Horne Street School.

Mayor Myers asked if it was just put in last year to save for this coming year.

Superintendent O'Connor said that was correct.

Mayor Myers asked what the original cost was for the Woodman Park School when it was built back in the 1960's.

Superintendent O'Connor said it was under \$1 million.

Mayor Myers said the renovations that were just completed were for \$12 million.

Superintendent O'Connor said it was \$12.5 million.

Mayor Myers said he applauded him for trying to issue debt equal to what is being retired by the School Department, but he referred to the inflation index and said it was far less spending power. He asked if it was possible to do the Horne Street project in one year versus two, or if the School was saving up the money to start the project in Year 3.

Superintendent O'Connor said they were actually in the final stages of selecting an architect. He said if the money is approved they would love to begin the construction in July or August.

He envisioned the project being well under 18 months.

Mayor Myers asked if the addition had to occur prior to the renovations.

Superintendent O'Connor said it should happen before they need the additional space to move students. He said the School do both the addition and renovations at the same time, and move the students to a rental property. He said they were looking into McIntosh College.

Mayor Myers asked if there was any significant savings in doing the project in one year.

Superintendent O'Connor said it depends on if you borrow the money in a lump sum, or borrow it a year from now when the City doesn't know how expensive it's going to be. He said he told the School Board that if they were just looking at matching the amount of retired debt, he was concerned there wouldn't be enough funding.

Councilor DeDe said if the School used rental space, like McIntosh College, work could be done quickly and the City would avoid issues like air quality. He said he leaned toward a one-year plan.

Superintendent O'Connor said if the Council decides they would like to change it to one year, he recommended that a formal meeting be called between the Council and the School Board.

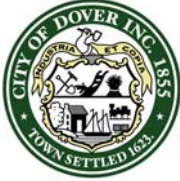
Deputy Mayor Trefethen said the bottom line was basically the tax cap. He asked for more analysis on the expected cost of one year versus two years, and looking at rental costs versus inflation costs.

Mayor Myers referred to Page 29, and said he understood that the School wanted to use the \$100,000 in the School Facility Reserve Fund, and said he would prefer the City try to build up the reserve funds to pay for larger projects.

Mr. Ronald Cole, Chairman of the Planning Board, referred to the money that the Dover High School is going to need. He asked how much it cost to build Exeter High School.

Superintendent O'Connor said \$48.1 million. He said the City of Cambridge, with a campus similar to Dover, was anticipating costs for renovations of \$130 million.

Mr. Cole asked if there were ways for the City to tell Barrington that they need to do something.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Meeting Time: 7:00 pm

Superintendent O'Connor said their contract expires in 2014, and they will have to make a decision within the next year. He said they do have the land set aside and have been putting money aside in their capital reserve fund for the last five or six years. He said it will be up to the Town whether or not they want to build that school. He said Dover can tell them in 2014 that we don't want them, but there would be a significant impact to that. He said the City would lose \$6 million in revenue. He said the City also has to consider the impact of trying to renovate a school when it is at capacity. He said regardless of whether the Barrington students remain or go, the need is still there to renovate the building.

Mr. Cole said he knew the work needed to be done; the City is looking at exceeding limits, and he just doesn't know where the money is coming from.

Mayor Myers thanked Superintendent O'Connor.

City Manager Joyal started on Page 20 and went through the projects with the Council.

Deputy Mayor Trefethen said the prices are the same for police vehicles throughout the six years, and asked if that was realistic.

City Manager Joyal said the state bid has been consistent for the last few years.

Councilor DeDe says he sees other communities using other vehicles besides Ford Crown Victorias and asked if Dover considered using the smaller vehicles.

Police Chief Colarusso said there was a cost for the fitting of the protective barriers. He said he has discussed this with Sam Crowley, Fleet Supervisor, and has found that the Ford Crown Victoria really fits the needs of Dover. He said they are transitioning to Ford Fusions for detectives, and have saved \$704 in fuel.

Councilor Callaghan said part of the success of this program was because of the age and size of these vehicles. He said the larger communities were using them for taxi cabs. He said the program wouldn't be a success if the City didn't have Ford Crown Victorias to sell.

Police Chief Colarusso said that was correct.

City Manager Joyal continued with his presentation with Fire and Rescue. He said Chief Plummer prepared some background information that was on the Councilors' desks. He asked the Council if they had any questions.

Deputy Mayor Trefethen asked Chief Perry Plummer why the replacement for bunker gear and breathing apparatus was all scheduled in one year, instead of spreading it out and paying for it out of the operating budget.

Fire Chief Plummer said part of it had to do with technology changes in the breathing apparatus, and he didn't want mixed technology, because the Fire Department has to be 100% efficient 100% of the time. He said the bunker clothing was bought all at once last time and it all needs to be changed again. He said all these items are eligible for a federal grant and he would look into that.

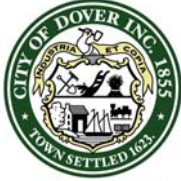
Mayor Myers asked Fire Chief Plummer about the ladder truck and possibly looking into another vehicle that would still give the same capabilities, but in a lower price range.

Fire Chief Plummer said the difference between a ladder and tower truck is not much money, but significant with capabilities.

Mayor Myers asked for a simple spreadsheet showing the different options and capabilities.

Fire Chief Plummer said that wouldn't be a problem.

Councilor McCusker asked what the figure was for maintenance of the older vehicle.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Fire Chief Plummer said they have been able to maintain it in-house, but it is the most expensive piece of equipment to maintain.

Councilor McCusker asked if this vehicle would be sold at the time of the purchase of the new one.

Fire Chief Plummer said there was a market for used fire apparatus overseas. He was not sure of the amount, but it would definitely be used to pay toward the new apparatus.

City Manager Joyal continued with Community Services and Public Works.

Councilor DeDe questioned the Washington Street bridge repair.

City Manager Joyal said it was a railroad bridge.

Mr. Chris Parker, Director of Planning and Community Development, said the railroad wanted the bridge lowered to accommodate a doubledecker train.

Deputy Mayor Trefethen said the railroad benefits; why don't they pay for it?

Mr. Chris Parker said the State benefits from it. He said as part of the City's negotiations with the State, the State asked the City to municipally manage the project. He said in doing so the City will only pay 10%, instead of 20%, for TIP. He said the City was leveraging 10% to get 90% funding for that portion of the project. He said the City would be spending \$15,000 of the \$750,000.

City Manager Joyal said this project has been in the works for years.

Deputy Mayor Trefethen asked if it benefitted the State because of air quality or traffic congestion.

Mr. Parker said that was true, but it also increased the passenger rail, and increases the potential for other benefits.

Deputy Mayor Trefethen said he still had a hard time seeing how it benefits the State more than the railroad.

Mr. Parker said the City is allocating \$15,000 from non-debt and non-taxpayers' funds, and the City is receiving a bridge replacement project that we don't have to pay for.

Councilor DeDe asked if it was the same company that is giving the City trouble on the Broadway underpass.

Mr. Parker said yes, it was.

Councilor DeDe asked if there was any potential for leverage.

City Manager Joyal said they were working diligently on that issue. He continued with his discussion of the CIP. He asked the Council if they had any questions about Community Services and Public Works.

Councilor Weston said she noticed that the bridge replacement for Whittier Street was moved up, and that the costs went up substantially for engineering and design: \$250,000; and \$3 million to replace the bridge.

City Manager Joyal said the work was comparable to the work on the Cochecho Bridge and he was using those estimates. He said all these projects are estimates based on comparable projects in the City and other outlying communities.

Councilor Carrier asked if it was an option to replace a street and put in another that isn't on the list.

City Manager Joyal said this was the Council's plan, and they can move things around.

Councilor Carrier asked if all the streets have been totally assessed in the City.



CITY OF DOVER

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City Manager Joyal said at least every two years the City does a complete visual assessment of every street, where it is ranked and scored. He said the City has a Master Plan of the fixes that are needed for the different streets. He continued with his presentation with Culture and Recreation.

Deputy Mayor Trefethen asked if the money shown for Maglaras Park was based on the Master Plan.

City Manager Joyal said it was based on the Master Plan that was done for the park. He said he would suggest that the Council looks at what needs to be done versus what people want to be done.

Councilor Weston said this project also has a substantial increase from last year's CIP, and asked what was added to expense.

City Manager Joyal said some of it was just cost increases, but it also showed adding on a third year of construction. He said the Master Plan is much more comprehensive than what was put into the CIP last year. He continued with his presentation.

Deputy Mayor Trefethen asked if the City would still have two pools.

City Manager Joyal said the theory is, if the City can set up the Jenny Thompson pool to be used year round by enclosing it, the City would have one pool.

Deputy Mayor Trefethen asked what would happen with the current indoor pool.

City Manager Joyal said at this point he didn't know. He said it was just a theory right now, and if the numbers don't work he probably won't recommend it.

Councilor Weston asked if there was any chance of the Children's Museum expanding if the indoor pool is closed.

City Manager Joyal said there has been no discussion of that. He said the City is just trying to look into running just one pool year round, be able to accommodate all the programs, and be more cost effective.

Councilor Scott said a lot of people use the indoor pool year round. He said there wouldn't be enough swimming space.

City Manager Joyal said that will have to be looked at.

Ms. Linda Merullo, Member of the Planning Board, said the upgrade to the Jenny Thompson pool could bring in more people and could have more demand. She said she was concerned about closing a pool.

Deputy Mayor Trefethen asked if there was some expected heavy-duty maintenance for the indoor pool.

City Manager Joyal said the dehumidification system needs to be replaced, the roof needs repairs, and lighting is required. He said nothing has been decided. He is just presenting a concept that he still has to research the numbers for.

Councilor Callaghan said the plan was an idea, and asked where the numbers came from.

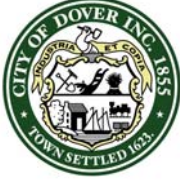
City Manager Joyal asked Mr. Gary Bannon, Recreation Director, to speak on it.

Mr. Bannon discussed the proposed plan and costs to enclose the Jenny Thompson Pool.

Mr. Cole referred to Page 3, and asked about the criteria for CIP and how it worked with the pools. He said the swim meets exclude Dover citizens. He also wanted to look into building an artificial turf field. He wanted to revitalize the Field Committee.

City Manager Joyal continued with his presentation.

Deputy Mayor Trefethen asked about the carpeting in the Library.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Ms. Cathleen Beaudoin, Library Director, said the money in the current budget was from last year, along with a \$10,000 donation, totalling \$15,000. She said the price of carpeting went up 9% in two years.

Councilor Callaghan asked about carpet squares, and being able to replace just the wornout squares.

Ms. Beaudoin said she was disappointed to find out that you can't use carpet squares over hardwood floors.

Deputy Mayor Trefethen asked about the condition of the hardwood floors.

Ms. Beaudoin said they are really bad. She said they would also be very noisy.

Mayor Myers thanked Ms. Beaudoin.

City Manager Joyal completed his presentation with Water and Sewer. He said it only takes a simple majority to adopt the plan, and a 2/3 vote to approve the funding.

2. ADJOURN

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



CITY OF DOVER

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1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Deputy Mayor Trefethen led the Pledge of Allegiance.

3. ROLL CALL

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

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

4. PROCLAMATIONS – AWARDS

5. APPROVAL OF AGENDA

Councilor Callaghan made a motion to move 11.A.1. to after the Public Hearings; seconded by Deputy Mayor Trefethen.

Vote: 9/0.

Deputy Mayor Trefethen made a housekeeping note that corrected the Resolutions that were handed out to the Council. He said 12.A.2. and 12.A.3. were numbered incorrectly as 11.A.2. and 11.A.3. He said that was the only thing that was changed, and he made a motion to accept the corrected Resolutions in the Agenda Packet; seconded by Councilor DeDe.

Vote: 9/0.

Councilor Callaghan made a motion to move 11.B.1. to after 11.A.1.; seconded by Councilor Scott.

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

Councilor Callaghan said he would be withdrawing 12.B.1.

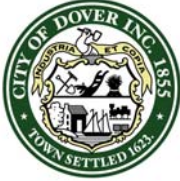
Councilor DeDe made a motion to accept the Agenda as amended; seconded by Deputy Mayor Trefethen.

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.

Edward Bleiler, 28 Isaac Lucas Circle: He said he wanted to bring to the attention of the Council some facts he read in *The Wall Street Journal*. He said the Mass. Board of Real Estate Appraisers at their annual meeting said the consensus was dropping house values for 4 years. He said they're seeing a drop of 70% in income from 2007. Fannie Mae, residential, \$5 trillion, with 10%, \$500 billion recognized as bad so far. He said the commercial side is \$1.5 trillion, a third recognized as bad. He said 401Ks as an investment decreased by 25% to 30%, and as of today it was closer to 45%. He referred to the employment crisis throughout the nation. He said this was not the time to be spending any of the taxpayers' money. He said the City would be lucky, at the middle of December, to pay our own bills.



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Ronald Huml, 199 Mast Road: He said all contracts should be put on hold and he felt the City would see a savings. He referred to the Fire Department contracts and asked where it showed the difference between the amounts budgeted and the amount in the contract.

H. Jerry Lynch, 26B Lincoln Street: He said he was a little dissatisfied with the political system in Dover. He said much is done in secrecy and in back rooms, and at the Public Hearings everything is already decided. He said the citizens don't have much of a say in anything.

Christopher Boldt, 4 Evans Drive: He thanked the City for opening the polls an hour earlier. He asked the City to consider that 7:00 AM be the standard time to open the polls. He said he felt the political system worked fine with 77% turnout for the November 4th Election.

Lee Skinner, 25 Mathes Hill Drive: He said he wanted to talk about the Strafford County tax increases, how they affect the local spending, and what could be done about it. He said he knew the Council had no control over the County tax. He said the City has to send the County \$730,000, which could have been used in the City to hire staff, fix roads, and which was just a start. He said next year the County tax will probably double, causing even more sacrifices in Dover. He said most household incomes have gone up 30% in the last few years, while County taxes have gone up 150%. He said he was speaking to the Council to ask them to organize a program to educate and mobilize Dover taxpayers. He said runaway County taxes need to be brought under control.

Pam Simpson, 11 Toftree Lane, Chairman of Board of Directors for Dover Chamber of Commerce, and owner of Harvey's Bakery: She urged the Council to release the funds for a bridge to be built on Washington Street. She said it would help the Downtown.

Donald Medbery, 3 Covered Bridge Lane: He said he has heard rumors and said they eventually become an actuality. He asked the City Manager to answer about the rumor of turning the indoor pool into a garage. He spoke on the large cities that are filing for bankruptcy and said Dover should take heed to not find us in the same condition. He said the City needs to be cautious and frugal.

Kirt Schuman, 30 Cushing Street, Chairman of the Parking Garage Committee: He wanted to acknowledge Mr. Medbery's rumor and said the indoor pool was never considered as a possible site for the garage.

Brian Fruh, 157 Locust Street: He said he supported the Waterfront project.

Peter Schmidt, 53A Fourth Street: He just wanted to second Attorney Boldt's remarks about the 7:00 AM opening of the polls.

Mayor Myers, seeing no one else wishing to speak, closed the Citizens Forum.



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7. PUBLIC HEARINGS

A. RESOLUTION: B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER SPONSORED BY MAYOR MYERS BY REQUEST

Edward Bleiler, 28 Isaac Lucas Circle: He said he has always tried to share his knowledge in the construction and bridge building business in order to help the Council and community. He said Dover is very important to him and he shares his thoughts because he cares. He shared his concerns with the Dickenson Bridge to River Street. He said he realizes the bridge will be built and he is not against it. He went over his handout of questions regarding the bridge. He asked the Council to table the Resolution in order to do it right and not hastily.

Joyce El Kouarti, 19 Northway Circle: She said she understood that Dickenson and the City have signed an agreement. She said the City will recoup 80% of the costs from a TIP Grant if the bridge is completed. She said the additional funds needed can be provided at no additional tax to the citizens by redirecting the funds left over from other public works and water/sewer projects. She said they need a bridge, but it doesn't have to be one with all the bells and whistles.

Ronald Huml, 199 Mast Road: He referred to the article in the newspaper about the bridge. He said it was his assumption that any additional construction was over and above the tax cap.

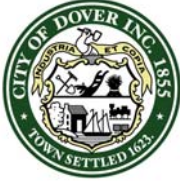
Donald Medbery, 3 Covered Bridge Lane: He said he felt they all supported the bridge. He said the commodities market is down and the City received the bid for the bridge while the market was up. He felt the Council should go back to the bidding process.

H. Jerry Lynch, 26B Lincoln Street: He said he was concerned about the environment issues around the site.

Richard Lowell, 3 Browning Drive: He asked for the Council's support to fund the bridge. He said it would increase the traffic safety downtown. He said he used Henry Law Avenue to go to and from the City, but that has changed because it was made into a one way street. He said this wasn't safe. He said the proposal to make it one way was an attempt to promote traffic safety, and provide 13 parking spaces. He said Councilor Cheney was opposed to changing it until after the bridge was built. He said the will of the people hasn't changed, and a "no" vote would be unfair to the taxpayers.

Thomas Hardiman, 5 Locke Street: He said he has lived in Dover for 63 years. He said he voted for the Council to watch his taxes, to make the City better, and make it enjoyable place to live. He said it was time for the bridge.

Maurice Olivier, 67A Glenwood Avenue: He said he supported the bridge. He said they were told to support the bridge through their representative. He said he lived in Ward 6 and



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didn't have a representative that represents him and his wife's interests. He said he was there to speak to the Council directly that he and his wife are in favor of the bridge.

Mark Moeller, 80 Cottonwood Drive: He said he supported the bridge. He said the current traffic flow in downtown is horrendous. He referred to the Rizzo study recommendation that Dover needs the bridge. He referred to the comments that this should go to rebid since prices are going down, and said that the City Manager didn't have a crystal ball every time something goes out to bid. He said the bridge needs to be built now, because of the way it is being funded. He said right now there is federal and state money appropriated for this bridge. He understood that the money is in the budget. He said there was a bridge there in 1907 and there needs to be one there now. He said the City also needs to live up to its commitment with Dickenson to build this bridge. The City has made a commitment to the citizens to build this bridge.

Linda Saucerman, 58 Fifth Street: She said she supported the bridge and asked for the Council's support.

William Garrison, 4 West Concord Street, Chairman of Good for Dover: He said he supported the Washington Street Bridge. He said it was growth and prosperity that would bring revenue, alleviate traffic congestion, and integrate the waterfront project. He said the City would be risking litigation if it is voted down. He strongly urged the Council to vote yes on this Resolution.

Thomas Fargo, 14 Cobble Hill Drive, Chairman of Conservation Commission: He said he supported the project and urged the Council to vote in favor of it. He said there seems to be an effort to cause outrage with regards to the cost of the bridge. He said the preliminary estimates were not accurate. He said they were put into the TIP that way for years in order for the project to move forward. He also said that the bridge is not a simple bridge, because it has to replace the sewer line and it is no longer a straight shot. He said these changes add costs to the actual bids. He said if the City fails to do this bridge now it will have implications to the City's applications for State support in the future.

Dana Lynch, 36 Cardinal Drive: He said he has been involved in the Waterfront project since 1989. He is an engineer with a local engineering firm, not as a bridge expert, but on many construction projects. He wanted to credit the City Staff and Tom Fargo for making this opportunity available to the City. He said he researched the material pricing by calling some vendors, and the cost of steel and concrete have not seen dramatic changes. He said he was concerned about putting the \$3 million at risk, which was an 80% cost savings for the City. He said this was an opportunity that should not be missed.

Kirt Schuman, 30 Cushing Street, Chairman of the Parking Garage Committee: He said the City will be getting a \$4 million bridge for \$900,000, which will open up the realization of \$1 million of property tax revenue from a waterfront development. He said he felt this was a really good deal for the City.



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Jack Buckley, Director of the Dover Housing Authority: He supported the funding for the Washington Street Bridge. He said the City has worked on the Waterfront Project for the past 20 years, spending millions of dollars preparing the area, moving the public works building and the recycling center. He said without the bridge there will be no waterfront development and all the money will have been wasted. He said without the bridge the City will lose millions of dollar in property taxes. He said without the bridge the traffic will still be congested. He urged the Council to vote yes on this Resolution.

Peter Schmidt, 53A Fourth Street: He hoped the Council would address some of the issues brought up by Mr. Bleiler before they voted on this issue. He said he spoke with Councilor Weston on this issue because he felt she would be one of the key votes on this issue. He said he was glad to see that she did her homework and realized the importance of this issue. He said that money with the State was tight, and if the City were to cast aside this opportunity, it would be a substantial delay before the money became available again. He said it would be unwise to leave that money on the table. He said the country has faced much more difficult times. He said this is a vital step in progress for the City. He hoped the Council had the super majority that this project needs.

Christopher Boldt, 4 Evans Drive: He said he was also in favor of the bridge. He said he hoped the Council voted in favor of this Resolution and make a positive statement for the City of Dover. He said the Council had a choice to either have faith in the future or live in fear and doubt.

Gary Green, 18 Footbridge Lane: He referred to a May 2007 newspaper article. He said he wanted to thank everyone that spoke in favor of this Resolution. He said this wasn't going to affect the tax rates and saw no reason for the Council to vote no on it.

Gretchen Hatfield, owner of a studio at 1 Washington Street: She said she was new to Dover. She said she came from New London, Connecticut, where they put in a new waterfront development project and it made New London a better destination point. She said everything the City does to make Dover a better destination point is a win/win for everyone.

Diana Schuman, 5A Elm Street: She said she favored the bridge. She said originally the bridge was going to cost \$1.5 million. She said now it is about \$4 million, but the City will receive 80% from State and Federal funding. She said that left the City responsible for \$900,000, which was still \$600,000 less than the original \$1.5 million.

Patrice Foster, 194 Dover Point Road: She said she was pleased to be an abutter for this project. She said she understood that many councilors ran for election saying they were going to watch the money being spent, but felt that after all the money already spent on this project, she couldn't understand the Council abandoning this project. She said this project can keep the taxes down in Dover.

David Bamford, 296 Gulf Road: He said he is looking at this like any investment, how much it's going to cost and how much will be returned. He said the Council needed to look at what



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the City was going to get for the \$800,000 or \$900,000 outlay. He said not only the traffic flow, but the economic development in downtown Dover. He said if you look at Dickenson's claim, after the build out of the waterfront there will be \$90 million worth of improvements, which is \$1.8 million in the City's coffers. He said if the City builds the bridge, we get a nice new development, bring in tax revenue, with little money going out. He said this is such an obvious great investment for the City.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing. Mayor Myers read Glenn Grasso's letter to the Council regarding the Washington Street Bridge.

B. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

John Scruton, 99 Sixth Street: He said the City went over the truck routes in 1997. He said there was no reason to have Sixth Street as part of the truck route, and he would like it removed from the Truck Route Ordinance. He referred the Council to the petition and asked the Council not to pass the Ordinance.

Rick LaRue, 90 Sixth Street: He thanked everyone who responded to his email of questions. He said he wasn't happy to find out that Sixth Street was recently added to the truck route. He said he would like to see Sixth Street be removed from the Ordinance.

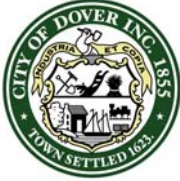
Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing. Mayor Myers read Glenn Grasso's letter to the Council regarding the City Wide Truck Routes.

C. ORDINANCE: CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS SPONSORED BY MAYOR MYERS BY REQUEST

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

11.A.1. B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe. Councilor DeDe said there was a lot said about the value of the Washington Street Bridge. He referred to the comment that the City should take their time, but the reality was that the time has come. He said there was a bridge there at one time and a new one is needed again. He said the impact to the taxpayers was negligible, unless the positives are considered. He said another issue he has heard concerns about was brown fields. He said the Department of Environmental Services (DES), both at the State and Federal level, has looked at different types of waste sites. He said where the development is going to take place does have contaminants, but does not have any hazardous or toxic wastes. He said there is a dump there that probably has things in it that we don't want to know about, but that is to the east of the site that is going to be developed.



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He said the land where the development is to take place does have contaminants that will be cleaned up when the development starts. He said the allegation that the City is facing \$20 million in clean up costs was a fairy tale. He said having it defined as a brown field is a lot better than having it defined as a super fund site, which is what the City has on Tolend Road. He said it was part of Dickenson's proposal that they needed a vehicular bridge connecting the area to be developed. He said if there was a breach of contract lawsuit, it wouldn't just be for recovery of costs, but also for the anticipated profits. He said he was talking seven figures that would come out of taxpayers' dollars. He said he does believe that the Council understands that the City has an obligation. He said if it is not passed the City loses the bridge and loses the Federal and State money. He thanked everyone for coming down to speak during the Public Hearing.

Councilor Cheney asked what was specifically voted on in Glenn Grasso's memorandum.

Mayor Myers said when they voted on the one-way traffic on Henry Law Avenue it was a 6:1 vote.

Councilor Cheney wanted to address some of the issues brought up by Mr. Bleiler. She asked if there were going to be any other costs after the bridge is built. She asked if the sewer plant has to be moved, or if that is included in the costs the Council is looking at in this Resolution.

City Manager Joyal said the River Street Pump Station does not have to be moved. He said there is a sewer line that goes into the River Street Pump Station that will have to be relocated underneath the bridge. He said it was included in the price of the bridge.

Councilor Cheney asked if there was any money earmarked for the removal of the pedestrian bridge.

City Manager Joyal said there was \$60,000 in the price to remove the pedestrian bridge once the bridge was done. He said they were going to place it on the ground until it is decided where it is going to go. He said the Council will have to make a decision where the bridge will be put. He said currently there is a concept to put the bridge further down across a marshy area to tie into some beach trails. He said another concept is to put the bridge further upstream to provide pedestrian access to stores and art studios in the Mill.

Councilor Cheney asked what assurance the City has that Mr. Dickenson will go forward with this project.

City Manager Joyal said there were provisions in the term sheet for the developer to meet certain obligations, just as there were for the City. He said everything has come to a halt until the bridge is addressed.

Councilor Cheney asked what day of the bid process we are in.

City Manager Joyal said it was Day 50.

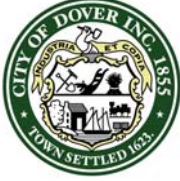
Councilor Cheney said that there were emails going around about last week, and the Council didn't get anything on it until Friday in the agenda packet.

Mayor Myers said it was on the October 22, 2008 agenda to be referred to a public hearing.

Councilor Cheney asked when construction would start.

City Manager Joyal said once the bid is awarded they would provide a notice to proceed to the contractor. He said construction should start as soon as the ice breaks in the river, because it was his understanding that they can't be working in the river during the summer season.

Deputy Mayor Trefethen said it was no secret that he was in favor of the bridge and that he is a member of the Cochecho Waterfront Development Advisory Committee (CWDAC). He said Mr. Bleiler said during the Public Hearing that he is in favor of the bridge, but he had sixteen questions that have to be answered or the Council can't vote yes on this Resolution. He said



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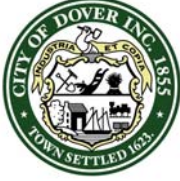
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every one of these questions can be answered to his satisfaction, but he'll come up with more questions. He said most of the questions were answered tonight, and some could be searched in the CWDAC minutes, but he had two he wanted to address. He referred to the question regarding the assurance that Mr. Dickenson will go forward with this project. He said if Mr. Dickenson wanted to bail on the City he has had ample reason and opportunity to do so. He said the delays on this project sit 100% with the City, and not Mr. Dickenson. He said Mr. Dickenson has proven himself to be an honorable man, a man of compromise, and a man who is willing to work with the City. He said this is one of those questions that was designed to raise doubts in the people not following the process. He said the City has plenty of assurance that Mr. Dickenson will continue with the project. He referred to the second question that asked why the City waited until the end of the 60-day bid process to bring this before the Council. He said there was a process to follow. You have to review the bids and go to the State to get approval on the bids. He said this Resolution was on the October 22, 2008 agenda and it was unanimously voted to refer to public hearing tonight. He said that was the middle of the process. He said there is a very small group of people who don't want this to happen, or anything to happen on the waterfront. He said the reason is they don't want these people to be successful. He said Mr. Bleiler said he was in favor of the bridge, but had a list of sixteen "buts", and there will be sixteen more tomorrow. He said if you don't keep your word, you get what you deserve. He said it was hard to get your integrity back once it is lost.

Councilor Weston said she didn't think it was fair to have a Councilor badger one of the citizens, who have genuine concerns. She said she had a lot of these concerns herself. She said she truly feels that Mr. Bleiler and Mr. Medbery want the bridge, but they want answers to their questions. She said she met with the City Manager and told him that this would never happen underneath her watch. She said she didn't believe in the SWAG [sic] bids. She said she now understands why it went from \$1.5 million to \$4 million. She said she will be making an amendment to this Resolution. She said she also had questions about the commodities, like Mr. Lynch, and she researched the steel market, along with the China market. She said the red spike is the increase in steel prices, which is the highest steel has ever gone in history. She said it has dropped 12% in the last 20 days. She felt the citizens had every right to question this. She doesn't feel it was fair to say that these citizens' goals were to question the City.

Mayor Myers said the City Council since 2004 has authorized three separate CIP fundings for the bridge; two were bonded and one through the TIP program. He said the State has taken new bridges off their priority list, and if the City passes this funding up then it probably will fall off the State's list. He said he was also concerned about the cost of the bridge. He did some research on other new bridges in the area, and referred the Council to a bridge on Route 33 in Portsmouth. In the 2005-2014 ten-year plan for the State the bridge was projected at \$4.3 million. In the 2007-2016 ten-year plan for the State the bridge was projected at \$4.6 million. He said it is under construction today and the current estimate is \$7.5 million. He said he saw a pattern. He said the report would show updates of costs, increased to reflect inflation. He said he didn't think the State was going to keep the funding available if the City doesn't do something about it. He appreciated everyone coming to speak. He referred to the Council's unanimous vote in favor on the Resolution in June 2008 to purchase the land easement for the bridge.

Councilor Carrier said he supported this bridge. He said he spoke with Councilor Weston on this and commended her on all her research. He said he was concerned about the costs. He said a lot of steel is going to China, steel workers are union, and prices aren't going to go down. He



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said with his work he has noticed concrete has gone up 20%. He said he has seen opportunities blown because of the cost, and the City needs to look beyond, to look to the future.

Councilor Scott said he felt it wasn't the issue of whether the City builds the bridge or not, but the City has a legal obligation to build a bridge. It doesn't say how much the City should spend, or when it should be built. He said the issue is, can the City get it for a lower price? He said the \$4.5 million cost for the bridge, up from 1.35 million, has not been explained adequately. He said the question is, does the City lose their place if the City decides to go out for a rebid? He said this isn't State money, but Federal money from the gasoline tax. He said he spoke to a Project Manager who said that the Federal dollars are secured for that project. He said he spoke to George Campbell, a new Commissioner for the DOT, who said he didn't know for sure, but thought it would be okay for a short period of time. He said Mr. Campbell also doubted the City would lose their place. He felt the City should go out to bid again. He said he wasn't sure of Mr. Dickenson's obligation if we build this bridge. He said with the economy the way it is Mr. Dickenson may not be able to sell the condominiums.

Mayor Myers asked Councilor Scott if he had a letter from the Project Manager.

Councilor Scott said he did and would get a copy to everyone. He made a motion to table the Resolution for two weeks, pending a response from the Commissioner.

City Manager Joyal said it would be himself that contacted the Commissioner on behalf of the City. He said it could be a violation of the City Charter if a Councilor contacted the State on behalf of the City.

Councilor Scott said he didn't understand how that was in violation of the City Charter.

Mayor Myers said the City Manager needs to get the commitment from the State on behalf of the City. Mayor Myers asked for a second to Councilor Scott's motion.

There was no second to Councilor Scott's motion.

Councilor Callaghan said the City Manager will be giving the Council a presentation, and he was hoping to hear that. He also said that two weeks from today would be past the bidding process of 60 days, and asked if that meant it was no longer good.

City Manager Joyal said that was correct. The bid will expire at the end of next week.

Councilor Callaghan asked for a special meeting on November 19, 2008. He referred to one of the speakers from the Public Hearing about building a simpler bridge. He agrees the bridge is needed, but would like to do it as prudently as possible. He said he has seen many projects exceed the initial cost estimates and can understand the citizens' frustration that this may be happening again.

City Manager Joyal said he was prepared to answer some questions asked by the Council. He referred to Councilor Callaghan's comments about over-budget projects, and said for the three years he has been City Manager the City has come in under budget. He went down Mr. Bleiler's list and gave the following answers to the Council:

1. The Council was provided with a Resolution in June of 2004 to authorize the City to enter into an agreement with the State of New Hampshire to manage the bridge project. He said the amount was \$1.5 million. He handed out the TIP program, which is built into the CIP program, to the Council. He said the Planning Department in the late 1990's very aggressively pursued funding opportunities for this bridge and made justification for this bridge with the State. As a result it made it on the State's 10-year plan for Transportation Projects back in 2000 or 2001. He said the estimate that was used at that time was \$1.5 million, and was comparable to other projects being built at that time. He said in June of 2004



CITY OF DOVER

CITY COUNCIL - MINUTES

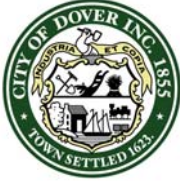
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Meeting Time: **7:00pm**

the City Council adopted a bonding resolution, by a two-thirds vote, to appropriate \$300,000 of bond funds to recognize the City's share of the \$1.5 million. He said in the following year the amount committed to by the State is still \$1.5 million, still in the absence of any engineering designs. He said in August of 2005 the City commissioned an engineering study in order to get conceptual designs and cost estimates. He said on 12/7/2005 the Council appropriated an additional \$231,000. He said the combination of the \$300,000 and \$200,000 appropriated by the City was intended to be the City's match of the \$2,650,000, which is reflected in the 2007-2012 CIP. He said the completed study showed a cost range of \$2.8 and \$3.2 million, which was primarily due to the orientation of the bridge. He said the following year's TIP showed an updated figure of \$3.3 million. He said on January 19, 2007 the City appropriated an additional \$139,800 for the City's share. He said in November of 2007 the design was completed, approved by the State DOT, and sent out to bid. He said the low bid came in at \$3.306 million. He said they had issues with acquiring the land on Washington Street, and the 60-day window for the bid expired. He said the City settled the land easement in June of 2008. He said in September of 2008 the project went back out to bid, and the bid was \$3.9 million.

2. He said the 2004 estimate was not a wild guess.
3. \$327,686.65 has been expended. \$20,197.27 has been encumbered.
4. The expectation is upwards to \$1 million -- \$897,427.78. He said that number will vary depending on whether or not the contingency amount is used or not.
5. Yes, there is \$60,000.
6. There is a signed agreement in place.
7. Again, there is a signed agreement in place.
8. The history can be explained.
9. He said it was unlikely that the City would see any significant savings and risk the possibility that the bids will come in higher. He was concerned about the City's integrity and reputation if we go out to bid for a third time. He said in spite of what Councilor Scott has been told, the City is at risk of losing the funding, and he would ask Mr. Bruce Woodruff, City Planner, to address that.
10. Day 50.
11. That was the day that the bids were opened.
12. The City did not wait until the end of the 60-day period. He said the Council has had this Resolution since October 17, 2008.
13. Allows for ordering of materials and it allows the contractor to get into the river to start some of the preliminary work.
14. The City is expecting to get reimbursed for the oversight fee by the State.
15. There are provisions that have been addressed in the terms sheet.
16. Prices are not crashing in every commodity.

He said Mr. Woodruff has been the lead on this project since Day 1 and asked him to address the Council.

Mr. Woodruff said he wanted to address the cost of the project. He said in 1996 the Planning Department submitted a grant to the Federal Program entitled Enhancements to build a bridge across the Cochecho River. He said the estimate at the time was \$1.25 million. He said that grant application was denied by the State Enhancement Committee. He said that estimate, with inflation factored in, was to get a placemark for funding. He said the \$1.5 million amount stays



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the same until 2005, because in 2006 the State approved the engineering study. In March of 2006 the amount was estimated at \$2.898 million. He said every year that goes by, the construction costs go up 19% to 20%. He said he spoke today with DOT Project Manager Jim Marshall, who told him if the City does not award the bid for this project that the City won't lose the project, but will lose the Fiscal Year 2008 dollars for this project. He said the City will no longer be in the driver's seat as to when the project can be prosecuted, because there was no guarantee on 2009, 2010, or 2011 monies. He said if the City decided not to do the project at all, the \$70,499.62 the City has received will have to be returned.

Councilor Scott asked why in October 2006 it showed \$1.3 million and not the new amount of \$2.89 million.

Mr. Woodruff said he really couldn't explain that except to say that all their projects over the years were undershown in the tables.

City Manager Joyal said regardless of the amount shown, the State was committed to the project for 80%, and since 2005 we have kept the City's portion updated.

Mayor Myers said that was the State Planner's mistake, and not the City Planner's mistake.

Mr. Woodruff said that was correct.

City Manager Joyal said he wanted to address one last question regarding how long before the city sees a return on their investment. He said once the development proceeds, the developer is required to make a \$1 million payment to the City, which would cover the costs the City is paying for the bridge. He said looking at one building proposal; the City can expect \$50,000 a year beyond what the City is paying in debt service. He said the bridge pays for itself once the project proceeds.

Councilor Weston asked about the environmental hazard.

City Manager Joyal said anyone that is suggesting there is anything down there other than some ground water contamination is misinformed. He said there is an ample amount of studies and information out there, and he was told that the ground water is contaminated. He said the EPA and DES want that addressed. He said any development that takes place down there will address that. He said there isn't anything there that would cause development not to take place.

Councilor McCusker questioned Councilor Scott's inability to produce the name of Jim Marshall, the DOT Project Manager. He said he questioned Councilor Scott's and Mr. Woodruff's conflicting conversation with Mr. Marshall. He said the Council almost tabled this Resolution until the City heard back from the Project Manager. Councilor Scott denied he had the information when it is sitting right here in front of him. He said every week the Council meets, the City Manager's, City Attorney's, the Mayor's integrity are questioned. He said these people come up to the podium, set these little traps, hope you step on one so it will blow up in your face, and we can make a mockery of you. He said he didn't know the question Councilor Scott asked of Mr. Marshall, but he was certain he could trust Mr. Woodruff's answer.

Mayor Myers asked Councilor McCusker to address him.

Councilor McCusker apologized. He didn't mean this as a personal attack, but needed to state this as it happened. He said Councilor Scott sat there and watched it, and he couldn't stay quiet. He asked the Mayor to ask Councilor Scott if he could resurrect that email from Mr. Marshall, because it conflicted with what Mr. Woodruff said.

Mayor Myers asked Councilor Scott if he had any additional information from the State to share with the Council.

Councilor Scott said he was expecting a call from Mr. Campbell.



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Mayor Myers asked if he had anything in writing from Mr. Marshall.
Councilor Scott said he did, but he wanted to contact Mr. Marshall first.
Councilor Weston made a motion to amend the Resolution to change the amount to \$4,006,305 and strike the contingency of \$91,482; seconded by Councilor Callaghan.
Councilor Weston said she did her homework, and said she has had undue pressure put on her. She spoke of her conversation with the City Manager, and all his explanations.
Councilor DeDe said in the spirit of cooperation that he would support the amendment.
Deputy Mayor Trefethen said he commended the time Councilor Weston spent on this, and feels she has come to the right conclusion.
Councilor Carrier said he would support the amendment. He asked the City Manager how he felt about it.
City Manager Joyal said it was workable, but he preferred a reasonable contingency for a project this size.
Mayor Myers asked for a vote on the amendment to the Resolution.
Vote: 9/0.
Mayor Myers asked for a roll call vote on the Resolution.
Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.

11.B.1. CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Callaghan.
Councilor Weston said this was an Ordinance trying to control truck traffic in the City. She asked for Mr. Woodruff to come up and speak on this Ordinance.
Mr. Woodruff gave a presentation on the Ordinance.
Councilor Scott asked: what size truck will Sixth Street accept?
Mr. Woodruff said 26,000 lbs. or any truck that has two axles. He said 26,000 lbs. is the State's definition of a commercial vehicle. He said this Ordinance would restrict tractor-trailers on Sixth Street.
Councilor Scott asked which streets would be affected in Ward 3. He asked about Dover Point Road.
Mr. Woodruff said Dover Point Road is a State-maintained highway, and the City doesn't have any say over that road.
Deputy Mayor Trefethen said he had empathy for the people on Sixth Street, but felt something was finally being done for most streets.

Councilor DeDe made a motion to suspend the rules to continue past 10:30 pm to complete the agenda; seconded by Councilor Weston.
Roll Call Vote: 9/0.

Councilor Cheney said Sixth Street has had a lot of development, and the Ordinance originally had restrictions on Sixth Street. She said Sixth Street will see trucks through a funnel effect, and the Council has to think of the whole City. She said Sixth Street should not be a thru-way, and felt Sixth Street should be put back on the list. She said she wouldn't support this Ordinance as it is now.



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Councilor Callaghan said he has received many calls regarding this. He said the citizens understand that this will decrease truck traffic on Sixth Street, but felt it wasn't enough. He made a motion to amend the Ordinance to strike Sixth Street on Page 2, in Section 2.B.; seconded by Councilor Scott.

Deputy Mayor Trefethen asked if he wanted to strike Sixth Street on Page 2.

Mayor Myers said he didn't feel comfortable making the change. He said TAC has held several meetings. He said it should be passed as it is, and recommended that TAC review it in six months.

Councilor McCusker asked, if the Council removes Sixth Street, what happens to trucks that travel Maple Street and Horne Street?

Councilor Callaghan said the Ordinance is not so restrictive as to prevent deliveries. He said it was to stop through traffic.

Councilor McCusker said he had a problem with changing this on the fly.

Councilor Weston said this Ordinance is a start, and it can always be revised. She said Sixth Street was constructed for commercial traffic.

Mr. Woodruff said the percentage of truck traffic is 5% Sixth Street, which would be reduced 1% to 2% with the elimination of tractor trailer trucks; approximately 126 tractor trailer trucks.

Councilor Carrier said he lives on Maple Street. He said this is the first time he has seen the petition, and he is totally with these people. He does agree with Councilor Weston that this is a start. He said he doesn't see an answer at this point. He feels the Council should pass the resolution to lighten the load tomorrow, and revisit the issue after more traffic studies.

Councilor Cheney said the Council needed to do what was right for the City as a whole, and felt Sixth Street should be off the list. She felt it wouldn't be looked at again in six months.

Councilor Callaghan said TAC had four public hearings. He said it was after the fourth public hearing that they put Sixth Street on this list, and the residents didn't have a chance to speak regarding it.

Councilor Scott said this was a quality of life issue and the need to protect it. He said these people made an effort to prepare a petition, and he didn't want the City to ignore them.

Councilor Weston said she sits on TAC and will guarantee that it will be looked at. She said the public hearings were published. She said it was TAC's job to look at the entire City. She said this was something to start with.

Councilor Callaghan asked to remove Sixth Street now, respecting the wishes of the residents first, and look at the change later.

Councilor Weston asked about the people on Stark Avenue and Jenness Street. She said TAC wanted to see the traffic pattern, and if there is a funneling effect it can be addressed.

Mayor Myers asked for a vote on the amendment to the Ordinance.

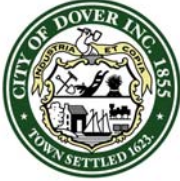
Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

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

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

Councilor Scott made a motion to adjourn and complete the agenda on November 17, 2008; seconded by Deputy Mayor Trefethen.

Roll Call Vote: 3/5; Failed. Deputy Mayor Trefethen, Councilors Cheney and Scott voted in favor. Councilor Callaghan was absent from Council Chambers.



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8. CITY MANAGER'S REPORT

City Manager spoke of the repairs needed for the Whittier Street Bridge. He said he issued an emergency purchase order for \$9,876. He said there was a steel plate sitting on top of the Whittier Street Bridge that needs to be removed before the first snow.

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

Vote: 8/0. Councilor Callaghan was absent from Council Chambers.

9. MINUTES

A. MINUTES FROM OCTOBER 15, 2008

B. MINUTES FROM OCTOBER 22, 2008

C. MINUTES FROM OCTOBER 29, 2008

Deputy Mayor Trefethen moved for their approval; seconded by Councilor DeDe.

Vote: 8/0. Councilor Callaghan was absent from Council Chambers.

10. MAYOR'S REPORT

Mayor Myers said he attended the USS New Hampshire reception on October 24, 2008 at the Wentworth-by-the-Sea, along with the actual commission of the submarine at the Naval Yard on Saturday, October 25, 2008. He went to the ground breaking for Watson Field. He spoke of the "Coffee with the Mayor" event at Café on the Corner. He attended the Woodman Park renovations celebration. He went to a few ribbon cuttings, including Maple Suites. He wanted to recognize the City Clerk and all the election workers for a job well done. He said everything seemed to run smoothly. He said the Dover Business Industrial Development Authority (DBIDA) has advertised for an Economic Development Director position. He spoke on the adopted design guidelines of the Cochecho Waterfront Development Advisory Committee (CWDAC). Veteran's Day was celebrated on Monday in the City. He said he has invited the newly-elected State Representatives and Senator-Elect to be here on November 19, 2008 at 6:30 pm.

Councilor Callaghan made a motion to accept the Mayor's Report; seconded by Councilor DeDe.

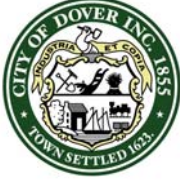
Vote: 9/0.

11. UNFINISHED BUSINESS

A. RESOLUTIONS

- 1. B09020 CONSTRUCTION OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER**
SPONSORED BY MAYOR MYERS BY REQUEST

Moved forward on Agenda to after 7.C. Public Hearing.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

2. COLLECTIVE BARGAINING AGREEMENT DPFOA (TO BE REMOVED FROM THE TABLE) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen made a motion to remove the Resolution from the table; seconded by Councilor DeDe.

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

Deputy Mayor Trefethen said he first wanted to thank the Fire Department for coming to an agreement that is at an absolute minimal cost to the City. He said he would not be voting for either one, because the implementation of either of these Resolutions will be setting the City up for potential major costs that the City can't afford.

Councilor Cheney said she agreed with Deputy Mayor Trefethen and would not be voting to support this. She asked about Mr. Huml's comment that they needed the 2007-2008 actual figures.

City Manager Joyal said the 2007-2008 amounts are really irrelevant. He said the main thing the Council needed to look at is the difference in costs if the City did nothing, and referred to the table that showed that.

Councilor Cheney moved to add the table as background to the Resolution; seconded by Councilor McCusker.

Vote: 9/0.

City Manager Joyal went over the table to explain the difference.

Mayor Myers said this was a great contract with the Firefighters. He said where it was not supportable is dealing with the New Hampshire Retirement System. He said the City could get hit with a huge bill that has not been budgeted for.

Roll Call Vote: 1/8; Failed. Councilor McCusker voted in favor.

3. COLLECTIVE BARGAINING AGREEMENT IAFF (TO BE REMOVED FROM THE TABLE) SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen made a motion to remove the Resolution from the table; seconded by Councilor DeDe.

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

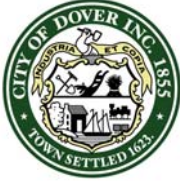
Deputy Mayor Trefethen made a motion to add the table as background to the Resolution; seconded by Councilor Cheney.

Roll Call Vote: 1/8; Failed. Councilor McCusker voted in favor.

B. ORDINANCES IN THE SECOND READING

1. CHAPTER 166, VEHICLES AND TRAFFIC SPONSORED BY COUNCILOR WESTON

Moved forward on Agenda to after 11.A.1., which was moved to after the Public Hearings.



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

2. CHAPTER 137, POLITICAL EXPENDITURES AND CONTRIBUTIONS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
 Councilor Cheney made a motion to table this Ordinance; seconded by Councilor Weston.
 Vote: 9/0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – RIVERSIDE REST HOME
2. RESOLUTION: AWARD OF #B09025 FOR SEGRETATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE
SPONSORED BY MAYOR MYERS BY REQUEST
3. RESOLUTION: CHANGE ORDER TO PO18-240688 ENGINEERING SERVICE OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECO RIVER
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. Appointments Committee – Mayor Myers | 8. Solid Waste Advisory Commission – Councilor DeDe |
| 2. Arena Commission – Deputy Mayor Trefethen | 9. Transportation Advisory Commission – Councilor Weston |
| 3. Arts Commission – Councilor McCusker | 10. Joint Building Committee – Councilor Cheney |
| 4. McConnell Center Committee – Councilor DeDe | 11. Recreation Advisory Board – Councilor Carrier |
| 5. Planning Board – Deputy Mayor Trefethen | 12. Coast Bus |
| 6. Cable Access Committee – Councilor DeDe | 13. Joint Fiscal Committee – Councilor Trefethen |
| 7. School Board Liaison – Councilor Callaghan | 14. Legislative Liaison |

Deputy Mayor Trefethen moved to accept the Consent Calendar; seconded by Councilor Carrier.

Mayor Myers said he would like to pull the Appointments Committee Report. He asked for a roll call vote on the remaining items in the Consent Calendar.

Roll Call Vote: 9/0.

Mayor Myers said the Appointments Committee met this evening. He said there was one re-appointment; Donald Cichon to the Trustees of the Trust Fund. He said they're recommending a new appointment to the Arts Commission: Joyce El Kouarti. He said the Dover Utility Commission they are recommending Mark Moeller to a regular seat and Martin Coyle to an alternate seat.

Councilor DeDe made a motion to accept the appointments; seconded by Councilor Callaghan.

Vote: 9/0.



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B. RESOLUTIONS

**1. RELEASE OF CITY ATTORNEY OPINION DATED OCTOBER 21, 2008
SPONSORED BY COUNCILOR CALLAGHAN**

Councilor Callaghan withdrew the Resolution.

**2. APPROPRIATION FOR FY2010 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS
(TO BE REFERRED TO PUBLIC HEARING ON DECEMBER 3, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to be referred to a public hearing on December 3, 2008;
seconded by Councilor Callaghan.

Vote: 9/0.

**3. APPROPRIATION FOR FY2010 CAPITAL IMPROVEMENTS PROGRAM AND
AUTHORIZATION FOR BONDING
(TO BE REFERRED TO PUBLIC HEARING ON DECEMBER 3, 2008)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to be referred to a public hearing on December 3, 2008;
seconded by Councilor Callaghan.

Vote: 9/0.

C. ORDINANCES IN THE FIRST READING – NONE

D. CORRESPONDENCE – NONE

13. COUNCIL MATTERS OF INTEREST

Councilor Cheney asked for another public hearing on Chapter 137, Political Expenditures
and Contributions.

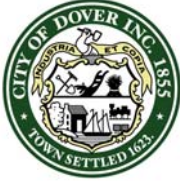
Mayor Myers asked for a show of hands from the Council.

Vote: 9/0.

14. ADJOURN

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor McCusker.

Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop
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Meeting Time: 6:30 pm

Present: Mayor Myers, Councilors Callaghan, Carrier, Cheney, Scott and Weston. Councilor McCusker arrived at 7:00 pm. Deputy Mayor Trefethen arrived at 8:40 pm.

Absent: Councilor DeDe.

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

Councilor Weston led the Pledge of Allegiance.

1. INTRODUCTION OF NEWLY ELECTED/RE-ELECTED STATE REPRESENTATIVES AND SENATOR; COUNCIL INPUT ON LEGISLATIVE CONCERNS

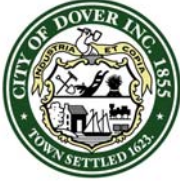
Mayor Myers introduced the six State Representatives that were present, along with the State Senator: State Representatives-Elect: Brendon Browne and David Watters, Wards 1 & 2; Bob Lewis and Mark Ryder; Wards 5 & 6. Returning State Representatives: Peter Schmidt, Wards 1 & 2; and Sarah Hutz, Wards 3 & 4. State Senator-Elect Amanda Merrill. He asked the Council if they had any thoughts and concerns they wanted to address.

Councilor Callaghan asked if they could help the City keep the County tax as low as possible. Councilor Scott said he read in the paper that the Governor has proposed a cut in State spending, and asked if they could address that issue. He asked if the Governor has also proposed a hiring freeze.

State Senator-Elect Merrill said she knew that the Governor would be addressing the Joint Fiscal Committee on Friday, November 21, 2008. She said he will be speaking specifically about the cuts he has in mind. She said it was her understanding that he is not talking about layoffs at this point.

State Representative-Elect Lewis said he has had two days orientation experience. He said it was his understanding that the State Constitution required a balanced budget, and the Governor will ensure that will be achieved.

Mayor Myers spoke on the county tax and Dover's portion. He said he knew they were probably all aware that Dover is under the restrictions of a tax cap amendment. He said the School will work within their budget, the School portion and the State portion of the property tax, and the City portion of the budget is also tied in with the County's portion. He said this past budget season the numbers with the tax cap formula allowed for an additional \$1.3 million that the City could raise in property taxes this year, of which the County's portion was \$900,000 in the spring. He said he understood that the County ended up reducing their budget, but Dover had a proportionate share increase, so rather than the City getting a \$250,000 decrease, they only received \$60,000. He said the City of Dover will be writing a check to the County for \$6.9 million, which was a pretty substantial increase from last year's \$6 million. He said the City's budget is \$24 million, and that was almost a 4 to 1 ratio. He said over the past five years appropriations in the budget have increased approximately 5.25% for the City and School, while the County has increased 8%. He said that it was extended out over a 10-year period, the City was a 6.42% increase, the School was a 7.6% increase, and the County was a 9.62% increase. He said one of his concerns was that if costs are coming down that are attributable to Concord, then he said the Council would ask that the State Representatives and State Senator keep the costs in Concord. He said the average taxpayer in Dover saw an increase of \$79.00; of which \$41.00 was attributed to the School, \$18.00 was attributed to the City, and \$19.00 to the



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County. He said his second concern dealt with the New Hampshire Retirement System. He asked State Representative Schmidt if he wished to speak.

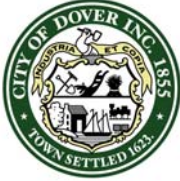
State Representative Schmidt introduced himself to the Council and citizens of Dover. He said he wanted to address some of the issues before the Mayor continued. He said he has been in the legislature for the past six years representing Wards 1 & 2. He commended Mayor Myers for keeping in touch with what was going on at the County level, and said that he has had an impact. He said the primary cause of the increases at the County have been because of the flat funding of the nursing homes. He said the county nursing homes have been supported by 50% Federal funding, 25% State, and 25% County. He said the law has been changed and that the nursing homes are wholly funded by the counties, and not split with the State. He said it was his intention to get greater State support for County services. He said he has tried to alleviate the burden of the property taxpayers by having the State pick up more of its share with non-property tax revenues. He commended Mayor Myers for his active involvement at the meetings and working with them trying to help instead of complaining.

Mayor Myers stated that Councilor DeDe was not able to attend tonight. He also said that Deputy Mayor Trefethen was at another meeting and would be coming to the Council Chambers as soon as he was done. He had their comments and would read them into the record at some point. He said the bigger issue was the 125% spiking law with New Hampshire Retirement System, HB1645. He congratulated the House for getting it right, but he was disappointed with the Senate who got it completely wrong. He said the 125% provision came in late and was never discussed. He said this was not just a Dover issue, but an issue across the entire State. He said the Council rejected two Firefighters Contracts on November 12, 2008, because there was a potential for this spiking provision to cost the City upwards of \$1 million, which has not been provided or budgeted for. He said he felt the rules shouldn't be changed for people already in the system. He said it should be for a date certain or for new hires. He said it was unfortunate that the two Firefighter contracts were rejected, because they were hugely beneficial to the City of Dover. He said it was unfair because it was caused by something they can't negotiate, and it was something the City couldn't negotiate. He read Deputy Mayor Trefethen's comments, dated November 19, 2008, into the record.

State Representative Schmidt said he serves on the Executive Departments and Administration Committee, which is charged with overseeing the Retirement System, but he does not serve on the Retirement Subcommittees. He again commended Mayor Myers for his thorough grasp of the issue. He said any community is perfectly free to provide its employees with a fair and equitable contract. He explained the intention of the new law, HB1645, but he said that it was clear that some aspects of it were causing complications that were not intended. He said he knew the legislature is looking at this right now, with various, different solutions. He said they have recognized that it would be a considerable hardship on taxpayers, and are looking to solve the problem quickly.

State Senator-Elect Merrill reported that in her two days of orientation, it was a topic of discussion and that there was a commitment to address it, because it was causing problems across the State.

Mayor Myers said he was attending a meeting with the Mayors' Alliance on Friday, November 21, 2008, and this was an item to be discussed. Mayor Myers asked about the time schedules, and asked that they keep in contact with the Council on current issues.



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State Representative Schmidt said the current Speaker needed to be re-elected, and that happens on December 3, 2008. He said once that happens, committee decisions can be acted upon. He suggested that the Council continue to come to Concord to testify on behalf of Dover. He said the Council having a Council liaison is very helpful.

Mayor Myers said the City of Dover was willing to look at proposals to better regionalize services where the County would take the lead, such as assessing, dispatch, human services, ambulances, and firing ranges.

State Representative Baldwin Domingo, Wards 3 & 4, apologized for coming late. He said he was on the State-Federal Relations and Veterans Affairs Committee. He said State Representative Roland Hofemann, Wards 5 & 6, has put in a bill that was trying to cap this to \$500, so there wouldn't be an impact on the taxpayers.

Councilor Carrier said it was nice to see everyone here and found it very informative.

Councilor Cheney asked them to keep their eyes open on protecting water extraction rights. She thanked them for coming.

Mayor Myers thanked them for their time.

2. CAPITAL IMPROVEMENT PROGRAM (CIP)

Mayor Myers said he wanted to discuss the CIP, with the bulk of the discussion on current year 2010. He asked the Council if they had any general questions.

Councilor Weston asked the City Manager about the leftover CIP money from previous projects that went towards the Washington Street Bridge Resolution passed on November 12, 2008, and requested a list of other leftover CIP money.

Councilor Scott said the Council should approach the CIP within the difficult financial environment. He said the Council should not put a further burden on the overburdened homeowners. He suggested that the Council set as a guideline that the capital approved for bonding only replaces the debt that is being retired. He said the School Department has done exactly that, but felt that the Council had to have a good look at the others. He said the City has a debt retirement of \$3.6 million, and the City is requesting \$10.7 million. He said it was the Council's job to look into ways to make sure the City doesn't go above the debt retirement.

Mayor Myers said the amount of debt that the City wants to issue is \$7.898 million. He said the Special Revenue Account is paid for by the Special Revenue Fund and does not impact the taxpayers.

Mayor Myers referred the Council to Page 20 of the CIP Booklet and the list of proposed projects, to see if there were any questions or comments on each item. He started with General Government. He mentioned that the City Manager requested a reserve fund be started in several different areas to cover future projects.

Councilor Callaghan said he has taken an average of 10% off a lot of CIP projects. He said he came close to the retired debt amount. He said if the City comes through with a good Budget, then the Council can come back to the CIP projects and amend them. He said he reduced the first item by \$100,000, and left it at \$150,000.

Mayor Myers asked Councilor Callaghan to put forward the changes as they are mentioned.

Councilor Callaghan said he would do that.

Mayor Myers continued to the next item, City Hall Improvements, \$115,000.

Councilor Callaghan said he reduced that by 10%, \$11,500.



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Mayor Myers mentioned that the next item, Cemetery Master Plan Improvements, was for 2011. He continued on to Energy Efficiency Improvements. He asked the City Manager about the plan that the savings from energy efficiencies would be paid off by the energy savings. City Manager Joyal said the energy efficiencies would pay for themselves over the life of the bond.

Mayor Myers asked the City Manager if he felt it would be a 20-year bond.

City Manager Joyal said it would probably be 10 years.

Mayor Myers asked hypothetically if the \$1,273,500 was approved to be debt financed, and the savings were shown, would that reflect in a reduction in the Operating Budget, and that's where the savings would come from in order to carry the debt payment, or would that be showing up in some kind of special energy income, where the City would capture and view all of the savings?

City Manager Joyal said it is done within the fund for which the improvements are made. He said it would be identified in the Budget.

Councilor Weston asked if it was possible to spread the \$1.2 million over several years.

City Manager Joyal said most measures would happen in a reasonably short time, and the financing would probably be done in one fell swoop. He said once he gets the go-ahead, most of the measures will be installed this winter and early spring, and the City will start to realize the savings by the end of next year's budget.

Councilor Weston asked if it was possible to make it two years.

City Manager Joyal said he could certainly phase in what the City does, but they were looking at a contract with a company that was going to make the improvements and guarantee that the City will realize the savings.

Councilor Cheney said if the Council was going to look at the CIP and the amount of debt the City was retiring, then she would like to recommend that this be taken out of the CIP. She said it wasn't there before, and there were other things that were essential to keeping operations going. She said a lot of the energy efficiency measures recommended in July can be done, and the Council should go over those, possibly using some of the leftover funds from other CIP projects.

Councilor Scott said the energy efficiency program should be restudied. He said when the study was done oil was at \$140 a barrel, and now it's about \$55 a barrel. He said the amount of savings might not be returned. He said he agreed with Councilor Cheney that it should be removed.

Mayor Myers said the specifics haven't been brought to the Council yet. He said the revenue stream would help to pay off the bond, and it had a guarantee for revenue payback.

Councilor Weston asked when the Council would vote on the CIP.

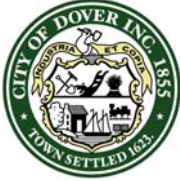
Mayor Myers said in December. He said it was just a placeholder for now. He said the item would come back before the Council before a bond was issued.

City Manager Joyal said the CIP was a plan. He said there was no commitment. He said it provided guidance and a statement of intent. He said there will be some projects that are ready to proceed on the same night as the CIP vote, because they are ready to proceed and need to be planned for with the new construction season. He said the energy efficiency is not ready to go, because the study is still ongoing.

Councilor Weston asked the City Manager if he was positive it was going to be \$1.2 million.

City Manager Joyal said no.

Councilor Weston asked the City Manager where he got the figure.



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City Manager Joyal said it was from the preliminary plan.

Councilor Weston said the Council was being asked to approve something when they haven't seen the audit, and where the City could do some of the improvements itself.

City Manager Joyal said the Council was misunderstanding the plan. He said everything on the list the City could do itself, but the City would have to hire engineers to make sure it was feasible, to design it, and build it. It would be done as its own CIP project. He said the only thing that was missing was the guarantee.

Councilor Cheney said she wanted it removed for two reasons: One, it was \$1.2 million. Two, the Council hasn't looked at the last 10-year audit. She said the School Department chose not to renegotiate a 10-year contract.

Councilor Callaghan said he supported removing it, to lower debt finance to equal retired debt. He said it was one of the few optional items. He said inflation is on the side of the vendor.

Councilor Scott seconded what Councilor Cheney said about not analyzing the new plan.

Councilor Carrier said it was just a plan. He said it doesn't hurt to keep it, because the Council isn't spending on it.

City Manager Joyal said it was a six-year plan. He asked the Council to try to be accurate and honest in its intentions for the next six years. He said the CIP flowed from the Master Plan and provided guidance.

Councilor Scott asked to move the \$1.2 million to 2011 to keep the placemaker, and when the audit comes back the Council can decide whether or not to do it.

City Manager Joyal said that would tell him and his staff that this wasn't a priority for this year.

Councilor Scott said he didn't agree. He said he spoke with Gary Stenhouse of Londonderry, because Londonderry was very efficient with cutting down the use of fuel. He said they told them their Community Services Director was an expert in this area, and recommended that Doug Steele, Dover Community Services Director, go meet with him.

City Manager Joyal said that Gary Stenhouse had come to Doug Steele for advice, and the City of Dover had helped them.

Mayor Myers said he saw this as being neutral in cost; the efficiencies will pay for themselves.

Councilor Weston asked how the tax rate will be affected by this. She asked if the figure could be reduced to \$100,000.

City Manager Joyal said the Council can do whatever they want. He said nothing is going to happen until after the presentation to the Council, and then there will be a resolution before the Council for two things; one, to execute a contract with the energy services company; two, to finance the project to go forward. He said he was still going to come to the Council in January with the report, and the Council will have to make a decision.

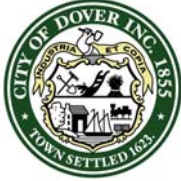
Councilor Cheney said the City has paid for the report.

City Manager Joyal said the City hasn't paid for anything, and will not until the Council says no, they don't want to do the energy efficiency project with the vendor.

Councilor Weston asked what the impact would be on the tax rate if all 21 items were passed. She said she would be comfortable with striking the \$1.2 million and making it \$100,000 as a placeholder.

City Manager Joyal referred the Council to Page 11, which showed the impact. He said if all of the projects were bonded it would add \$.36 to the tax rate.

Councilor Weston said she was just concerned that the City didn't go over the spending cap.



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City Manager Joyal discussed the energy efficiencies plan. He referred the Council to the footnote on Page 23, "General Government Energy Efficiency Improvements: General Fund Operating Budget Savings Equal to Annual Debt Service." He referred the Council to Page 28, where it showed what the City would realize in savings for 2011: \$53,489. He said this is on top of what the City is spending right now. He said it wouldn't have an impact on the tax cap. Councilor Scott asked what the impact of the whole CIP was to the taxpayers. He referred the Council to Page 57, and discussed the total City debt. He said if the City has this much of an increase in debt the average tax bill will increase by \$230.00. He said it was very important that everything that the City invests in is absolutely necessary.

Mayor Myers said the Council needed to remember the different checkbooks the City has and who pays for them. He said the Total General Fund is paid for by tax dollars. He mentioned several projects that will not impact the taxpayers. He said it wasn't an accurate statement that all the debt service will impact the taxpayers. He said it would be accurate to use the Total General Fund column amounts to produce the figure for the impact to taxpayers.

City Manager Joyal referred the Council to Page 61, and discussed the principal and interest for the proposed CIP. He said the Council also needed to consider the amount being retired. He said there would be an \$85,000 impact for the first year.

Councilor Callaghan said the Council is concerned about energy efficiency. He said the Council agreed to pay \$25,000 for an audit and created a new energy advisory committee. He said he just felt it didn't need to be in the CIP right now. He said the Council can look at it after the audit comes back.

Mayor Myers said the Council has heard that they can take it out, but at the same time the City is not making any reductions in energy or saving any money in the Operating Budget. He said it was revenue neutral either way. If you take it out, then you're leaving certain dollars for energy in the Operating Budget. If you leave it in, then you're making reductions in the Operating Budget.

Councilor Callaghan said he was disappointed to hear if it isn't left in the CIP that the engineering staff will stop working on it.

City Manager Joyal said the City had only so many people on staff, and there are a lot of things to be done. He asked if it wasn't a priority, then why would he have them continue to work on it.

Mayor Myers asked the Council to continue on. He referred the Council to the next item; Police Vehicle Replacement. He referred the Council to the next item: Aerial Ladder Truck Replacement for Fire and Rescue.

Councilor McCusker asked if the exact amount was known.

City Manager Joyal said the estimate was \$950,000.

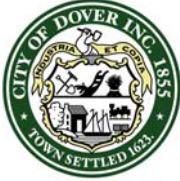
Councilor Weston said the estimated cost was \$880,000 during Fire Chief Plummer's presentation, and asked why it was higher.

City Manager Joyal said the truck needed to be outfitted.

Mayor Myers continued on to the next item on the list: Community Service. He read Councilor DeDe's statement into the record, which referred to the Henry Law Avenue and Tolend Road CIP projects. Mayor Myers referred the Council to heavy equipment; \$200,000.

Councilor Callaghan said he wanted that reduced by 10%, \$20,000.

Mayor Myers referred to General Streets and Sidewalks Improvements. He continued to the Transportation Improvement Program, which was being financed by a Special Reserve Fund. He continued to Drainage System Improvements; \$150,000.



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Councilor Callaghan said he wanted that reduced by 10%; \$15,000.

Mayor Myers continued to Bridge Repairs on Washington Street; \$130,000.

Councilor Callaghan said he wanted that reduced by 10%; \$13,000.

Deputy Mayor Trefethen asked Councilor Callaghan which 10% of the bridge he wasn't repairing.

Councilor Callaghan said he was reducing some projects by 10% in order to get more for less. He said the goal was to meet the retired debt.

Deputy Mayor Trefethen asked if it made more sense to remove 20% off something else, and not 10% off something that handles 15,000 to 20,000 cars a day. He said if the bridge needs to be repaired, it needs to be repaired and it going to cost what it is going to cost.

Councilor Callaghan said he didn't believe the City had a quote in hand on the cost. He said they were calculated guesses. He said if Councilor DeDe's plans are accepted to postpone Tolend Road, that will bring down the CIP by \$3 million.

Councilor Scott said he agreed with Councilor DeDe's plans and it meets his requirement to stay within the amount of debt retired.

Mayor Myers continued to the Bridge Replacement on Whittier Street. He continued to Henry Law Avenue Street Reconstruction; \$850,000 for the outer part. He just wanted to state that the Henry Law Project was two parts, and this part was for the outer part. He said Councilor DeDe's concern was for the in-town section, and that trucks might travel the length of it.

City Manager Joyal said that it wasn't part of the truck route.

Councilor Scott said that was the portion that was in Ward 3, and felt that homeowners in Ward 3 would think it was wise to push it off if it helped the City not exceed the amount of debt retired.

Councilor Cheney asked if she heard correctly that they weren't doing the section in front of the farm.

City Manager Joyal said that was correct. He said the road needs to be widened in order to rebuild that section of the roadway, and the City needs to settle right-of-way issues.

Councilor Cheney asked if this was going to be one of those projects where the City has leftover CIP monies.

City Manager Joyal said his expectation was that all CIP projects will come in under budget.

Councilor Callaghan said he wanted to reduce this 10%; 85,000, but he would also be in favor of delaying the project altogether.

Mayor Myers said he would like to see that end of the road get finished, but he said he would be in favor of putting off the in-town portion a year or two, to when the bridge is being reconstructed, and when the City is probably going to break ground on the Waterfront.

Councilor Carrier said he felt the City could afford to wait on the in-town portion a year or two, but he felt the City should definitely complete what has been started. He said the City needs to knock off as many roads as possible to get them done.

Mayor Myers continued on to the next item: street improvements to the Tolend/Watson Road area; \$3,000,000.

Councilor Cheney reviewed a few of the Tolend Road changes over the past few CIPs. She asked why it wasn't spread out over three years instead of two. She also said she didn't think the truck traffic would be any heavier than what it is right now.

City Manager Joyal said based on what the City knew today, it was going to take two seasons to complete the work. He said with the new truck ordinance, traffic will be restricted. He said the area is marsh and the whole roadbed needs to be reconstructed with the correct soils. He said



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there are places that will need to be elevated to get the road out of the marsh to promote the correct drainage.

Councilor Weston asked, if the City does the pump-and-treat, then which way are the trucks going to be going?

City Manager Joyal said there should not be much of an overlap on the Tolend Landfill project and the reconstruction of the road. He said there were two possibilities that the City is looking at: 1. the original plan of pump-and-treat by installing a sewer line up Glen Hill Road. 2. installing a sewer line across country to a residential development off of Route 9. He said if that was the case it wouldn't involve the road, because it would go through the woods and ultimately pick up some residential properties along the way. He said as far as the trucks travelling on the road, the City had intentionally saved one of the gravel pits across the road to be used. He said the plan is that the Tolend landfill will pump and treat on site and discharge it into the sewer, so there wouldn't be any trucks on the road.

Councilor Cheney said she would recommend that the Tolend Road project should be kept in the CIP. She said she travels Tolend Road and it was very bumpy, fully compromised at the base, and it could cause a serious accident.

Mayor Myers said if the Council's objection is to reduce debt to the amount being retired, then it is going to take removing a project to get there. He said Tolend Road probably won't get in worse shape in a year.

Councilor Cheney said she wanted to get to that number, but safety is a different issue.

Councilor Scott said maybe it could be pushed off nine months and only spend \$1 million.

Councilor Callaghan said if the City keeps pushing things off we're going to go to \$7 million more in 2011 and 2012. He said the rule of equaling debt retired isn't going to keep working. He said the City has to get the budget down.

Mayor Myers said he disagreed with Councilor Scott. He said they do agree with the approach of moving Tolend Road out, so it hits three different tax years. He said where he strongly disagreed with Councilor Scott was that he didn't look at the \$1.2 million on energy efficiencies as an automatic cut, because he looks at that as the revenue side. He said he wasn't looking for an override, because he felt with the economy the City had to live within the confines of the tax cap formula. He said he considered the energy efficiencies project to be neutral. He said the Council could justify doing \$4.9 million debt, because of the dollar-to-dollar savings on the Operating Budget to pay for that bond.

Deputy Mayor Trefethen said the number goes up substantially as you look at years 2011 and 2012. He said that happened because the Council moved out projects last year. He said the reality is that the City cannot do this anymore. He said the Council has to make hard decisions. He said multiple projects have to go for good, not just get pushed off to another year.

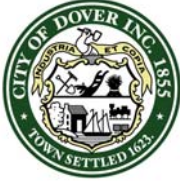
Councilor Carrier said he agreed with Deputy Mayor Trefethen. Secondly, he said he didn't think it was fair to the residents to spread out the construction on their street over a few years.

Mayor Myers asked the City Manager to give the Council the funding in three fiscal years with two construction seasons.

Councilor Cheney said this is the year that the Council really has to be careful. She asked if the Council could get a list of how the blanket amounts for street and sidewalk improvements were spent.

Mayor Myers mentioned the road paving list.

Councilor Cheney asked if the City was on target with the list.



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City Manager Joyal said some of the roads on the list were not completed because pavement prices were too high. He said they would do those in the spring. He said it would be the first time in a long time that the City will be paving before July.

Councilor Callaghan said he agreed with not doing the roads piecemeal. He said the City has to do it and do it for less money.

Councilor Weston said the Council can't forget that the City Manager can fund left over CIP money.

City Manager Joyal said there were CIP projects that dated back many years where it exceeded their budget, and should be settled up at the same time. He said he would like to bring a list of everything to the Council.

Mayor Myers moved to the next CIP project; Street Reconstruction for Richardson Drive, \$75,000.

Councilor Callaghan said he wanted that reduced by 10%; \$7,500.

Mayor Myers moved to the next CIP project; Street Reconstruction for Applevale Area; \$200,000.

Councilor Callaghan said he wanted that reduced by 10%; \$20,000.

Deputy Mayor Trefethen referred to Piscataqua Road, and asked the CIP to be updated to reflect the change made last year to move it to 2012.

Mayor Myers moved to the next CIP project; Street Improvements and Sidewalks, Mast Road/Spruce Lane; 100,000.

Councilor Callaghan said he wanted that reduced by 10%; \$10,000. He said he would like the Council to consider 10% on everything unless he raises his hand.

Mayor Myers continued to the next section of the CIP: Recreation. He discussed items that were part of the Operating Budget, and Pool Bathhouse Project that was being funded by the Gravel Fund.

Deputy Mayor Trefethen said there was some opportunity here to drastically reduce money in the out years. He said to do all the improvements to Maglaras Park was unrealistic.

Mayor Myers said he wanted to go back to the Applevale project, with Councilor Scott's return to the Chambers.

Councilor Scott said he agreed with Councilor Callaghan's point to take 10% out.

Mayor Myers went on to the Public Library portion of the CIP.

Councilor Callaghan said it should be reduced 10%.

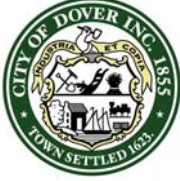
Mayor Myers said it was part of the Operating Budget. He went to carpeting for the Library, and air conditioning for the Children's Room.

Councilor Callaghan said he didn't want to reduce that by 10%, because the City has a quote on that.

Mayor Myers continued to School Department; Horne Street Elementary School Improvements.

Councilor Callaghan said he wasn't recommending any reduction because the School Department was matching their retired debt.

Mayor Myers said the School Department was still looking at cost being spread out, rather than doing it in one year. He went over the tentative schedule with the Council: December 3, 2008, Special Meeting for the Public Hearings on the CIP, along with a Workshop Session. December 10, 2008 will be a Regular Meeting. December 17, 2008 will be a Special Meeting for the CIP vote. The Council will be off December 24, 2008 and December 31, 2008. The Council will start again on January 6, 2009.



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Mayor Myers continued on to the Parking Special Revenue Fund.

Councilor Callaghan said he felt there shouldn't be any money in there. He understood from the Parking Committee that the revenue generated will go into an Enterprise Fund.

Mayor Myers said it was under a Special Revenue Fund. He said it was the City of Dover that was going to be issuing that bond, and not the Parking Committee.

Deputy Mayor Trefethen said having the figures in the plan enables the City to find other ways to fund it.

Councilor Callaghan said it offsets the City's debt financing. He said he still wanted to strike the \$100,000 from this year, because he felt the Parking Committee will get a deal with the vendors.

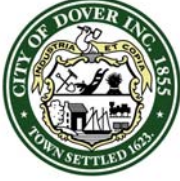
Mayor Myers just wanted to remind the Council that the money is coming out of the Special Revenue Fund and will not impact the taxpayers.

Councilor Weston said she would like to see the \$10 million be moved out to 2013 or 2014, and asked if it even needed to be in the CIP. She asked if the \$100,000 was enough to leave in as a placemaker.

Mayor Myers said he didn't think \$100,000 was enough to indicate the plan. He asked if the Council had anything further.

3. ADJOURN

Councilor Scott motioned to adjourn; seconded by Deputy Mayor Trefethen.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 137, entitled “Political Expenditures and Contributions” of the Code of the City of Dover, 1983.

2. AMENDMENT

Chapter 137 entitled “Political Expenditures and Contributions” is hereby amended by revising the entire Chapter as attached.

3. TAKES EFFECT

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

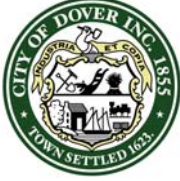
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By Request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

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 Ordinance Title: **O – 2008.10.22 - 18**
 Chapter: Chapter 137, Political Expenditures and Contributions

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 – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

ORDINANCE BACKGROUND MATERIAL:

POLITICAL CONTRIBUTIONS AND EXPENDITURES

Chapter 137

- 137-1. Definitions.
- 137-2. Reporting political contributions and expenditures; ~~limitations.~~
- ~~137-3. Solicitation restricted.~~
- 137-3. Political expenditures; limitations; ~~reports required.~~
- ~~137-5. Complaints; investigations.~~
- ~~137-6. Proceedings in Superior Court.~~
- 137-4. Violations and penalties.

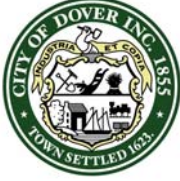
[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*. Amendments noted where applicable.]

137-1. Definitions.

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

- (A) "Candidate" shall mean any person for whom votes are sought in an election.
- (B) "Contribution" shall mean any payment, gift or loan to a candidate or political committee made for the purpose of influencing the election of any candidate. Contributions shall include the use of any thing of value, but shall not include the services of volunteers who receive no compensation.
- (C) "Committee" shall mean any organization of ~~one (1)~~ **two (2)** or more persons acting in behalf of a candidate for the purpose of promoting the success or defeat of any candidate.
- (D) "Election" shall mean any ~~general biennial~~ election **for to the City Council Council or School Board, or other elective municipal office** ~~Committee~~ in the City of Dover.

~~THING OF VALUE – Does not include services of volunteers who receive no pay therefor.~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

***Editor's Note: Provisions of this chapter are derived from Ch. 7 of the former Code, adopted 12-14-77.**

137-2. Reporting political contributions and expenditures; ~~limitations.~~

No gifts, payment or contributions of money or thing of value, whether tangible or intangible, shall be made to a candidate or a committee organized in behalf of a candidate, directly or indirectly, for the purpose of promoting the success or defeat of any candidate:

~~A. [Repealed 08-20-03 by Ord. No. 11-2003]~~

~~B. By any partnership as such or by any partner acting in behalf of such partnership.~~

~~C. By any labor union or group of labor unions or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions or by any officer, director, executive agent or employee acting in behalf of such organization.~~

~~D. By any person employed in the classified service of the city.~~

~~E. By any person: [Added 08-20-03 by Ord. No. 11-2003]~~

~~(1) If in excess of two hundred fifty dollars (\$250.) in value, except for contributions made by a candidate on behalf of his own candidacy.~~

~~(2) If made anonymously or under a name not that of donor.~~

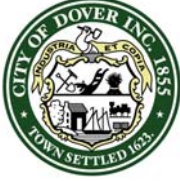
~~(3) If made in the guise of a loan.~~

~~(4) If in any manner concealed.~~

~~(5) If made without the knowledge and written consent of the candidate or his committee, a committee or its treasurer or not to any one (1) of the same.~~

(A) Each candidate and each committee shall file with the City Clerk an itemized, signed and sworn statement disclosing contributions and expenditures ten (10) days preceding an election reflecting the current status of contributions and expenditures as of the date of filing. A final up-to-date itemized, signed and sworn disclosure of contributions and expenditures shall be filed by all candidates and every committee within ten (10) days after an election.

(B) Compliance with this section shall be a qualification for office. No candidate shall assume his or her office until all disclosure statements are filed.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

137-3. Solicitation restricted.

~~No candidate or his committee thereof nor any other person shall solicit or accept any contribution: prohibited by 137-2.~~

137-3. Political expenditures; limitations; ~~reports required.~~

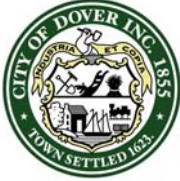
No expenditure, contract therefor or use of a contribution of money or thing of value, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any person:

~~A. By a candidate or in his behalf, a sum not to exceed that amount determined in the following manner: A candidate for the office of Ward Councilman or Ward School Board member, fifty cents (\$0.50) for each voter in the respective ward as shown on the checklist of the ward for the last municipal election; a candidate for the office of Mayor, Councilman at Large or School Board member at large, one dollar (\$1.00) for each voter as shown on the checklists of the city for the last municipal election. In determining whether a candidate has exceeded the sum fixed in this subsection, no account shall be taken of the following items: The candidate's filing fee or his expenditures for personal travel and subsistence expenses. The sums fixed in this subsection shall include all expenditures, contracts therefor and use of contributions of money or things of value, tangible or intangible, by a candidate or by others, including committees, in his behalf and with his knowledge during the period of time he or others in his behalf and with his knowledge seek votes for him to and including the date of election, and the sums fixed in this subsection shall also include as expenditures any payments, distributions, loans, advances, deposits or gifts of money and shall include any contracts, promises or agreements, whether or not legally enforceable, to make expenditures by a candidate or by others, including committees, in his behalf for the same period of time. [Amended 08-20-03 by Ord. No. 11-2003]~~

A. By a committee without the knowledge and written consent of the candidate.

~~C. By or on behalf of any candidate for advertising space in the printed programs for meetings or conventions of business organizations, labor organizations, agricultural organizations, veterans' organizations, religious organizations, fraternal organizations, lodges, secret societies, clubs, schools, fairs or similar groups.~~

B. By a committee, unless the committee files, with the City Clerk, a statement of the purpose for which the committee is organized and a statement of the name and address of its chairman, treasurer and other officers. The statements shall be filed not later than sixty (60) days prior to election. A member of the committee shall not do any act **on behalf of the committee** as a committeeman to promote the success or defeat of a candidate, until the statements required by this subsection are filed. A committee to promote the election of a candidate may not be organized within sixty (60) days of an election.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

~~E. Each candidate who, or a committee in behalf of a candidate, which has expended a sum in excess of one hundred dollars (\$100.) shall, not later than 12:00 noon Monday, the day prior to the election, file with the City Clerk an itemized statement signed and sworn by him and his committee's treasurer, showing each of the receipts with full names and post office addresses of the contributors in alphabetical order, with the amount of the contribution and the amount of each expenditure or contracts calling for expenditures with the full name and address of person, corporations, committees or to whomever paid or to be paid in alphabetical order, with a specific nature and amount of each expenditure since the date of the last election.~~

~~137-5. Complaints; investigations.~~

~~Any person voted for at an election for any office or any voter may make complaint, in writing, to the City Attorney of any violation of any of the provisions of this chapter.~~

~~A. Upon receipt of such complaint, it shall be the duty of the City Attorney or some other representative to investigate the complaint, and, if sufficient cause for a prosecution is found, to prosecute to final judgement.~~

~~B. It shall be the duty of the City Attorney to examine the returns of elections receipts and expenditures which are made to the City Clerk and to compel such returns be made to comply with the law. In the exercise of his powers and duties under this chapter, the City Attorney is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.~~

~~137-6. Proceedings in Superior Court.~~

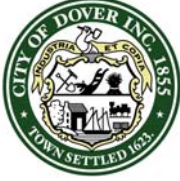
~~Any person who alleges that any of the provisions of this chapter relating to the election have been violated by or in behalf of a candidate with his knowledge and consent may, not later than the third Tuesday following said election, bring a proceeding in equity in the Strafford County Superior Court against the candidate alleged to have violated said provisions in such manner. To this proceeding, the City Clerk shall be made a party defendant, the Superior Court shall hear such proceedings and make final decision thereof, and, if the court shall find that the defendant has thus violated any of such provisions, a decree shall be entered disqualifying the defendant from taking office, and the vacancy thereby caused shall be filled as provided by law.~~

~~137-4. Violations and penalties.~~

~~A. No candidate shall be entitled to the nomination or election until the sworn itemized statements required to be filed by him or in his behalf have been filed as hereinbefore required.~~

~~B. Any person who violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.).~~

(A) Failure of any candidate or member of a committee to comply with the provisions of this ordinance shall be a violation under New Hampshire law. Failure of the candidate to file



CITY OF DOVER

CITY OF DOVER - ORDINANCE

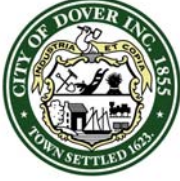
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Ordinance Title: **O – 2008.10.22 - 18**

Chapter: Chapter 137, Political Expenditures and Contributions

on a continuing basis after notice of a violation of this ordinance shall constitute a continuing offense resulting in daily violations and daily fines until the disclosure statement is properly filed.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

POLITICAL CONTRIBUTIONS AND EXPENDITURES

Chapter 137

- 137-1. Definitions.
- 137-2. Reporting political contributions and expenditures;
- 137-3. Political expenditures; limitations;
- 137-4. Violations and penalties.

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

137-1. Definitions.

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

- A. "Candidate" shall mean any person for whom votes are sought in an election.
- B. (B) "Contribution" shall mean any payment, gift or loan to a candidate or political committee made for the purpose of influencing the election of any candidate. Contributions shall include the use of any thing of value, but shall not include the services of volunteers who receive no compensation.
- C. (C) "Committee" shall mean any organization of two (2) or more persons acting in behalf of a candidate for the purpose of promoting the success or defeat of any candidate.
- D. (D) "Election" shall mean any election to the City Council, School Board, or other elective municipal office in the City of Dover.

*Editor's Note: Provisions of this chapter are derived from Ch. 7 of the former Code, adopted 12-14-77.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 18**
Chapter: Chapter 137, Political Expenditures and Contributions

137-2. Reporting political contributions and expenditures;-

- A. Each candidate and each committee shall file with the City Clerk an itemized, signed and sworn statement disclosing contributions and expenditures ten (10) days preceding an election reflecting the current status of contributions and expenditures as of the date of filing. A final up-to-date itemized, signed and sworn disclosure of contributions and expenditures shall be filed by all candidates and every committee within ten (10) days after an election.
- B. Compliance with this section shall be a qualification for office. No candidate shall assume his or her office until all disclosure statements are filed.

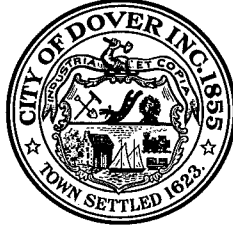
137-3. Political expenditures, limitations;

No expenditure, contract therefor or use of a contribution of money or thing of value, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any person:

- A. By a committee without the knowledge and written consent of the candidate;
- B. By a committee, unless the committee files, with the City Clerk, a statement of the purpose for which the committee is organized and a statement of the name and address of its chairman, treasurer and other officers. The statements shall be filed not later than sixty (60) days prior to election. A member of the committee shall not do any act on behalf of the committee to promote the success or defeat of a candidate, until the statements required by this subsection are filed. A committee to promote the election of a candidate may not be organized within sixty (60) days of an election.

137-4. Violations and penalties.

- A. Failure of any candidate or member of a committee to comply with the provisions of this ordinance shall be a violation under New Hampshire law. Failure of the candidate to file on a continuing basis after notice of a violation of this ordinance shall constitute a continuing offense resulting in daily violations and daily fines until the disclosure statement is properly filed.



**APPLICATION
CITY OF DOVER, NEW HAMPSHIRE**

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

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

Organization Name: DHS Girls Basketball Boosters

Federal Tax ID number for Organization: 542181556

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

Contact Person: Jeanne Walcek Day Time Telephone: 742-1605

Address: 15 Grady's Ln., Dover Email Address Doversix@AOL.COM

Purpose of Permit: Donation collection at Holiday Parade

Date of Event: 11/30/08 Specific Time: 3:00 p.m.

Location of Event: Central Ave., Dover

(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**

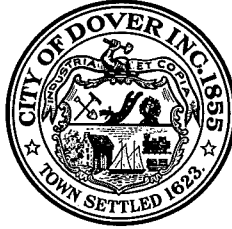
*****NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

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: Jeanne Walcek Date: 11/9/08

Licensing Board approval [Signature] Date: 11/17/08
Revised 03/17/08

OK W/f



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: DHS Girls Basketball Boosters
Federal Tax ID number for Organization: 542186556
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Jeanne Walcek Day Time Telephone: 742-1605

Address: 15 Brady's Ln, Dover Email Address: Doversix@aol.com

Purpose of Permit: 50/50 Drawing at home basketball games

Date of Event: Seasonal '08-'09 Specific Time: 7:00 pm games

Location of Event: Dover High School

(Raffle Permit only)
Prize (s) To Be Awarded: 50% of money collected

Amount of Donation: Date of Drawing: Specific Time:

Place of Drawing: DHS

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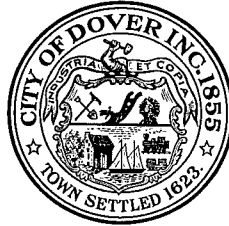
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I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Jeanne Walcek Date: 11/9/08

Licensing Board approval [Signature] Date: 11/17/08

Revised 03/17/08

Handwritten initials/signature in bottom left corner.



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Dover Teachers Union

Federal Tax ID number for Organization: 020325518

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

Contact Person: Maybeth Anderson Day Time Telephone: 603-516-6973

Address: 16 Monroe St. Dover, NH 03820 Email Address maybetha@comcast.net

Purpose of Permit: Dover Teachers Union Rally

Date of Event: December 16, 2008 Specific Time: 3:30-4:00 pm

Location of Event: McConnell Center front lawn

(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

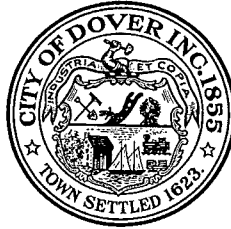
*****NOTE:** SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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: Maybeth Anderson Date: 11/13/08

Licensing Board approval (Signature) Date: 11/17/08
Revised 03/17/08

OK W/perm



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: Great Bay Figure Skating Club

Federal Tax ID number for Organization: 237430884

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

Contact Person: Coeli Hoover Day Time Telephone: 781-5677

Address: 110 Portland Ave, Dover Email Address: coelih@verizon.net

Purpose of Permit: Fundraising raffle to pay ice bill

Date of Event: Dec 6, 2008 Specific Time: 9-1

Location of Event: Dover Arena

(Raffle Permit only)

Prize (s) To Be Awarded: 50/50 Raffle - half of cash collected

Amount of Donation: \$1/ticket Date of Drawing: Dec 6, 2008 Specific Time: 9-1

Place of Drawing: Dover Arena

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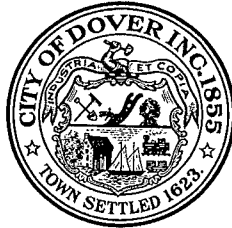
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Coeli Hoover Date: 11/4/2008

Licensing Board approval [Signature] Date: 11/7/08

Revised 03/17/08

OK Donations are NOT TAX deductible. (Signature)



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Great Bay Figure Skating Club
Federal Tax ID number for Organization: 237430884
Nature of Organization: Religious, Educational, Charitable, Civic, Sports Veterans, Fraternal or Political

Contact Person: Coeli Hoover Day Time Telephone: 781-5677

Address: 110 Portland Ave Email Address coelih@verizon.net

Purpose of Permit: Fundraising raffle to pay ice bill

Date of Event: Dec. 6 2008 Specific Time: 9-1

Location of Event: Dover Arena

(Raffle Permit only)
Prize (s) To Be Awarded: skate bag full of accessories

Amount of Donation: \$3.00 Date of Drawing: Dec. 6 2008 Specific Time: 9-1

Place of Drawing: Dover Arena

* 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: Coeli Hoover Date: 11/4/2008

Licensing Board approval [Signature] Date: 11/17/08
Revised 03/17/08

OK
Donations
are not
deductible.
(u)



APPLICATION CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Saint Mary Academy
 Federal Tax ID number for Organization: 02-0342967
 Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political
 Contact Person: Meaghan Puglisi Day Time Telephone: 742-3299
 Address: 222 Central Avenue Doer Email Address puglisi@saintmaryacademy.org
 Purpose of Permit: auction raffle - tuition fee for 1 year @ \$25 each
 Date of Event: March 21, 2009 Specific Time: 6:30 pm
 Location of Event: SMA - Mercy Hall

 (Raffle Permit only)
 Prize (s) To Be Awarded: tuition fee for year @ SMA
 Amount of Donation: \$25 each Date of Drawing: March 21 @ 9pm Specific Time: 6 9pm
 Place of Drawing: SMA - Mercy Hall

*** 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.

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*****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: Meaghan Puglisi Date: Nov. 12, 2008

Licensing Board approval: [Signature] Date: 11/13/08
 Revised 03/17/08

OK
W



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: SOMERSWORTH POLICE UNION

Federal Tax ID number for Organization: 20-49936710 30-0400187

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

Contact Person: JOHN KELLY Day Time Telephone: (603)692-3131 work 817-6689 cell

Address: 10 Dames Brook Dr Milton, NH 03851 Email Address: jkelly@somersworth.com

Purpose of Permit: fund raiser for my mother who is a cancer / Guilliam-Barre Syndrome Patient

Date of Event: 13 DEC 08 Specific Time: 4:00 pm - 11:00 pm

Location of Event: Dover ELKS

(Raffle Permit only)

Prize (s) To Be Awarded: Gift certificates, sporting events tickets, gift baskets, etc.

Amount of Donation: UNKNOWN Date of Drawing: 12/13/08 Specific Time: 4:00 pm - 11:00 pm

Place of Drawing: Dover ELKS

* 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://doi.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

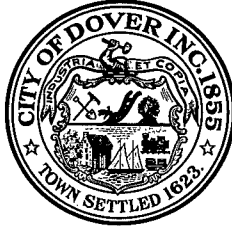
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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: 11/21/08

Licensing Board approval [Signature] Date: 11/25/08
Revised 03/17/08

OK
W
They are required with AG's office



RECEIVED
DOVER CITY CLERK
DOVER, NH

2008 NOV 14 P 2:31

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Margery Sullivan Chapter Daughters of The American Revolution
Federal Tax ID number for Organization: 02-6009257
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Mae Strawbridge Day Time Telephone: 603-742-0013

Address: 6 Pineview Drive Email Address E.V.Straw@comcast.net

Purpose of Permit: Raise Funds To Support Local DAR Activities

Date of Event: _____ Specific Time: Dec. 15, 2008 - May 1, 2009

Location of Event: _____

(Raffle Permit only)
Prize (s) To Be Awarded: Quilt

Amount of Donation: _____ Date of Drawing: May 1, 2009 Specific Time: _____

Place of Drawing: 108 Dover Neck Rd. Dover, NH

* 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: Mae Strawbridge Date: 11-14-08

Licensing Board approval [Signature] Date: 11/17/08
Revised 03/17/08

OK W/ [Signature]



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.12.10 - 170**
Resolution Re: RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY

- WHEREAS: The Citizens Solid Waste Advisory Commission recognized that the Goodwin Recycling Center has the ability to service more than City residents, and that any fees assessed to other municipalities would provide the City with additional revenue; and
- WHEREAS: The Town of Madbury has a very limited recycling center; and
- WHEREAS: The City of Dover has a large recycling facility offering full services which can easily absorb the Town of Madbury's use; and
- WHEREAS: The Town of Madbury has agreed to continue its arrangement with the City of Dover for its citizens to use the recycling center at a rate of \$7.10 per person, per year, based on the latest population count of 1765 for a total of \$12,531.50.

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

The City of Dover is authorized to enter into a contract with the Town of Madbury to permit Madbury residents to utilize the Goodwin Recycling Center during this one year period January 2009 through December 31, 2009.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

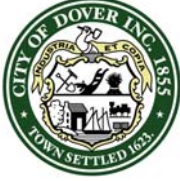
Resolution Number: **R – 2008.12.10 - 170**
Resolution Re: RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY

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

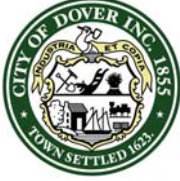
CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.12.10 - 170**
Resolution Re: RECYCLING CENTER AGREEMENT WITH TOWN
OF MADBURY

RESOLUTION BACKGROUND MATERIAL:

In an effort to increase revenue through the use of recycling services, the City of Dover has recognized it's ability to service more than City residents at the Goodwin Recycling Center. Because the Town of Madbury has a very limited recycling center and the City of Dover has a large recycling facility offering full services which can easily absorb the Town of Madbury's use, the Town of Madbury has agreed to continue their agreement with the City of Dover for its citizens to use the recycling center at a rate of \$7.10 per person, per year, based on the latest population count of 1765 for a total of \$12,531.50. This is a one year agreement, beginning January 2009 through December 31, 2009.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.12.10 - 170**
Resolution Re: **RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY**

RECYCLING AGREEMENT

This Agreement is entered into this _____ day of _____, 2008 by and between the **Town of Madbury, New Hampshire** 03820 (hereinafter called “Madbury”) and the **City of Dover, New Hampshire** (hereinafter called the “Dover”), a municipal corporation, 288 Central Avenue, Dover, New Hampshire 03820

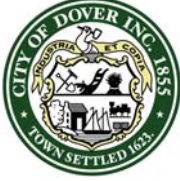
WITNESSETH:

WHEREAS, Dover has a large recycling facility located on Mast Road in Dover offering full services with extra capacity to offer to surrounding towns;

WHEREAS, Madbury has a limited capacity for recycling to meet the recycling needs of its’ residents;

THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration contained herein, the parties agree as follows:

1. Residents of Madbury are permitted to utilize the services of the Earle Goodwin Recycling Center located on Mast Road, Dover New Hampshire from January 1, 2009 to December 31, 2009 by delivery and deposit of recycling materials consistent with the use of the Recycling Center by Dover residents. All use shall conform to the rules and regulations of the Recycling Center adopted by Dover. Madbury residents shall display and provide proof of residency upon request by Dover staff.
2. Madbury shall pay to Dover the sum of Seven dollars ten cents (\$7.10) per resident. Madbury currently has 1,765 residents. Therefore, Madbury shall pay Dover the sum of Twelve thousand five hundred thirty one (\$12,531.50) dollars and fifty cents calculated as \$7.10 per resident times the number of residents (1,765) who currently reside in Madbury. The rate and the number of residents shall remain constant for the term of this agreement.
3. The payment by Madbury to Dover shall be made by January 31, 2009.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2008.12.10 - 170**
Resolution Re: **RECYCLING CENTER AGREEMENT WITH TOWN OF MADBURY**

IN WITNESS WHEREOF, the parties have hereunto executed this agreement this _____ day of _____, 200__.

TOWN OF MADBURY, NH

By Its Selectmen:

Witness

By _____
Joseph Moriarty, Chair

Witness

By _____
Joan Sundberg, Selectman

Witness

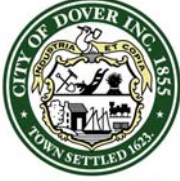
By _____
Bruce Hodsdon, Selectman

CITY OF DOVER, NH

By its' City Manager:

Witness

By _____
J. Michael Joyal
City Manager



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10.

Resolution Number: **R - 2008.12.10 – 171**
Resolution Re: Continuation of agreement for Work Boots/Footwear.
Sole Vendor Reds Shoe Barn

WHEREAS: Community Services, Police and Fire Department personnel are all entitled, by contract, to have the City provide them with work-related boots, shoes and/or fitness footwear in a not-to-exceed specified annual amount; and

WHEREAS: In 1999 and again in January 2007 the City solicited sealed bids from vendors to supply said miscellaneous footwear items on an "as needed" basis. The sole responses for both solicitations came from Red's Shoe Barn of Dover, NH and they were identified as the most advantageous due to store location, diverse quality product selection and a favorably discounted pricing schedule; and

WHEREAS: Both the City and Red's Shoe Barn have found the "as needed" agreement to be mutually satisfactory and financially beneficial and would like to extend the agreement for another year at the same 20% discounted pricing structure presently in effect. Expenditure for last year was \$10,026.60.

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

City Council waive the bidding process per 3-40I "The competitive bid procedure may be waived by a majority vote of the city council" This is a sole source local vendor.

The Purchasing Agent is hereby authorized to issue a Blanket Purchase Order to Red's Shoe Barn of Dover, NH, given the discounted amount of 20% for the continued purchase, as needed, of Miscellaneous Work Boots/Shoes and Fitness Footwear. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
Listed in Background	Clothing and uniforms	see background	see background

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.10.

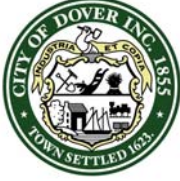
Resolution Number: **R - 2008.12.10 – 171**
Resolution Re: Continuation of agreement for Work Boots/Footwear.
Sole Vendor Reds Shoe Barn

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.10.

Resolution Number: **R - 2008.12.10 – 171**
 Resolution Re: Continuation of agreement for Work Boots/Footwear.
 Sole Vendor Reds Shoe Barn

BACKGROUND

Certain City personnel are entitled to and are provided specific types of footwear at City expense in accordance with various union contract language. Total amount spent last year was \$10,025.60 to this vendor. Rather than do a field purchase order for each and every visit to the footwear supplier, it makes more sense to issue a group purchase order, available to any City department, that would be on file at the store selected, and it could be used “as needed”. **Red’s staff is excellent about calling the Purchasing Office if they have any doubt at all about the individual’s status as a City of Dover employee entitled to utilize the City’s discount or if the identification or voucher presented by the individual is questionable.**

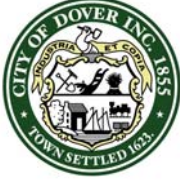
Red’s Shoe Barn is local, convenient and has a very large inventory of quality footwear, so most likely it could accommodate the needs of the City without necessarily requiring a second visit to the store to pick up something that had to be special-ordered.

A favorable discount is offered from their already competitive price structure, and an additional discount if offered for timely/speedy payment of invoices. Assuming timely processing of monthly statements/invoices, a total discount of 20% is realized from the stated retail store prices.

A bid was issued and directed to local area shoe stores in 1998 and then again in 2007, and Red’s Shoe Barn was the only company to respond both times. To date, the agreement with them has been mutually financially advantageous.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	Per Manufacturer	Terms:	net 15, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	One (1) Year	Estimated Delivery:	As needed
Recommended Award to:	Red's Shoe Barn Dover, NH	Fund:	CS, Police, Fire
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waive Bid Process: Purchase exceeds \$10,000.00



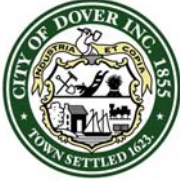
CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10.

Resolution Number: **R - 2008.12.10 – 171**
Resolution Re: Continuation of agreement for Work Boots/Footwear.
Sole Vendor Reds Shoe Barn

Clothing & Uniform Accounts	Appropriation	Balance as of 11/24/08
1000-41941-4615-0000-00-30	480.00	480.00
1000-41951-4615-0000-00-30	1,400.00	1,301.45
1000-42110-4615-0000-00-21	325.00	325.00
1000-42120-4615-0000-00-21	17,539.00	15,428.00
1000-42150-4615-0000-00-21	10,780.00	9,827.97
1000-42220-4615-0000-00-22	29,980.00	16,313.41
1000-43111-4615-0000-00-30	100.00	5.05
1000-43112-4615-0000-00-30	1,600.00	1,005.88
1000-43121-4615-0000-00-30	7,378.00	4,260.65
1000-43180-4615-0000-00-30	9,495.00	8,079.61
1000-43240-4615-0000-00-30	2,100.00	1,183.19
1000-44430-4615-0000-00-40	100.00	100.00
1000-45125-4615-0000-00-35	1,000.00	36.14
1000-45121-4615-0000-00-35	1,796.00	1,711.50
1000-45124-4615-0000-00-35	1,500.00	736.82
1000-45500-4615-0000-00-39	300.00	197.02
3381-41941-4615-0000-00-35	150.00	34.01
5300-43320-4615-0000-00-30	6,118.00	3,778.60
5320-43250-4615-0000-00-30	5,642.00	3,712.74
5320-43256-4615-0000-00-35	6,500.00	4,621.32
1000-45149-4615-0000-00-35	5,900.00	3,751.59
6310-49200-4615-0000-00-55	3,500.00	1,310.62
3213-42130-4615-0000-00-21	1,200.00	1,000.43
3410-45120-4615-0000-00-35	3,214.00	906.14
3410-45141-4615-0000-00-35	444.00	444.00
	118,541.00	80,551.14



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R – 2008-12-10 - 172**
Resolution Re: **Change Award of Bid#B09024 for Snow Plowing/Hauling Services for City Street/Parking Lots**

WHEREAS: Sealed bid B09024 was requested and received for Snow Plowing/Hauling Services for City Streets and Parking lots on October 14, 2008 at 2:00 p.m. Responses were received from multiple vendors for various prices and equipment at varying hourly rates and council approved the list of vendors and rates on resolution #2008.10.22.160 Item 12.A.4; and

WHEREAS: Certificates of insurance were requested from all vendors and received from all but one. After repeated unsuccessful attempts of acquiring this certificate, we are removing this vendor from the list of approved snow removal contractors; and

WHEREAS: There are a sufficient number of vendors listed for snow removal of city parking lots but there is an insufficient number of responses for snow removal from city streets. Discussions were held with the contractor who was awarded the Henry Law Ave route last year, it was discovered that he inadvertently omitted his response in time for the bid opening on October 14th. The City had obtained a price schedule from this vendor to plow the Henry Law Ave route as needed and is now requesting council to allow this vendor to be added to the list of approved vendors for snow removal for the 2008-2009 winter season.

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 Oscar Houle Trucking of No. Berwick Me the rates provided Nov 17, 2008 and listed in background section. The amount of this authorization shall be limited so as not to exceed available funding.

Financing			
Account	Description	Appropriation	Balance
1000-43125-4422-0000-00-30	CS - Contract Snow Plowing	85,000.00	85,000.00
1000-45149-4422-0000-00-35	Arena- Contract Snow Plowing	1,000.00	1,000.00

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.11.

Resolution Number: **R – 2008-12-10 - 172**
Resolution Re: **Change Award of Bid#B09024 for Snow
Plowing/Hauling Services for City Street/Parking Lots**

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.11.

Resolution Number: **R – 2008-12-10 - 172**
Resolution Re: **Change Award of Bid#B09024 for Snow
Plowing/Hauling Services for City Street/Parking Lots**

RESOLUTION BACKGROUND MATERIAL:

The Community Service Department has found that it is more cost effective to contract out selected areas of its snow and ice removal responsibilities on streets and parking lots. To that end, an annual bid solicitation occurs for these services, and based on proposals received, staff assigns designated lots or areas of responsibility during a snowstorm. This solicitation allows the Community Services Department to better manage and track the costs of clearing school lots, public parking lots and outlying streets. The decision to use or not use certain vendors, or to supplement normal vendor assignments with additional contractual vendors, is determined by the Community Services staff on a storm-by-storm basis according to the severity of the storm. Certificates of insurance are required from all vendors and if not received the vendor will be deleted from the list of approved vendors.

As there are enough vendors on the list for plowing of parking lots there is not for street plowing. The city is asking permission to accept a bid that was inadvertently omitted by the original due date from a vendor that the city used last year for the Henry Law Route. The equipment and rates are as follows:

F7000 ford 6 wheel with 10 foot plow at the rate of \$70.00 per hour
FR15 four yard loader with bucket and 12 foot plow at the rate of \$100.00 per hour.

Bid Information:

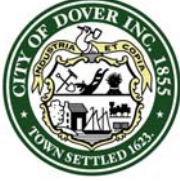
The City of Dover has solicited by sealed bid to identify qualified, reliable snow removal contractors needed to assist City personnel in this necessary winter activity, “as needed” and was approved by council 10/22/08.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	32	Number of Responses:	8 and 1 NB
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	No
Prices will hold for:	April 30, 2009	Estimated Delivery:	As needed
Recommended Award to:	Various	Fund:	Snow Removal
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2008.12.10 - 173**

Resolution Re: B09028 Award of Street Sweeper

- WHEREAS: Requests for sealed bid were issued and received for the purchase of a new or left over model three wheel mechanical street sweeper on October 27, 2008 at 2:00pm; and
- WHEREAS: Respondents were asked to list a trade in price for a 1993 Johnson 3000 with approximately 6000 hours of use. The city received six replies with one vendor offering two different models and five vendors with “no bid” replies; and
- WHEREAS: Howard P. Fairfield is offering two different models and the bid deemed most advantageous to the city is a 2008 Johnson MX450 in the amount of \$152,800.00 less the trade in of the 1993 Johnson 3000 for the amount of \$12,500.00 for a total purchasing amount of \$140,300.00.

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

The purchasing agent is hereby authorized to issue a purchase order to Howard P Fairfield given the bid amount of \$140,300.00 provide 10/27/08. This authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000-43121-4741-0000-00-30	Streets Machinery and Equipment	175,000.00	175,000.00

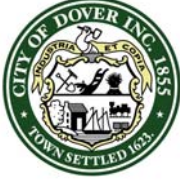
AUTHORIZATION

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.12.

Resolution Number: **R – 2008.12.10 - 173**

Resolution Re: B09028 Award of Street Sweeper

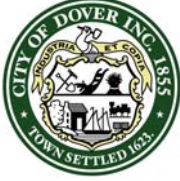
DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, Ward 4		
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.12.

Resolution Number: **R – 2008.12.10 - 173**

Resolution Re: B09028 Award of Street Sweeper

RESOLUTION BACKGROUND MATERIAL:

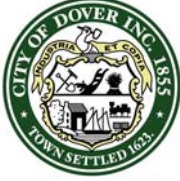
Requests for sealed bid were issued and received for the purchase of a new or left over model three wheel mechanical street sweeper on October 27, 2008 at 2:00pm. Respondents were asked to list a trade in price for a 1993 Johnson 3000 with approximately 6000 hours of use that the city currently owns. The city received six replies with one vendor offering two different models and five vendors with “no bid” replies. Howard P. Fairfield is offering two different models and the bid deemed most advantageous to the city is a 2008 Johnson MX450 in the amount of \$152,800.00 less the trade in of the 1993 Johnson 3000 in the amount of \$12,500.00 for a total amount of new purchase of \$140,300.00.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	7	Number of Responses:	1 and 5 NB
Warranty:	Three year 100% parts and Labor	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	NA
Prices will hold for:	60 days	Estimated Delivery:	In stock
Recommended Award to:	Howard F Fairfield	Fund:	Streets GF
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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2008.12.10 - 173**

Resolution Re: B09028 Award of Street Sweeper

Vendor Solicitation List:

Howard Fairfield
94 Sheep Davis Road
Pembroke NH 03275

C. N. Wood
62 Cambridge Street
Burlington MA 01803

R. C. Hazelton
PO Box 5088
Manchester NH 03109

Hews Co.
190 Rumery Street
S. Portland ME 04106

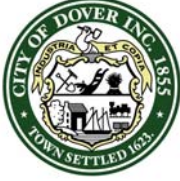
Dyar Sales
75 Concord Street
N. Reading MA 01864

Chadwick Baross
15 Katrinia Road
Chelmsford MA 01824

W. A. Messer
170 Warren Ave.
Westbrook ME 04092

Bid Results

<i>Vendor</i>	<i>New 3 wheel street sweeper</i>	<i>Left over 3 wheel street sweeper</i>	<i>Trade in allowance</i>
Howard P Fairfield 94 Sheep Davis Rd Pembroke NH	\$158,500.00 2008 Johnson 3000	\$152,800.00 2008 Johnson MX450	\$12,500.00
CN Wood Company 200 Merrimac St Woburn MA	NB		
Messer Truck Equipment 170 Warren Ave Westbrook ME	NB		
Dyar Sales and Machinery Co 75 Concord St No Reading MA	NB		
Hews Company LLC 190 Rumney St S Portland ME	NB		
Chadwick Baross 15 Katrine Rd Chelmsford MA	NB		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.13.

Resolution Number: **R - 2008.12.10 - 174**
Resolution Re: Henry Law Avenue Reconstruction Project Change Order #3 to PO 30-210883

WHEREAS: The City of Dover, NH has an agreement with Dubois and King, Inc. of Randolph VT for engineering and design services for the reconstruction of a major portion of Henry Law Avenue; and

WHEREAS: Amendment No. 2 dated December 1, 2006 was received from Dubois and King revising the Final Design and Bid Phase Services in the amount of \$34,979.00 citing extensions of design phase due to delays caused by legal issued with abutter, city directed design changes, splitting the project into three phases and sanitary sewer replacement design; and

WHEREAS: Amendment No. 3 dated December 3, 2008 was received from Dubois and King adding Design and Bid Phase Services in the amount of \$50,800.00. The city requests in order to efficiently take advantage of the design work completed to date by Dubois and King for the Henry Law project that a change order be issued adding design and bid phases for utility, street and sidewalk reconstruction for Paul and Wallingford Streets which are adjacent to Henry Law.

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

The purchasing agent is hereby authorized to issue Change Order No. 3 in the amount of \$50,800.00 and corresponding rates provided December 3, 2008 to the original Purchase Order No. 30-210883 to Dubois and King, Inc. This authorization shall be limited so as not to exceed available funding.

Financing			
Account	Description	Appropriation	Balance
4008-43121-4339-3141-08-30	Paul Wallingford St Design svcs	350,000.00	350,000.00
4009-43121-4339-3126-09-30	Streets Henry Law	350,000.00	350,000.00

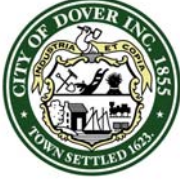
AUTHORIZATION

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.13.

Resolution Number: **R - 2008.12.10 - 174**
Resolution Re: Henry Law Avenue Reconstruction Project Change Order #3 to PO 30-210883

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.13.

Resolution Number: **R - 2008.12.10 - 174**
Resolution Re: Henry Law Avenue Reconstruction Project Change Order #3 to PO 30-210883

RESOLUTION BACKGROUND MATERIAL:

In August 2002 a sealed bid was solicited and the firm Dubois and King Inc was awarded the engineering and design services contract for the reconstruction of Henry Law Avenue in Dover NH in the amount of \$95,500.00. In February 2003 change order No.1 was issued in the amount of \$32,500.00 for additional design services regarding the extension of the project to go as far as Back Road and to redesign the parking area in the rear of the Central Towers Complex. In December 2006 change order No.2 was received in the amount of \$34,439.00 for extensions of design phase due to delays caused by legal issues with abutter, city directed design changes, splitting the project into three phases and sanitary sewer replacement design.

Amendment No. 3 dated December 3, 2008 was received from Dubois and King adding Design and Bid Phase Services in the amount of \$50,800.00. The city requests in order to efficiently take advantage of the design work completed to date by Dubois and King for the Henry Law project that a change order be issued adding design and bid phases for utility, street and sidewalk reconstruction for Paul and Wallingford Streets which are adjacent to Henry Law. See attached proposal.

Bid Information:

A sealed bid No.B03003 previously solicited to identify a qualified engineering firm to provide engineering and design services for the reconstruction of Henry Law Avenue in Dover NH.

Award Information:

A Change Purchase Order will be issued to Dubois and King, Inc authorizing this expenditure.

Purchasing Information:

Type:	Change Purchase Order	Advertised:	NA
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Meets Professional Standards	Terms:	NA
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Project Completion	Estimated Delivery:	Aug 2009
Recommended Award to:	Dubois and King Inc	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waive Bid Process: \$10,000 or greater

AGREEMENT
between the
CITY OF DOVER
and
DUBOIS & KING, INC.
for
FINAL DESIGN AND BID PHASE SERVICES
for the
HENRY LAW AVENUE RECONSTRUCTION PROJECT

AMENDMENT NO. 3

The AGREEMENT between the City of Dover and DuBois & King, Inc. for Final Design and Bid Phase Services for the Henry Law Avenue Reconstruction Project, executed on August 15, 2002 and as amended on January 14, 2003 (Amendment No., 1) and January 24, 2007 (Amendment No. 2), is hereby further amended as follows:

DESCRIPTION

At the request of the City, and in order to efficiently take advantage of the design work completed to date by the ENGINEER, the Scope of Services for the Henry Law Avenue Project is hereby amended to add the design and bid phases for utility, street and sidewalk reconstruction for Paul and Wallingford Streets, which are adjacent to Henry Law Avenue.

EXHIBIT A – SCOPE OF SERVICES

Add the following additional work tasks to the Scope of Services:

17. Project Kick-Off Meeting

Organize and attend a project kick off meeting with the City representatives to review the scope of work, coordinate project requirements, right-of-way and topographic survey and design approach. We will also conduct a site walkover with the City Engineer and/or Assistant Engineer to gain direct on-site input from City representatives as to concerns and/or design issues and concepts, and objectives during the course of work.

18. Topographic Survey

Our in-house two-man survey crew will complete the necessary field topographic survey of the entire project area. Limits of the survey shall show 2-foot contour intervals extending 50-feet beyond the Right-of-Way on both sides of the street in open areas. In those areas where structures are closer than 50 to the right-of-way, we shall only survey to and locate the face of the structure and any relevant features for location or design purposes

Prior to conducting the survey we will coordinate with each of the municipal and non-municipal utilities (water, sewer, gas, power, and telephone) to have them field delineate their utilities. Based on our prior experience in Dover, we appreciate the "difficulties" in this utility coordination. Accordingly, we have provided a proper time allowance for this task, and are prepared to provide the necessary coordination and follow-through with each utility to request that field location of utilities be accomplished **prior** to the arrival of our field crew(s), if possible. The survey will be tied to the coordinates of the City's GIS System. The survey will be performed to provide detailed information regarding ground surface elevations, location of surface features such as structures, utility poles, sidewalks, trees, retaining walls, utility features (manholes, catch basins, valves, etc.), depths/inverts of subsurface structures, and apparent Right-of-Way monumentation and/or property pins. We have assumed that City staff can assist in providing access to manholes if necessary.

A digital base plan at a scale of 1-inch equals 20-feet will be provided to the City at the completion of this task.

19. Right-of-Way and Easement Delineation

Deed research, preparation of a Right-of-Way plat and/or delineation of required easements are not a requested service for this project. However, the survey crew will locate apparent Right-of-Way monumentation and/or property pins during the field work completed under Task 18 above.

20. Utility Coordination/Relocation

Coordinate closely with all private utility companies within the project area for any relocations that will be necessary as a result of the proposed design. As a minimum this shall include gas, electric, and phone. We will prepare the design to minimize, to the extent possible, any required pole or utility relocations or conflicts. If such relocations are required, we will coordinate with each affected utility as part of the design phase on the relocation requirements.

21. Street Tree Inventory and Appraisal

There are a number of large trees in close proximity to the existing roadway that will likely be impacted by the proposed improvements. Accordingly, we will retain a certified arborist to provide the services that are outlined in the City's "Checklist for Tree Removal and Trimming". These services will include photographs of the trees individually and as a group, identification of the species, diameter at breast height, and total height of each tree. An appraisal will be provided for each tree using the procedures described in the *Guide for Plant Appraisal, 9th edition, International Society of Arboriculture, 1996*. This information will be provided to the City. The City will be responsible for all other tasks outlined in the referenced checklist.

22. Preliminary Plan Options

Develop the following two concept plans showing various design options to facilitate public discussion and acceptance:

Alternative 1: 24-foot wide roadway (curb-to-curb) with sidewalk on one side of the road (on the "inside" of Wallingford Street)

Alternative 2: 24-foot wide roadway (curb-to-curb) with sidewalk on both sides of the road

Elements of the preliminary drawing options shall include, but not be limited to, roadway centerline plan and profile, roadway width, sidewalk width and location, proposed utility routes, potential impacts to street trees and abutters, landscaping options. These plans will be conceptual in nature, but of sufficient development to support review with the City (see Item 23 below) and public review with the neighborhood during the first neighborhood meeting (see Item 24 below).

A preliminary cost estimate for each option will be prepared. For purposes of preparing this proposal and establishing a corresponding level of effort, we have assumed that there will be no street lighting and no retaining walls as part of this project.

23. Discussions of Various Improvements

Facilitate discussions of various improvements with City representatives such as on-street parking and street typical sections. We also will evaluate and propose landscaping amenities and improvements where feasible using our in-house Landscape Architect as the lead resource for this design element. Our design personal will investigate options, cost, feasibility, and impacts of these improvements and will present and review this information during progress meetings with City staff.

24. Neighborhood Meetings

Prepare for and attend two neighborhood meetings, organized by City representatives. The first meeting will be to present and review up to two plan view concepts of proposed improvement options and/or construction impacts to the affected residents. We appreciate the need to be able to present, review and discuss the advantages, disadvantages and impacts of multiple options with the residents. Important issues we need to be prepared to address will include street width and on-street parking options, sidewalk alternatives and alignments, potential for street tree impacts, and property impacts. We shall answer questions posed by members of the audience as well as address concerns raised at the meeting. Upon the City's selection of a design option, we will incorporate the residents' concerns in the project design if warranted.

A second neighborhood meeting will be held just prior to completing the final design (90% stage). Appropriate refinements will be made to the design to address comments received at this meeting. We will also meet with City officials as necessary to complete

the design of this project.

25. Sedimentation/Erosion Control Plan

Prepare a sedimentation and erosion control plan as part of the construction drawings and specifications to minimize siltation or construction debris from entering the existing or new storm water system. This plan will be shown on the final plans, with accompanying specifications if warranted.

26. Final Design Drawings

Upon receipt of the City's selection of the preliminary design concept, initiate preparation of the final construction drawings. The deliverables will include:

- Mylar plan and profile drawings of the proposed project area to a scale of 1" = 20' horizontal; 1" = 4' vertical.
- Roadway cross-sections with elevations at 50' intervals and other significant locations. We will provide half-sections at every drive.
- Plans shall show contour lines at 2' intervals extending 50' beyond the ROW on both sides of the project area.
- Plans, Profiles, and Details of new storm drainage, sanitary sewer and water systems.
- Location of all observable existing utilities with existing depths.
- Approximate location of other existing utilities based on the field documentation as marked by the utility owner.
- Construction details and notes.
- Control points tied into the City's GIS coordinate system.
- New sidewalks will be designed to meet Americans with Disabilities Act (ADA) Requirements.
- Details of roadway surface and subbase construction as well as relevant cross slopes based on City pavement standards. For these relatively low-use side streets, a detailed pavement design is not warranted and has not been provided.
- Electric file of final design documents

27. Opinions of Probable Costs

Prepare opinions of probable cost at the preliminary and final plan submission stages. We will prepare the opinions of probable cost in a format consistent with the City's Standard Bid Schedule Format for ease of review and familiarity. We will prepare preliminary and final quantity takeoffs and estimates for each opinion of probable cost. An intermittent estimate will be prepared if necessary for submission into the proposed capital improvement plan to support the December budgeting deadline.

28. Bid Specifications

Prepare a complete set of bid specifications utilizing a set of the generic (master)

specifications to be provided to the consultant by the City. The Specification documents shall include both the construction contract and related Bidding Documents (front end) as well as the necessary technical specifications. These will include the Invitation to Bid, Bid Schedule, Contract Conditions, and Contract Forms. Specifications provided by the City shall be refined and missing technical specifications added to meet the needs of this project. A Final Bid Schedule including all necessary pay items and quantity estimates will be prepared. We will provide one bound and unbound copy to the City as well as a final digital copy. We will provide the specifications utilizing MS Word Software.

29. Bid Phase Services

It is understood that the City intends to bid Henry-Law Phase 1 (Modified) concurrent with the Paul and Wallingford Street and utility reconstruction project (i.e., both projects would be bid together). The original Henry Law Phase 1 project extended from Browning Drive to Back Road (approximately 3,300 linear feet). The Phase 1 (Modified) project would extend from Browning Drive to Tennyson Avenue (approximately 1,100 linear feet).

A limited effort has been provided to modify the original contract documents that were previously prepared by DuBois & King, Inc., and approved by the City for the full Henry-Law Phase 1 project in order to "break-out" the Phase 1 (Modified) segment from the overall project. In order to provide an efficient approach to modifying the original bid documents, we will manually strike through and/or eliminate plan sheets and/or specification sections that are outside of the modified project limits. A revised bid form will be prepared, which will include recalculated and adjusted quantities for the modified project area. Additionally, the following services will be provided:

- a. Attend a pre-bid meeting scheduled by the City with potential bidders prior to the bid opening. We shall respond to bidder's questions by preparing written addenda for use by the Purchasing Agent. We shall coordinate with the Dover Purchasing Agent as required.

We understand the Dover Purchasing Agent will provide the bidding services and issue addenda for the bid portion of the work. Other typical bid phase tasks that are not included in this proposal are:

1. Review and compare bids received for accuracy and completeness.
2. Preparation of a Bid Tabulation.
3. Checking references of the low bidder.
4. Make recommendations for award of the construction contract.
5. Preparation and issuance of Notice of Award.
6. Preparation of Contract for execution.
7. Issuance of a Notice to Proceed.

These services can be provided by DuBois & King, if desired.

30. Road Centerline Layout Prior to Construction

Field locate the proposed roadway centerline for both Paul and Wallingford Streets (approximately 900 linear feet) and Henry Law Phase 1 (Modified – approximately 1,100 linear feet) project areas. This will include installing a “PK Nail” in the existing roadway surface at the proposed (new) centerline at an approximate 100-foot interval, and at the beginning and end of each horizontal curve. Once the layout of the road centerline has been completed, the contractor shall be responsible for utilizing/preserving this field information during the construction phase.

Additional construction phase services are not provided herein, but could be incorporated through an amendment, if requested by the City of Dover.

EXHIBIT B – PERIOD OF SERVICE

Design Phase – Extend the completion date for the design phase from May 15, 2007 to August 1, 2009.

EXHIBIT C – SCHEDULE OF PAYMENT

Add to the fee table:

Amendment No. 3		
Topographic Survey ⁽¹⁾		\$ 5,000
Design Concepts through Neighborhood Meeting No. 1		\$ 10,000
Design Development through Neighborhood Meeting No. 2		\$ 10,000
Final Plans and Specifications		\$ 18,000
Bid Phase Services		\$ 4,500
Road Centerline Layout		\$ 3,300
Total Amendment No. 3:	Increase	\$ 50,800

Revise – Design and Bid Phase Total (Lump Sum) from \$163,079 to \$ 213,879

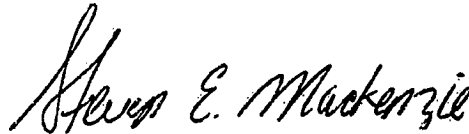
⁽¹⁾ This task assumes that the topographic survey will be accomplished during non-winter conditions, with no snow coverage, and that existing utilities have been marked before the field work is initiated.

Except as modified by this Amendment No. 3, all other provisions of the AGREEMENT executed on August 15, 2002 and amended on January 14, 2003 and January 15, 2007, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment No. 3 as of the _____ day of November of the year 2008.

ENGINEER: DUBOIS & KING, INC.

BY: Steven E. Mackenzie, P.E.
Vice President



OWNER: CITY OF DOVER

BY: _____

TITLE: _____

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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.14.

Resolution Number: **R – 2008-12-10 - 175**
Resolution Re: Shoreline Stabilization @ Maglaras Park Engineering Oversight by GeoInsight, Inc

- WHEREAS: The City of Dover previously identified a qualified vendor (GeoInsight, Inc) to provide engineering services for the Cocheco River Dredge Disposal facility; and
- WHEREAS: Floods in 2006 and 2007 created severe erosion of the riverbank of the Cocheco River where the former Dover Landfill was located at Maglaras Park. The City hired GeoInsight Inc to assess the situation and propose a solution; and
- WHEREAS: GeoInsight prepared final engineering plans and specifications for construction bidding and has obtained verbal emergency permit approval to perform restoration activities from the NHDES. The city is requested that GeoInsight assist the city in the bid selection, administration and oversight of the selected vendors performing the restoration activities, and
- WHEREAS: GeoInsight has prepared a cost estimate for the increased scope of services in the amount of \$27,000.00. Details are outlined in background section of this resolution and attached project scope revision.

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

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

The purchasing agent is hereby authorized to issue a change order to purchase order 30-251752 to GeoInsight Inc given the quoted amount of \$27,000.00. This authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance once B09034 passes
4009-43112-4332-3194-09-30	Engineering Services Cocheco River	500,000.00	354,451.00

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.14.

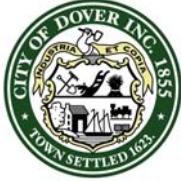
Resolution Number: **R – 2008-12-10 - 175**
Resolution Re: Shoreline Stabilization @ Maglaras Park Engineering
Oversight by GeoInsight, Inc

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.14.

Resolution Number: **R – 2008-12-10 - 175**
Resolution Re: Shoreline Stabilization @ Maglaras Park Engineering Oversight by GeoInsight, Inc

RESOLUTION BACKGROUND MATERIAL:

The flood events in the spring of 2006 and 2007 created severe erosion on the riverbank of the Cochecho River where the former Dover landfill was located at Maglaras Park. The erosion has undercut trees and has exposed solid waste from the former City landfill that was operated there during the 1950's. The City hired GeoInsight an environmental engineering firm to assess the situation and propose a solution to correct the problem. A conceptual approach was developed and presented to the New Hampshire Department of Environmental Services (NHDES) for concurrence. NHDES agreed with the conceptual proposal that GeoInsight, Inc presented. GeoInsight Inc prepared engineering plans and specifications for construction bidding and verbally obtained emergency permits for restoration activities. See Project Scope Revision dated 12/3/08 attached.

GeoInsight Cost Proposal in the amount of \$27,000.00

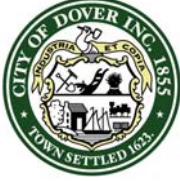
1. Preparation and completion of an emergency permit request and Standard Dredge and Fill wetland permit application. \$6,000.00 (Does not include \$1,500.00 application fee)
2. Correspondence and planning with NHDES Wetland Bureau regarding emergency permit request and development of standard dredge and fill application \$1,000.00
3. Construction contract administration including performing pre-bid site walk, assisting city with review of bids and bidder qualifications and issuing notice to proceed \$2,000.00
4. Performing routine weekly construction monitoring events and preparing field observations reports (assumed 20 visits) \$18,000.00

Award Information:

A change order will be issued to GeoInsight Inc to authorize future expenditures.

Purchasing Information:

Type:	Change Order	Advertised:	No
Invitations Mailed:	NA	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:	GeoInsight Inc	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.14.

Resolution Number: **R – 2008-12-10 - 175**
Resolution Re: Shoreline Stabilization @ Maglaras Park Engineering
Oversight by GeoInsight, Inc



PROJECT SCOPE REVISION

CLIENT: City of Dover, New Hampshire
288 Central Avenue
Dover, New Hampshire
c/o Mr. Dean Peschel

DATE: 12/3/2008

GEOINSIGHT PROJECT NO.: 2844-005

Project: Shoreline Stabilization at Former River Street Landfill

Project Scope:

Previously, Geolnsight, Inc. (Geolnsight) prepared a formal engineering plan set for the City of Dover's Cocheco River Bank Restoration Project (see attached May 16, 2008 Scope Revision Request). The restoration project consists of two contiguous areas of the bank of the Cocheco River. Area 1 is an eroded bank generally consisting of continuous bank undercut erosion and exposed municipal solid waste. The eroded bank of Area 1 ranges from 2 to 4 feet in height and measures approximately 140 linear feet. Area 2 is an eroded bank generally consisting of sloughing and scour erosion ranging from 6 to 8 feet in height and measures approximately 95 linear feet. Municipal solid waste was not observed in Area 2. The NHDES has granted a verbal emergency permit approval to perform the restoration activities. The City of Dover has request Geolnsight provide a cost estimate to complete the formal emergency permit request and a Standard Dredge and Fill Permit Application, as required by NHDES. Additionally, the City is requesting that Geolnsight assist the City in the bid advertisement, selection, administration, and oversight of the selected contractor performing the restoration activities.

The remaining balance of \$10,876.44 for this project will be applied to the proposed tasks. The following cost is the additional amount needed to complete the proposed scope of work.

Geolnsight proposes the following revisions to its original scope of work:

1. Preparation and completion of an emergency permit request and a Standard Dredge and Fill wetland permit application (does not include application fee of \$1,500) (\$6,000)
2. Correspondence and planning with NHDES Wetland Bureau regarding emergency permit request and development of standard Dredge and Fill application. (\$1,000)
3. Construction Contract Administration including performing pre-bid site walk, assisting City with review of bids and bidder qualifications, and issuing Notice to Proceed, (\$2,000)
4. Performing routine weekly construction monitoring events and preparing field observation reports (assumed 20 visits). (\$18,000)

See Attached:

Valid for 60 Days

Consultant proposes to revise the existing Agreement for a cost of:

US Dollars \$27,000

The cost of the Scope Revision is based upon:

Payment terms shall be made as follows:

Time and Materials (rate schedule attached)
 Fixed Fee
 Other

According to the existing Agreement
 As a Retainer
 Other _____

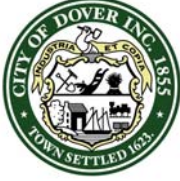
Previous Agreement Amount	<u>\$36,000</u>
Cost of Scope Revision	<u>\$27,000</u>
Revised Agreement Amount	<u>\$63,000</u>

This Scope Revision is hereby accepted and incorporated into the existing Agreement.

ACCEPTANCE OF REVISED AGREEMENT:

BY: [Signature]
 TITLE: SENIOR ENGINEER
 DATE: 12/3/08

CLIENT
 BY: _____
 TITLE: _____
 DATE: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.15.

Resolution Number: **R – 2008.12.10 - 176**

Resolution Re: B09034 Cocheco Riverbank Restoration Project

WHEREAS: Requests for sealed bid B09034 were issued and received for the Cocheco River Bank Restoration Project on November 19, 2008 at 2:00pm; and

WHEREAS: Respondents were asked to submit proposals that demonstrate and guarantee the vendors ability to comply with construction schedule; demonstrate the most advantageous combination of experience, cost, approach and schedule; to provide recommendations for reducing project costs and managing schedule; and provide a high quality proposal response; and

WHEREAS: Seventeen proposals were received, reviewed and evaluated and the proposal deemed most advantageous to the City of Dover and meeting specifications was presented by SumCo Eco-Contracting LLC in the amount of \$109,549.00

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

The purchasing agent is hereby authorized to issue a purchase order to SumCo Eco-Contracting LLC given the bid amount of \$109,549.00 and corresponding rates provided November 19, 2008. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4009-43112-4715-3194-09-30	Cocheco River Stabilization	500,000.00	464,000.00

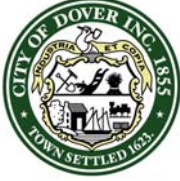
AUTHORIZATION

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.15.

Resolution Number: **R – 2008.12.10 - 176**

Resolution Re: B09034 Cocheco Riverbank Restoration Project

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, Ward 4		
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.		



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Resolution Re: B09034 Cocheco Riverbank Restoration Project

RESOLUTION BACKGROUND MATERIAL:

The City of Dover desires to contract with a qualified vendor for the timely construction, operation, and restoration of a 250-foot section of the Cocheco River in Dover, New Hampshire. The project is on a fast-track design and a construction schedule that will require construction to begin no later than December 17, 2008 and substantial completion to be achieved no later than March 6, 2009. A Request for Proposal (RFP) was prepared in coordination with GeoInsight, Inc. for solicitation of bid responses for the project. The New Hampshire Department of Environmental Services (NHDES) and United States Army Corp of Engineers (USACOE) have provided preliminary approval of the design prepared by GeoInsight.

On November 19, 2008, the City received 17 bids for the Cocheco River Bank Restoration project. The bids were evaluated in accordance with the methodology outlined in the Request for Proposal #B09034. The following is a summary of the evaluation criteria listed in order of importance in recommending a bidder to the City Council.

The successful Contractor will:

1. demonstrate and guarantee its ability to comply with the construction schedule;
2. provide a high quality proposal response;
3. demonstrate the most advantageous combination of experience, cost, approach, and schedule; and
4. provide recommendations for reducing project cost and managing the schedule.

Several proposals were received from local and regional heavy construction companies. These proposals included examples of previous project experience but in large they did not demonstrate their direct experience with river bank restoration projects. Additionally, many of these bids did not clearly demonstrate their ability to complete a project as proposed with consideration for all its sensitivities.

Based upon review of the 17 bid proposals by the purchasing agent and GeoInsight, the following contractors were identified as providing the most complete proposal with regards to the above criteria:

<u>Contractor</u>	<u>Bid</u>
SumCo Eco-Contracting, LLC, Salem, MA	\$109,549
Absorption Technologies, Inc., Wrentham, MA	\$118,250

Conference call interviews were held on December 1, 2008 with each of the two contractors listed above to further understand their approach, confirm their cost estimates and assumptions, and to identify a firm but tentative construction schedule. The interviews were conducted by Dover Purchasing Agent, Ann Legere, Dover Environmental Projects Manager, Dean Peschel, and GeoInsight, Inc Senior Engineer, Michael Redding. Based upon review of their bid and a phone interview SumCo Eco-Contracting LLC is recommended for award of this project.

Award Information:

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



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Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	28	Number of Responses:	17 and 4 NB
Warranty:		Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	60 days	Estimated Delivery:	Upon approval
Recommended Award to:	SumCo EcoContracting	Fund:	Cocheco River Stabilization CIP
Other Approvals Required:	State NH DES	References Checked:	Highly recommended
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List:

Stephen Perry
Sargent Corp
378 Bennoch Rd
PO Box 435
Stillwater, ME 04489

Cary Whipple
United Construction Corp
250 N. Main St
PO Box 48
Newport NH 03773

Adam Mailloux
Atom Contracting Corp
59 Sandy Pond Parkway
Bedford NH 03110

Rick Charbonneau
Continental Paving Inc
1 Continental Dr
Londonderry NH 03053

Gary Springs
Certified Erosion Control of NH
84 Daniel Plummer Rd
Goffstown NH 03045

Busby Construction
9 Pond Lane
Atkinson, NH 03811

Perm-A-Drive Paving
P. O. Box 680
Albany, NH 03818

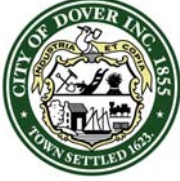
Pandelena Construction
6 Starwood Drive
Hampstead, NH 03841

Severino Trucking Co.
P.O. Box 202
Candia, NH 03034

S.U.R. Construction
233 Chestnut Hill Road
P. O. Box 720
Rochester, NH 03867

Norman Gagnon Construction,
LLC
126 Goodwin Road
Rollinsford, NH 03869

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



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Jamco, LLC
84 Exeter Road
S. Hampton, NH 03827

Santorelli Construction
3 Greenwood Lane
Wakefield MA 01880

Careno Construction Co. LLC
PO Box 120
Portsmouth, NH 03802-0120

RH White Construction
6 Wright Avenue
Merrimack, NH 03054

Keymont Construction
308 Messer Street
PO Box 819
Laconia, NH 03247

Bell & Flynn
Bunker Hill Avenue
Stratham, NH

Merrill Construction
619 Sand Road
Pembroke, NH 03275

Mick Construction Corp.
P. O. Box 210
S. Berwick ME 03908

Turgeon's Construction
39 Indigo Hill Road
Somersworth NH 03878

J. P. Towle Construction
PO Box 1708
Dover NH 03821-1708

Kinsmen Corporation
P. O. Box 16117
Hooksett, NH 03106-6117

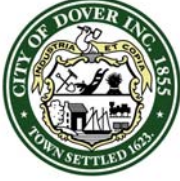
Gove Construction
PO Box 6606
Portsmouth, NH 03802

Northeast Earth Mechanics
159 Barnstead Road
Pittsfield, NH 03263

DBU Construction
P. O. Box 984
Epsom, NH 03234

AMSCO, Inc.
12 Delta Drive
Londonderry, NH 03053

John D. Hartnett & Son, Inc.
8 Graf Road
Newburyport, MA 01950



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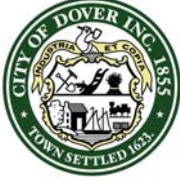
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Bid Results

Vendor	\$	Proposal Score
Turgeon Construction 39 Indigo Hill Rd, Somersworth NH	\$55,747.00	4
North Hampton Excavation 1 Woodland Dr, No Hampton NH	\$81,015.00	4
SUR Construction 233 Chestnut Hill Rd, Rochester NH	\$82,800.00	6
Jamco Corp 84 Exeter Rd, So Hampton NH	\$95,250.00	0
Earth Tech North East Earth Mech 159 Barnsted Rd, Pittsfield NH	\$99,020.00	7
Alvin J Coleman and Sons Inc 9 NH Rte 113 Conway NH	\$99,680.00	6
GW Tatro Construction Co PO Box 339 Jeffersonville VT	\$105,039.00	7
SumCo Eco-Contracting 16 Front St Salem MA	\$109,549.00	38
Absorption Technologies Inc PO Box 957 Wrentham MA	\$118,250.00	27
Sargent Corp 378 Bennoch Rd Stillwater ME	\$138,897.00	14
R Bates and Sons Inc 59 Lawrence St Clinton MA	\$149,699.00	15
Cape Ann Equipment 334 Clark St No Andover MA	\$180,900.00	10
Brown Industrial Group Po Box 638 Berwick ME	\$181,559.00	8
T Buck Construction 249 Merrow Rd Auburn ME	\$201,135.00	8
Hugo Key & Son, Inc 51 Americas Cup Ave Newport RI	\$254,370.00	5
Certified Erosion Control NH LLC 84 Daniel Plummer Rd Goffstown	\$268,208.00	4
RM Piper Inc PO Box 490 Plymouth MA	\$329,872.00	6
Wayne & Simpson Inc	No Bid	
Norman Gagnon Construction	No Bid	
DBU Construction	No Bid	
Jutras Signs	No Bid	



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Agenda Item#: 12.A.16.

Resolution Number: **R – 2008.12.10 - 177**
Resolution Re: ACCEPTANCE OF DAY CONSERVATION
EASEMENT

WHEREAS: The City of Dover, at no cost, will receive an executory interest (secondary interest) in a conservation easement from the George Day Trust consisting of approximately 42 acres located off Sixth Street in Dover with the primary interest obtained by the State of New Hampshire;

WHEREAS: The State of New Hampshire will pay the sum of \$225,000 consistent with the appraised value of the property for the primary interest in the conservation interest;

WHEREAS: The City of Dover will receive an Option to Purchase at a later day at a negotiated price an easement for a possible municipal well site on the Day property.

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

A. The Dover City Manager and the Dover Conservation Commission are authorized to execute a conservation easement document from the George Day Trust on behalf of the City of Dover and all associated closing documents.

B. The Dover City Manager is authorized to sign an Option to Purchase to preserve the City's option to purchase well head rights in the future. No future exercise of the option shall be accomplished without the approval of the City Council after further research and study of the site.

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



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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.		



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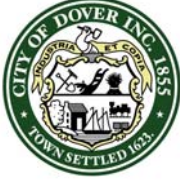
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EASEMENT

RESOLUTION BACKGROUND MATERIAL:

OPTION AGREEMENT

GEORGE R. DAY, of 628 Sixth Street, Dover, New Hampshire hereby agrees with the City of Dover, 288 Central Avenue, Dover, New Hampshire, as follows:

1. Day is the owner of approximately 42 acres of land located at 628 Sixth Street in the City of Dover.
2. The City of Dover has invested time and money into investigating whether the Day property could serve as a community water supply source.
3. Day has or will grant to the City of Dover a conservation easement on a portion of his property to preserve the land surrounding a potential city well site, and has or will reserve the right to develop a community water supply on the property encumbered by the conservation easement, which shall include the right to withdraw groundwater on a sustainable yield basis and to remove said groundwater from the Property only for the purpose of providing a water supply system for the benefit of the public (including a privately owned or operated municipal supply system), as defined by NH R.S.A. 485:1-a, XV, as may be amended from time to time. Withdrawal or removal of groundwater for private, commercial purposes is expressly prohibited. For the purposes hereof, permitted activities in conjunction with said withdrawal and/or removal shall consist of: the installation, maintenance, monitoring, and replacement of temporary wells for exploratory and/or testing purposes, long-term water production wells, monitoring wells, a water distribution system, pumping stations, and ancillary improvements such as but not limited to roads, signs, utilities, and security facilities; and the extraction and removal of groundwater from the Property.
4. In the event that the City wishes to proceed with further development of a municipal well, then Day agrees for himself, his heirs, successors and assigns, that the City shall have the option to acquire the Day property provided that the parties mutually agree upon the terms and conditions of the acquisition. Further, Day (his heirs, successors, or assigns) and the City shall negotiate in good faith those acquisition terms and



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EASEMENT**

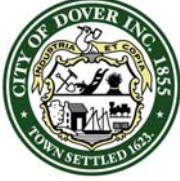
conditions. Any exercise of this option by the City, and any development and/or use of the well shall comply with the following notice provisions:

A. In order to conduct exploratory and/or testing activities, including the installation of temporary wells, to determine the feasibility of groundwater extraction, the City shall provide written notice to the conservation easement holder of the proposed exercise at least 120 days prior to the commencement of any exploration or testing activities. Said notice shall include the specific details of said exercise, including but not limited to location, scope, size, timing, duration, method of construction, and pumping rates. Said notice shall also demonstrate that said exploratory and/or testing activities shall minimize detrimental impacts on the Purposes of this Easement, including the protection of: scenic values, productive agricultural and forestlands; conservation features of the Property which are dependent on water quality and quantity. Said exploratory and/or testing activities may commence only after written approval by the easement holder, following the easement holder's determination that the proposed activities shall minimize detrimental impacts on the Purposes of this Easement and the aforesaid features. Within 120 days after the easement holder's receipt of such notice, the easement holder shall approve or disapprove in writing the proposed exercise, such approval not to be unreasonably withheld, and the easement holder shall so inform Day and the City. Any disapproval shall specify in detail the reasons therefor. The easement holder's failure to so approve or disapprove within said period shall constitute an approval of the proposed exercise.

B. In order to conduct any withdrawal or removal of groundwater from the Property, other than exploratory and/or testing activities, the City shall provide a written notice and "Water Extraction Plan" to the easement holder at least 150 days prior to the commencement of any withdrawal or removal activity other than exploratory and/or testing activities. Said Plan shall include the specific details of said withdrawal and/or removal, including but not limited to: aquifer location and description; wellhead locations; proposed sustainable yield pumping and recharge rates; monitoring and reporting practices; design, location, and method and timing of construction for facilities; well capping procedures; anticipated changes to groundwater tables, to surface water levels and associated wetlands, and to in-stream flows on an off the Property as a result of water withdrawals; and potential impacts on the associated biological communities. Said notice shall also demonstrate that said withdrawal and/or removal activities shall minimize detrimental impacts on the Purposes of this Easement, including the protection of: scenic values, productive agricultural and forestlands; conservation features of the Property which are dependent on water quality and quantity.

Construction or other improvements related to said withdrawal and/or removal activities may commence only after written approval of the "Water Extraction Plan" by the easement holder, following the easement holder's determination that the proposed activities shall minimize detrimental impacts on the Purposes of this Easement and the aforesaid features. Within 150 days after the easement holder's receipt of such notice and the "Water Extraction Plan," the easement holder shall approve or disapprove in writing the proposed exercise, such approval not to be unreasonably withheld, and the easement holder shall so inform the City and Day. Any disapproval shall specify in detail the reasons therefor. The easement holder's failure to so approve or disapprove within said period shall constitute an approval of the proposed exercise

C. Any withdrawal or removal activities, other than exploratory and/or testing activities, shall conform to the approved "Water Extraction Plan," or said plan as may be amended from time to



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time. The City and Day may amend said plan, with approval from the easement holder.

D. Prior to commencement of any exploratory, testing, withdrawal, or removal activities, all necessary federal, state, local, and other governmental permits and approvals shall be secured.

5. The parties consider that the terms and conditions would need to address at least the following considerations:

A. The value of the land which would be acquired.

B. The amount of land which would be acquired.

C. The ability to use any remaining land which would not be acquired, including the ability to maintain a residence on that land either permanently or for a period of time after acquisition by the City.

D. The ability to continue to reside on the land being acquired by the City for a period of time after acquisition by the City.

E. The cost of relocating any improvements on the non-acquired land, such as the cost of relocating a septic system or any building or driveway.

F. Day reserves the right to subdivide the Property only as necessary for the Grantor's exercise of the reserved rights in Paragraph 3. above. The new lot[s] containing the site and/or facilities for withdrawal and/or removal of groundwater shall be the minimum size necessary to accomplish said withdrawal and/or removal.

G. And such other considerations as the parties shall in good faith deem to be material to the negotiations at the time.

6. In the event that the City should make a final determination that it will not develop a municipal well on the Day property, then the City shall execute and record an instrument to certify that any rights under this Option Agreement have been terminated.

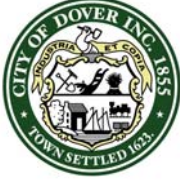
Dated this ____ day of November, 2008.

Witness

George R. Day

City of Dover, New Hampshire

By: _____



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Witness

J. Michael Joyal, Jr., City Manager

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

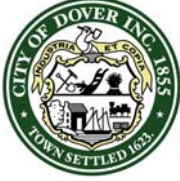
Personally appeared George R. Day and acknowledged that he executed the above instrument as his free act and deed, before me, this ____ day of November, 2008.

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Personally appeared J. Michael Joyal, Jr., City Manager of the City of Dover, New Hampshire, and acknowledged that he executed the above instrument as his free act and deed on behalf of the City of Dover, before me, this ____ day of November, 2008.

Notary Public
My Commission Expires



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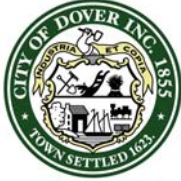
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NOTE: THIS IS A TRANSFER OF TITLE TO AN AGENCY EXEMPT PURSUANT TO SECTION 501 OF THE INTERNAL REVENUE CODE OF 1986 AND THE UNITED STATES AND/OR AN AGENCY OR INSTRUMENTALITY THEREOF PURSUANT TO NEW HAMPSHIRE RSA 78-B II AND III AND IS THEREFORE EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER TAX.

CONSERVATION EASEMENT DEED

George R. Day, as Trustee of the George Day 2006 Revocable Trust, a single person, of 628 Sixth Street, Dover, Strafford County, New Hampshire (hereinafter referred to as "**Grantor**" which word includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's legal representatives, executors, administrators, devisees, heirs, successors and assigns), for consideration paid, with **WARRANTY COVENANTS**, grants in perpetuity to the **City of Dover**, a municipal corporation organized under the laws of the State of New Hampshire, acting by and through the Dover Conservation Commission with a principal mailing address of 288 Central Avenue, Dover, New Hampshire, 03820 (hereafter referred to as the "**Grantee**" which word includes the plural and shall, unless the context clearly indicates otherwise, include the Grantee's successors and/or assigns), with an **Executory Interest Holder right** to the **State of New Hampshire**, with a principal place of business at P.O. Box 483, 7 Hazen Drive, Concord, New Hampshire 03302-0483, acting by and through the Department of Transportation (hereinafter referred to as the "**Executory Interest Holder**"), as more fully described below, the following described **Conservation Easement** (hereinafter "**Easement**") on one certain parcel with a total of approximately 39.95 acres located on the southerly side of Sixth Street in the City of Dover, County of Strafford, State of New Hampshire, the land being more particularly bounded and described in "Appendix A" attached and incorporated hereto and on a plan entitled "Conservation Easement Plan, George Day 2006 Revocable Trust, Tax Map B, Lot No. 8, 628 Sixth Street, City of Dover, County of Strafford, State of New Hampshire" dated August 21, 2008, prepared by McEaney Survey Associates, Inc., and recorded in the Strafford County Registry of Deeds as Plan # _____ (the "**Plan**"), (referred to as the "**Property**").

This Easement is granted pursuant to New Hampshire RSA 477:45-47 exclusively for the following conservation purposes (hereinafter "**Purposes**"):



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EASEMENT**

1. PURPOSES

- A. To protect the Property from future development, and to conserve and maintain the unique characteristics of the Property substantially in its present scenic and open space condition, the preservation of which is important to the public and will serve the public interest in a manner consistent with New Hampshire RSA 477:45-47; and
- B. To preserve biological diversity, native flora and fauna, and the environments, natural habitats, and ecological processes which support them, as those values exist on the date of this instrument, and as they may evolve in the future; and
- C. To preserve the Property for the scenic enjoyment of the general public; and
- D. To prevent any use or activity on the Property which would be detrimental to drainage, flood control, water conservation, water quality, and erosion control, or that would or has the potential to impair or interfere with the unique and significant qualities of public benefit and the conservation and preservation values of the Property.

These purposes are consistent with the Master Plan of the City of Dover and with New Hampshire RSA 79-A:1 which states:

“It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and by conserving the land, water, forest, agricultural and wildlife resources;”

These significant conservation values will be set forth in detail in baseline documentation entitled “Baseline Documentation Report of the George R. Day Parcel”, which will be on file with the Grantee.

All of these purposes are consistent with and in accordance with the U.S. Internal Revenue Code Section 170(h).

The terms of this Easement are as follows:

2. USE LIMITATIONS

A. The Property shall be maintained in perpetuity as undeveloped open space. No use shall be made of the Property which, in the reasonable opinion of the Grantee, is or has the potential to become inconsistent with the Purposes of this Easement.

B. Except as specifically permitted under Section 3, **RESERVED RIGHTS** of this Easement, no commercial, industrial or residential activities shall be permitted, and no temporary or permanent structure, facility or improvement, including but not limited to, a dwelling, any portion of a septic system, tennis court, aircraft landing strip, dock, mobile home, junkyard, swimming pool, advertising structure or sign, asphalt or concrete pavement, antenna, satellite receiving dish (small rooftop dishes excluded), communications facility or tower, shall be constructed, installed, placed or allowed to remain on, above or under the Property.



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C. The Property shall not be subdivided or conveyed in any form except in its entirety. Grantor further covenants and agrees to not undertake any action that would have the effect of subdividing or conveying any part of the Property.

D. The Property shall in no way be used to satisfy the requirements of any applicable zoning ordinance or subdivision regulation, including but not limited to density, frontage or open space requirements, with respect to the development of any other property.

E. Rocks, minerals, gravel, sand, topsoil, or other similar materials shall not be removed from the Property. Further, no removal, filling, mining, quarrying, dredging or excavation of rocks, minerals, gravel, sand, topsoil, or other similar materials or natural deposits, or other disturbances of the soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed on the Property, except as specifically permitted under Section 3, **RESERVED RIGHTS** of this Easement, unless such activities:

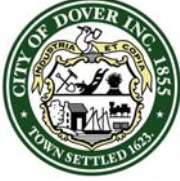
1. Are commonly necessary in the accomplishment of the on-site agricultural, forestry, habitat management, conservation or non-commercial, low-impact, outdoor recreational uses of the Property; and
2. Do not harm state or federally recognized rare or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory, or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species; and
3. Are not detrimental to the Purposes of this Easement; and
4. Are initiated and conducted only after all necessary federal, state, local and other governmental permits and approvals are secured.

F. There shall be no placing, dumping, injection, storage or burial on the Property of trash or debris or other waste materials that are known to be environmentally hazardous. There shall be no placing, dumping, injection, storage or burial on the property of municipal snowplowing, construction debris, vehicles or parts

G. Except those of record and except those reasonable and necessary in furtherance of the Reserved Rights set forth in Section 3, **RESERVED RIGHTS**, no rights-of-way, easement of ingress or egress, driveways, roads, or utility lines shall be constructed, developed or maintained into, on, over, under, or across the Property without the prior written approval of Grantee.

H. All uses not specifically prohibited herein, and which are consistent with the Purposes of this Easement, are permitted.

3. RESERVED RIGHTS



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Notwithstanding the foregoing, Grantor shall retain the right to use the Property for the non-commercial agricultural and forestry uses, and/or low-impact, outdoor, non-commercial recreational uses described below, provided, however that such on-site uses or activities, along with any structures or improvements as described below that are necessary for and ancillary to such allowed or permitted activities shall not:

- a. Be inconsistent with nor detrimental to the Purposes of this Easement;
- b. Degrade the future capacity of the Property to produce agricultural and/or forest crops;
- c. Cause significant pollution or degradation of surface or subsurface waters, soil, or soil erosion;
- d. Materially impair the scenic quality of the Property as viewed from public roads, trails, or waters; or
- e. Degrade the historic and archaeological values, if any.

A. The Grantor retains the right to conduct “farm,” “agriculture,” and “farming” activities as defined in RSA 21:34-a, including but not limited to, maintenance and use of cultivated fields, pastures and orchards, in accordance with sound agricultural and husbandry practices, together with the right to construct and maintain permeable surface roads necessary for such activities.

1. For the purposes hereof, “agriculture” shall include, animal husbandry, floricultural and horticultural activities, and the production of plant and animal products for domestic purposes not detrimental to the Purposes of this Easement.

2. Agriculture shall be performed in accordance with a coordinated conservation plan for the sites and soils of the Property developed utilizing the standards and specifications of the U.S. Natural Resources Conservation Service, or similar successor agency then active. Agricultural management activities shall be in accordance with the then-current, scientifically-based practices recommended by the U.N.H. Cooperative Extension, U.S. Natural Resources Conservation Service, or other government or private, nonprofit natural resource conservation and management agencies then active. Such management activities shall not be detrimental to the Purposes of this Easement, nor materially impair the scenic quality of the Property as viewed from public roads, trails or waterways.

B. The Grantor retains the right to use the Property to harvest timber and other wood products, together with the right to construct and maintain permeable surface roads necessary for such activities, provided however such activities are performed consistent with the Purposes of this Easement, as well as the following.

1 For the purposes hereof, “Non-commercial Forestry” shall include forestry and the management of timber for on-site benefits to the Property and the Grantor, such as public safety, opening a viewshed, clearing trees from the edge of a field or harvesting trees for firewood for the Grantor’s residential use.



CITY OF DOVER

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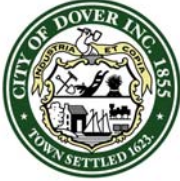
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2. Forestry purposes shall be performed, to the extent reasonably practicable, in accordance with the following goals:

- a. Maintenance of soil productivity;
- b. Protection of water quality, wetlands, and riparian zones;
- c. Maintenance or improvement of the overall quality of forest products;
- d. Conservation of scenic qualities especially as viewed from public roads, trails, or waters;
- e. Protection of unique or fragile natural areas;
- f. Protection of unique historic or cultural features;
- g. Conservation of native plant and animal species;
- h. Outdoor recreation by and/or education of the general public, and
- i. Production of forestry or agricultural crops.

3. Forestry shall be performed in accordance with a written forest management plan (including updates, amendments, and revisions thereto) submitted to Grantee for review not less than thirty (30) days prior to the date any harvesting is expected to commence ("**commencement date**"). The plan shall be prepared by a licensed professional forester (or other qualified person, said person approved in advance and in writing by the Grantee) and be consistent with this Easement. The plan shall have been prepared not more than ten (10) years prior to the commencement date, otherwise it shall have been reviewed and updated as required by such a forester or approved person at least thirty (30) days prior to the commencement date. The plan shall include a statement of the landowner objectives and shall specifically address the goals stated herein, and the long-term protection of those values for which this Easement is granted. Forestry shall be supervised by a licensed professional forester or other qualified person approved in advance and in writing by the Grantee.

4. Grantee's approval of forest management plans that may be submitted from time to time shall not be unreasonably withheld or conditioned, so long as such plans comply with the terms of this Easement. If the plan proposes any clear-cutting or substantial conversion, the plan must demonstrate that such conversion is consistent with the terms and Purposes this Easement, such as to permit the planting of different species of trees, wildlife purposes, or the establishment agricultural uses, and will continue to be managed accordingly. In the case of a proposed conversion to agricultural use, Grantor shall also submit a coordinated management plan for such use pursuant to Section 3.A to Grantee for review and approval simultaneous to submitting the forest management plan.



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5. Forestry activities shall be carried out in accordance with all applicable local, state federal and other governmental laws and regulations, and in accordance with the then-current generally accepted best management practices for the sites, soils, and terrain of the Property. For references, see *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, (J.B. Cullen, 1996), *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire*, (N.H. Forest Sustainability Standards Work Team, 1997), or similar successor publications.

6. In areas visible to the general public such forestry activities shall be carried out, to the extent reasonably practicable, in accordance with the recommendations contained in *A Guide to Logging Aesthetics: Practical Tips for Loggers, Foresters, and Landowners*, (Geoff Jones, 1993), or similar successor publications.

C. The Grantor retains the right to construct and maintain one or more fence, trail, or culvert, on the Property, provided that such structures are ancillary to and used exclusively for on-site agricultural, forestry or low-impact, non-commercial, recreational activities.

D. The Grantor retains the right, but shall have no affirmative obligation, to install and maintain signs that identify and further the agricultural, forestry, conservation, preservation or low-impact, non-commercial recreational uses of the Property, provided the Purposes of this Easement are not impaired.

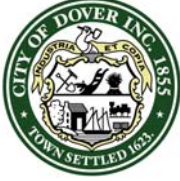
E. The Grantor retains right to professionally conduct archaeological activities, including without limitation, survey, excavation and artifact removal, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the New Hampshire Division of Historic Resources (or appropriate successor official).

F. The Grantor retains the right to post the Property against hunting, camping, and the use of motorized vehicles.

G. The Grantor retains the right to develop a community drinking water supply owned by a municipality, provided that such well development does not adversely impact Blackwater Brook, adjacent wetlands, or the unique habitat of the Property and its surroundings. An application for a groundwater extraction permit will be filed with the New Hampshire Department of Environmental Services and permit secured prior to the well activation. The Grantor shall notify the Grantee and the Executory Interest Holder in writing prior to filing a groundwater extraction permit application.

4. PUBLIC ACCESS

Limited public access to the Property shall be permitted by Grantor, for limited recreational purposes (i.e., hiking and fishing), and upon reasonable advance notice for the instruction, education and the promotion of values consistent with the protection, preservation, and management of the conservation, historic and natural resources protected by this Conservation Easement Deed. To guide future interpreters of Grantor's intended permissive limited access, by way of example, and not necessarily limitation, it is the Grantor's intent



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to permit periodic field trips for local area science teachers and their students, and/or scouting or conservation groups, and/or limited public educational tours sponsored by local conservation or educational groups. Such contemplated limited public access shall not be unreasonably denied by successors in title to the undersigned Grantor.

5. **AFFIRMATIVE RIGHTS OF GRANTEE**

A. The Grantee shall have reasonable access to the Property and all of its parts for such inspection as Grantee finds necessary to determine compliance with and enforce the terms of this Easement, to exercise the rights conveyed hereby and carry out the duties assumed by Grantee with its acceptance of this Easement, and to maintain boundaries if Grantee desires.

B. With the consent of Grantor, which consent will not be unreasonably withheld, with regard to size, shape, location and content, and provided it is permitted by municipal zoning ordinances, the Grantee shall have the right to install and maintain a sign that identifies and furthers the conservation or preservation purposes of the Property, or for identification of conservation partners, provided the Purposes of this Easement are not impaired.

6. **ADDITIONAL EASEMENT**

A. Should the Grantor determine that the Purposes of this Easement could be accomplished better by additional easements or restrictions, the Grantor, with prior written approval of both the Grantee and the Executory Interest Holder, may execute an additional instrument to this effect, provided that the conservation and/or preservation purposes of this Easement are not diminished thereby and, further, that a qualified conservation organization or public body pursuant to New Hampshire RSA 477: 46 accepts and records the additional easements or restrictions.

7. **NOTIFICATION OF TRANSFER OF TITLE, TAXES, MAINTENANCE OF PROPERTY**

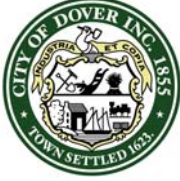
A. Grantor agrees to notify the Grantee, its successors or assigns, in writing, at least ten (10) business days prior to the transfer of title of the Property (or any division of ownership thereof permitted hereby) to any successor in interest, along with the name(s) and address(es) of such successor(s) in interest.

B. In any deed conveying an interest in all or part of the Property, Grantor shall make reference to this Easement and shall indicate that said Easement provisions are binding upon all successors in interest in the Property in perpetuity.

C. Grantee shall be under no obligation to maintain the Property or to pay any taxes, liens or assessments thereon.

8. **BENEFITS AND BURDENS**

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity. The benefits of said Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to (a) the State of New



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Hampshire, the United States of America, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code (1986), as amended, which government unit has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation Purposes of this Easement; or (b) to any qualified organization within the meaning of Section 107(h) (3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas, and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. If at any time it becomes impossible for the Grantee to ensure compliance with the restrictions and covenants contained herein, or that the Grantee ceases to exist, then Grantee's rights and duties hereunder shall become vested in full and fall upon any other entity as outlined above to which such rights and duties may be awarded by a court of competent jurisdiction under the doctrine of *cy pres*.

C. This Easement shall in no way be interpreted to permit unlimited physical access by the public to or across the Property for any purpose, without expressed permission of the Grantor as detailed in Section 4.

9. REQUESTS FOR APPROVAL

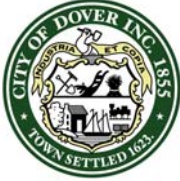
A. Where Grantee and/or Executory Interest Holder approval is required, the Grantor shall submit to the Grantee and/or the Executory Interest Holder information (including, but not limited to, documents, maps, plans, specifications, and designs where appropriate) sufficient to identify the proposed activity with reasonable specificity. The Grantor shall not undertake any such activity until approved in writing by the Grantee/Executory Interest Holder or its/their authorized representative(s). The Grantee/Executory Interest Holder reserves the right to consult with governmental agencies, nonprofit conservation or preservation organizations, and/or other consultants or advisors deemed necessary or appropriate by the Grantee/Executory Interest Holder, concerning the appropriateness of any activity proposed under this easement. Grantee/Executory Interest Holder approval shall not be unreasonably withheld or conditioned, but determined pursuant to the Purposes of this Easement.

10. BREACH OF EASEMENTS OR RESTRICTIONS

A. When a breach of this Easement or conduct inconsistent with the terms of this Easement comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered by hand or by certified mail. Grantor shall have fourteen (14) days in which to confirm receipt of notification and begin reparation.

B. Grantor shall undertake those actions, including restoration, which is reasonably calculated to swiftly cure said breach or abate such conduct, and to repair any damage, or restore the Property to its previous condition. Grantor shall also promptly notify Grantee of its actions taken under this provision.

C. Failure by the Grantor to take sufficient and proper action pursuant to the preceding paragraph, shall entitle Grantee to bring an action in a court of competent jurisdiction to enforce the terms of this Easement and to recover any damages provided for by law arising from such non-compliance. Such damages, when recovered, may be applied by Grantee to corrective action on the Property, if it so chooses. Alternatively or additionally, Grantee may, as appropriate to the Purposes of this Easement, undertake any actions at any time that are reasonably necessary to cure such breach or to repair any damage or to terminate such conduct.



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D. Grantor shall reimburse Grantee all reasonable costs, including staff time, attorney and other legal fees and costs, incurred in investigating the non-compliance and in securing its correction, whether the correction was through negotiation and voluntary compliance, litigation, arbitration, or by other means.

E. If a court of law determines that Grantor has failed to comply with this Easement, Grantee shall be entitled to special or general damages as may be ordered by such court in addition to reasonable costs of enforcement, costs and attorneys' fees. In the event such court decides that Grantee initiated litigation in bad faith or without reasonable cause, then Grantee shall reimburse Grantor for any reasonable costs of defending such action, including court costs and attorneys' fees.

F. The parties to this Easement specifically acknowledge that events and circumstances of non-compliance constitute immediate and irreparable injury, loss, and damage to the Property and, accordingly may entitle Grantee to such equitable relief, including but not limited to, *ex parte* injunctive relief, as a court of competent jurisdiction may deem just. Remedies described herein are in addition to, and not in limitation of, any other remedies available to Grantee at law, in equity, or through administrative proceedings.

G. The Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this Conservation Easement by any prior failure to act and Grantor hereby waives any defense of *laches* with respect to any delay or omission by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Conservation Easement, any such delay or omission shall not impair Grantee's rights or remedies or be construed as a waiver.

11. RESOLUTION OF DISPUTES

A. The Grantor, Grantee, and Executive Interest Holder agree that issues regarding uses or activities on the Property arising from time to time in light of the conservation purposes of the Easement will first be addressed informally through candid and open communication. Therefore, the Grantor, Grantee, and Executive Interest Holder agree that if a party becomes concerned about the consistency of any use or activity with the Purposes of this Easement, wherever reasonably possible, the concerned party shall notify the other parties of the perceived or potential problem, and explore the possibility of reaching an agreeable resolution.

B. If informal dialogue does not resolve the issue, any party may seek alternative resolution such as through mediation or arbitration, binding or otherwise (in accordance with New Hampshire RSA chapter 542), or bring an action at law or in equity in any court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by permanent injunction, and to require the restoration of the Property to its condition prior to the breach and for such damages as appropriate.

12. EXECUTORY INTEREST

A. If the Grantee ceases to enforce the Easement conveyed hereby, or fails to enforce it within thirty (30) days after receipt of written notice from the Executory Interest Holder requesting such enforcement, delivered in hand or by certified mail, return receipt requested, then the Executory Interest Holder shall have the right to enforce this Easement. All reasonable costs of such enforcement shall be paid by the Grantee. In such circumstances, the Executory Interest Holder shall then also have the right to terminate the interest of



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the Grantee in the Property, subject to Grantee's right to dispute such enforcement as described above, by recording a notice to that effect referring hereto in the Registry of Deeds of the appropriate county, and shall thereupon assume and thereafter have all interests, rights, authority, and responsibilities granted to and incumbent upon the Grantee of this Easement. The interest held by the Executory Interest Holder is assignable or transferable to any party qualified to become the Grantee's assignee or transferee as specified above. Any assignee or transferee shall have like power of assignment or transfer.

B. The Executory Interest Holder shall have reasonable access to the Property and all of its parts for such inspection as the Executory Interest Holder finds necessary to determine compliance with and enforce the terms of this Easement, to exercise the rights conveyed by this Easement, to carry out the duties assumed by the Executory Interest Holder, and to maintain boundaries if the Executory Interest Holder desires.

C. Nothing in this paragraph shall be construed to change the obligations of the Grantor set forth in Paragraph 10 hereof.

13. CONDEMNATION

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate or other authority so as to abrogate in whole or in part this Easement, the Grantor and Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.

B. The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value of their respective interests in the Property on the date of execution of this Easement. The value of the Grantee's interest has been determined by an appraisal prepared by a qualified appraiser and a copy of that appraisal has been submitted to the Grantee. Any increase in value attributable to improvements made after the date of the Conservation Easement shall accrue to the party who made the improvements. The Grantee shall use its share of the proceeds in a manner consistent with and in furtherance of the conservation Purposes of this Easement set forth herein.

14. MERGER

A. Grantor and Grantee agree it is their express intent, forming a part of the consideration hereunder, that the provisions of this Easement set forth herein are to last in perpetuity, and to that end, no conveyance of the underlying fee interest in the Property by or to the Grantee, Executory Interest Holder, or any successor or assign of them, shall be deemed to eliminate these Easement terms, or any portion thereof, pursuant to the doctrine of "merger" or any other legal doctrine.

15. AMENDMENT

This Easement may be amended in whole or in part by written document duly recorded in the Strafford County Registry of Deeds, executed by Grantor, Grantee and Executory Interest Holder, provided that any such amendment is consistent with Purposes of this Easement.



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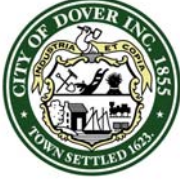
16. SUBSEQUENT LIEN

Any mortgage or lien arising after the date of this Conservation Easement shall be subordinated to the terms of this Easement.

17. MISCELLANEOUS

A. Invalidation or waiver of any provision hereof shall not affect any other provision of this Easement.

B. By accepting and recording this Easement for itself, its successors and assigns the Grantee agrees to be bound by the provisions hereof and to assume the rights and responsibilities herein provided for and incumbent upon the Grantee, all in furtherance of the conservation and/or preservation purposes for which this Easement is delivered.



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IN WITNESS WHEREOF, I hereby set my hand this _____ day of _____, 2008.

GRANTOR:

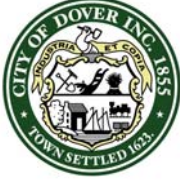
Witness to Grantor

George Day 2006 Revocable Trust, George R. Day, Trustee

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

On this _____ day of _____, 2008, before me the undersigned officer, personally appeared George R. Day known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained. In witness whereof, I set my hand and seal.

Justice of the Peace/Notary Public
My Commission Expires: _____



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ACCEPTED BY EXECUTORY INTEREST HOLDER

IN WITNESS WHEREOF, I hereby set my hand this _____ day of _____, 2008.

**STATE OF NEW HAMPSHIRE
ACTING BY AND THROUGH THE
DEPARTMENT OF TRANSPORTATION**

Witness

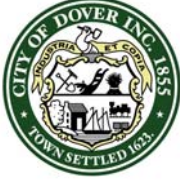
By _____

Its duly authorized agent

STATE OF NEW HAMPSHIRE
_____, SS

On this _____ day of _____, 2008, before me the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the authorized agent of the Department of Transportation of the State of New Hampshire and that being authorized so to do on behalf of such Department, executed the foregoing instrument for the purposes therein contained. In witness whereof, I set my hand and seal.

Justice of the Peace/Notary Public
My Commission Expires: _____



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IN WITNESS WHEREOF, I hereby set my hand this _____ day of _____, 2008.

ACCEPTED BY GRANTEE: **CITY OF DOVER**

Witness

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

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

On this _____ day of _____, 2008, before me the undersigned officer, personally appeared J. Michael Joyal, Jr. known to me (or satisfactorily proven) to be the City Manager and authorized agent for the City of Dover and that being authorized so to do on behalf of such corporation, executed the foregoing instrument for the purposes therein contained. In witness whereof, I set my hand and seal.

Justice of the Peace/Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, I hereby set my hand this _____ day of _____, 2008.

CONSERVATION COMMISSION

Witness

By: _____
Thomas R. Fargo, Chairman
Duly Authorized

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

On this _____ day of _____, 2008, before me the undersigned officer, personally appeared Thomas R. Fargo, known to me (or satisfactorily proven) to be the Chairman and authorized agent for the Conservation Commission and that being authorized so to do on behalf of such corporation, executed the foregoing instrument for the purposes therein contained. In witness whereof, I set my hand and seal.

Justice of the Peace/Notary Public
My Commission Expires: _____



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APPENDIX A

Beginning at an iron rod found on the westerly sideline of said Sixth Street at land now or formerly of Holley as shown on the plan titled "Conservation Easement Plan, prepared for George Day 2006 Revocable Trust, Tax Map B, Lot No. 8, 628 Sixth Street, City of Dover, County of Strafford, State of New Hampshire" prepared by McEneaney Survey Associates, inc., and dated August 21, 2008, thence running by and along said Holley land the following courses and distances: S 45° 04' 38" W a distance of 197.48 feet to an eighteen (18) inch Pine with barbed wire fence; S 46° 49' 59" W a distance of 282.64 feet, more or less, to a drill hole found; S 45° 06' 36" W a distance of 184.04 feet, more or less, to a drill hole found; S 47° 53' 44" W a distance of 142.36 feet, more or less, to a drill hole found at the end of a stone wall; S 48° 08' 56" W a distance of 389.32 feet, more or less, to a point; S 39° 36' 59" W a distance of 91.16 feet, more or less, to a point; S 45° 08' 54" W a distance of 289.92 feet, more or less, to an iron rod found at land now or formerly of Stone Arch Bridge Homeowners Association; thence turning and running S 42° 45' 56" W a distance of 49.63 feet, more or less, to an iron rod found at land now or formerly of Garcia; thence turning and running along said Garcia land along a barbed wire fence the following distances and courses: S 56° 30' 42" E a distance of 272.19 feet, more or less, to a point; S 55° 15' 17" E a distance of 612.62 feet, more or less, to a point; S 56° 42' 08" E a distance of 264.47 feet to a concrete bound found at land now or formerly of Ekola; thence turning and running along said Ekola land the following distances and courses: N 53° 44' 53" E a distance of 322.88 feet, more or less, to a concrete bound; N 53° 44' 53" E a distance of 425.00 feet, more or less, to a concrete bound; N 83° 44' 01" E a distance of 88.19 feet to other land of Day; thence turning and running along said Day land N 33° 13' 45" W a distance of 254.94 feet, more or less, to a point; thence turning and running N 62° 45' 00" E a distance of 257.25 feet, more or less, to a point; thence turning and running N 66° 28' 01" E a distance of 64.95 feet, more or less, to a point; thence turning and running N 22° 55' 14" E a distance 31.12 feet, more or less, to a point; thence turning and running N 34° 38' 12" E a distance of 35.61 feet, more or less, to a point; thence turning and running N 55° 01' 50" E a distance of 37.62 feet, more or less, to a point; thence turning and running N 67° 04' 10" E a distance of 74.66 feet, more or less, to a point; thence turning and running N 61° 38' 18" E a distance of 76.29 feet, more or less, to an iron rod set at the westerly sideline of said Sixth Street; thence turning and running along the westerly sideline of Sixth Street N 33° 54' 24" W a distance of 90.44 feet, more or less, to a concrete bound at land now or formerly of Provencher; thence turning and running along said land of said Provencher S 62° 44' 43" W a distance of 220.00 feet, more or less, to an iron rod; thence turning and running N 35° 04' 15" W a distance of 201.88 feet, more or less, to a point; thence turning and running N 62° 44' 43" E a distance of 220.00 feet, more or less, to a point at the westerly sideline of Sixth Street; thence turning and running along the westerly sideline of Sixth Street N 44° 09' 24" W a distance of 360.58 feet, more or less, to a point; thence continuing along the sideline of Sixth Street N 54° 17' 22" W a distance of 228.38 feet, more or less, to a point; thence turning and running along a curve to the right having a radius of 1,066.00 feet a distance of 119.10 feet, more or less, to a point; thence turning and running along the westerly sideline of Sixth Street N 47° 53' 17" W a distance of 168.22 feet, to an iron rod and the point of beginning. Said easement area contains 39.95 acres, more or less.

OPTION AGREEMENT

GEORGE R. DAY, of 628 Sixth Street, Dover, New Hampshire hereby agrees with the City of Dover, 288 Central Avenue, Dover, New Hampshire, as follows:

1. Day is the owner of approximately 42 acres of land located at 628 Sixth Street in the City of Dover.

2. The City of Dover has invested time and money into investigating whether the Day property could serve as a community water supply source.

3. Day has or will grant to the City of Dover a conservation easement on a portion of his property to preserve the land surrounding a potential city well site, and has or will reserve the right to develop a community water supply on the property encumbered by the conservation easement, which shall include the right to withdraw groundwater on a sustainable yield basis and to remove said groundwater from the Property only for the purpose of providing a water supply system for the benefit of the public (including a privately owned or operated municipal supply system), as defined by NH R.S.A. 485:1-a, XV, as may be amended from time to time.

Withdrawal or removal of groundwater for private, commercial purposes is expressly prohibited. For the purposes hereof, permitted activities in conjunction with said withdrawal and/or removal shall consist of: the installation, maintenance, monitoring, and replacement of temporary wells for exploratory and/or testing purposes, long-term water production wells, monitoring wells, a water distribution system, pumping stations, and ancillary improvements such as but not limited to roads, signs, utilities, and security facilities; and the extraction and removal of groundwater from the Property.

4. In the event that the City wishes to proceed with further development of a municipal well, then Day agrees for himself, his heirs, successors and assigns, that the City shall have the option to acquire a portion of or the entire non-easement area of the Day property provided that the parties mutually agree upon the terms and conditions of the acquisition. Further, Day (his heirs, successors, or assigns) and the City shall negotiate in good faith those acquisition terms and conditions. Any exercise of this option by the City, and any development and/or use of the well shall comply with the following notice provisions:

A. In order to conduct exploratory and/or testing activities, including the installation of temporary wells, to determine the feasibility of groundwater extraction, the City shall

provide written notice to the conservation easement holder of the proposed exercise at least 120 days prior to the commencement of any exploration or testing activities. Said notice shall include the specific details of said exercise, including but not limited to location, scope, size, timing, duration, method of construction, and pumping rates. Said notice shall also demonstrate that said exploratory and/or testing activities shall minimize detrimental impacts on the Purposes of this Easement, including the protection of: scenic values, productive agricultural and forestlands; conservation features of the Property which are dependent on water quality and quantity. Said exploratory and/or testing activities may commence only after written approval by the easement holder, following the easement holder's determination that the proposed activities shall minimize detrimental impacts on the Purposes of this Easement and the aforesaid features. Within 120 days after the easement holder's receipt of such notice, the easement holder shall approve or disapprove in writing the proposed exercise, such approval not to be unreasonably withheld, and the easement holder shall so inform Day and the City. Any disapproval shall specify in detail the reasons therefor. The easement holder's failure to so approve or disapprove within said period shall constitute an approval of the proposed exercise.

B. In order to conduct any withdrawal or removal of groundwater from the Property, other than exploratory and/or testing activities, the City shall provide a written notice and "Water Extraction Plan" to the easement holder at least 150 days prior to the commencement of any withdrawal or removal activity other than exploratory and/or testing activities. Said Plan shall include the specific details of said withdrawal and/or removal, including but not limited to: aquifer location and description; wellhead locations; proposed sustainable yield pumping and recharge rates; monitoring and reporting practices; design, location, and method and timing of construction for facilities; well capping procedures; anticipated changes to groundwater tables, to surface water levels and associated wetlands, and to in-stream flows on an off the Property as a result of water withdrawals; and potential impacts on the associated biological communities. Said notice shall also demonstrate that said withdrawal and/or removal activities shall minimize detrimental impacts on the Purposes of this Easement, including the protection of: scenic values, productive agricultural and forestlands; conservation features of the Property which are dependent on water quality and quantity.

Construction or other improvements related to said withdrawal and/or removal activities may commence only after written approval of the "Water Extraction Plan" by the easement holder, following the easement holder's determination that the proposed activities shall minimize detrimental impacts on the Purposes of this Easement and the aforesaid features. Within 150 days after the easement holder's receipt of such notice and the "Water Extraction Plan," the easement holder shall approve or disapprove in writing the proposed exercise, such approval not to be unreasonably withheld, and the easement holder shall so inform the City and Day. Any disapproval shall specify in detail the reasons therefor. The easement holder's failure to so approve or disapprove within said period shall constitute an approval of the proposed exercise

C. Any withdrawal or removal activities, other than exploratory and/or testing activities,

shall conform to the approved "Water Extraction Plan," or said plan as may be amended from time to time. The City and Day may amend said plan, with approval from the easement holder.

D. Prior to commencement of any exploratory, testing, withdrawal, or removal activities, all necessary federal, state, local, and other governmental permits and approvals shall be secured.

5. The parties consider that the terms and conditions would need to address at least the following considerations:

- A. The value of the non-easement land which would be acquired.
- B. The amount of non-easement land which would be acquired.
- C. The ability to use any remaining non-easement land which would not be acquired, including the ability to maintain a residence on that land either permanently or for a period of time after acquisition by the City.
- D. The ability to continue to reside on the non-easement land being acquired by the City for a period of time after acquisition by the City.
- E. The cost of relocating any improvements on the non-acquired land, such as the cost of relocating a septic system or any building or driveway.
- F. And such other considerations as the parties shall in good faith deem to be material to the negotiations at the time.

6. In the event that the City should make a final determination that it will not develop a municipal well on the Day property, then the City shall execute and record an instrument to certify that any rights under this Option Agreement have been terminated.

Dated this ____ day of December, 2008.

Witness

George R. Day

City of Dover, New Hampshire

Witness

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

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

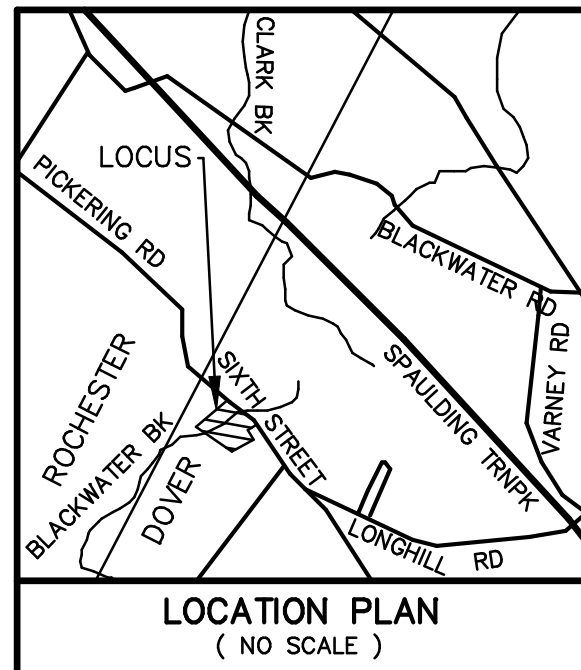
Personally appeared George R. Day and acknowledged that he executed the above instrument as his free act and deed, before me, this ____ day of December, 2008.

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

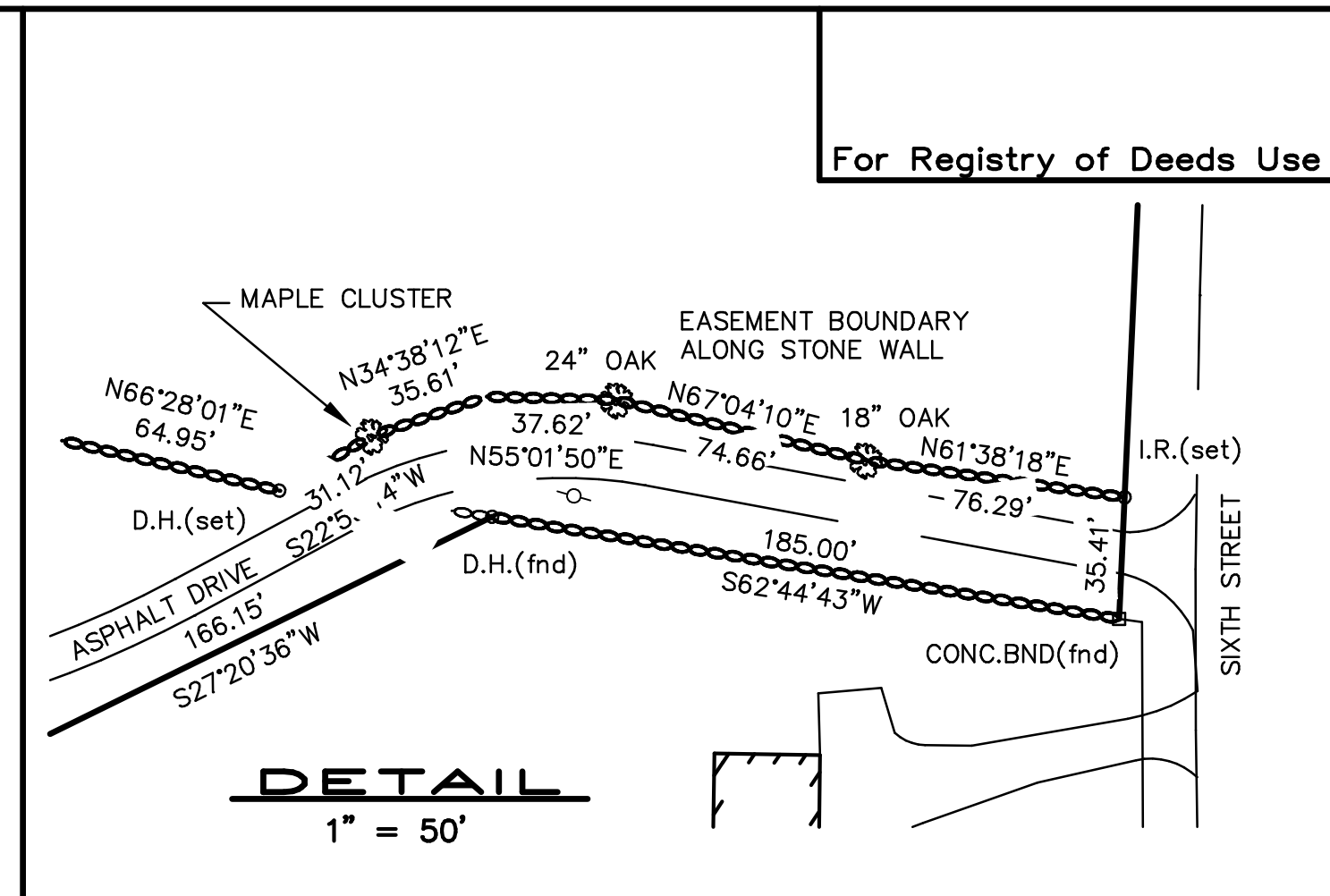
Personally appeared J. Michael Joyal, Jr., City Manager of the City of Dover, New Hampshire, and acknowledged that he executed the above instrument as his free act and deed on behalf of the City of Dover, before me, this ____ day of December, 2008.

Notary Public
My Commission Expires



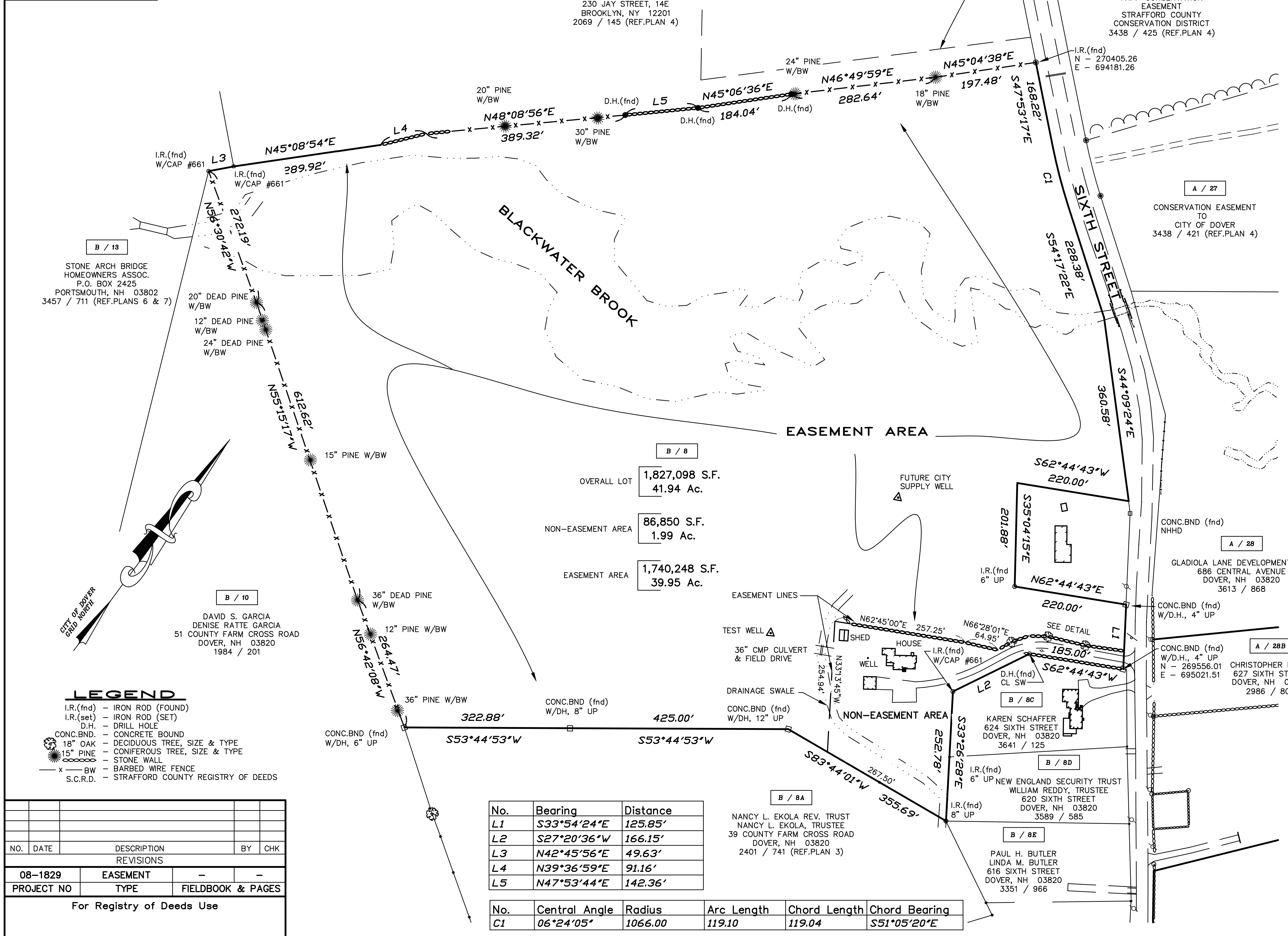
NOTES:

- 1.) OWNER OF RECORD: GEORGE DAY 2006 REVOCABLE TRUST
GEORGE DAY, TRUSTEE
628 SIXTH STREET
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOLUME 3454, PAGE 822
- 2.) **B / B** - DENOTES TAX MAP AND PARCEL NUMBER.
- 3.) TOTAL LOT AREA IS 1,827,098 S.F. (41.94 ACRES).
- 4.) THE INTENT OF THIS PLAN IS TO DEPICT A CONSERVATION EASEMENT TO BE PLACED ON A PORTION OF THE SUBJECT PARCEL.
- 5.) BASIS OF BEARING AND COORDINATE SYSTEM ARE CITY OF DOVER GRID SYSTEM.



REFERENCE PLANS:

- 1.) LOT LINE ADJUSTMENT PLAN PREPARED FOR GARY AND CAROL ALLEN AND GEORGE AND JEANETTE DAY, SIXTH STREET, DOVER, NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: MARCH 15, 1999, REVISED THROUGH MAY 5, 1999; BY: McENEANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 55-92.
- 2.) SUBDIVISION OF LAND FOR GEORGE & JEANETTE DAY IN DOVER, NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: JULY 22, 1988, REVISED THROUGH AUGUST 10, 1988; BY: SEACOAST ENGINEERING ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 35-7.
- 3.) LOT CONSOLIDATION PLAN FOR KENNETH E. AND NANCY EKOLA, COUNTY FARM CROSS ROAD, DOVER, NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: SEPTEMBER 1995; BY: K E M LAND SURVEY, INC.; RECORDED S.C.R.D. PLAN 50-75.
- 4.) CONSERVATION EASEMENT PLAN PREPARED FOR THE EDITH HOLLEY REVOCABLE TRUST, EDITH HOLLEY, TRUSTEE, LOCATED ON PICKERING ROAD, ROCHESTER, SIXTH STREET, DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE, SHEETS 1 THROUGH 4; SCALE: 1" = 100'; DATED: JULY 21, 2006; BY: McENEANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 87-95 THROUGH 87-98.
- 5.) UNITED STATES OF AMERICA, USDA COMMODITY CREDIT CORPORATION, GRASSLANDS RESERVE PROGRAM (GRP) CONSERVATION EASEMENT IN PERPETUITY ON THE EDITH HOLLEY FARM, EDITH HOLLEY REVOCABLE TRUST, FSA/GRP: FARM 124, TRACT 58; SCALE: 1" = 100'; DATED: JANUARY 2007; BY: WALTER J. ZWEARCAN; RECORDED S.C.R.D. PLAN 89-38 & 90-88.
- 6.) LAND IN DOVER, NEW HAMPSHIRE, BOSTON AND MAINE CORPORATION TO F. DOYLE SKEELS AND KAREN WENDELL; SCALE: 1" = 100'; BY: McENEANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 65-97.
- 7.) OPEN SPACE SUBDIVISION PLAN PREPARED FOR F. DOYLE SKEELS OF TAX MAP B / LOT 10C & 13 LOCATED AT COUNTY FARM CROSS ROAD, COUNTY OF STRAFFORD, DOVER, N.H.; SCALE: 1" = 100'; DATED: MAY 1, 2008, REVISED THROUGH AUGUST 28, 2006; BY: DAVID W. VINCENT, LLS LAND SURVEYING SERVICES; RECORDED S.C.R.D. PLAN 88-45.



OVERALL LOT	1,827,098 S.F.
	41.94 Ac.
NON-EASEMENT AREA	86,850 S.F.
	1.99 Ac.
EASEMENT AREA	1,740,248 S.F.
	39.95 Ac.

No.	Bearing	Distance
L1	S33°54'24"E	125.85'
L2	S27°20'36"W	166.15'
L3	N42°45'56"E	49.63'
L4	N39°36'59"E	91.16'
L5	N47°53'44"E	142.36'

No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	06°24'05"	1066.00	119.10	119.04	S51°05'20"E

- LEGEND**
- I.R.(fnd) - IRON ROD (FOUND)
 - I.R.(set) - IRON ROD (SET)
 - D.H. - DRILL HOLE
 - CONC.BND. - CONCRETE BOUND
 - 18" OAK - DECIDUOUS TREE, SIZE & TYPE
 - 15" PINE - CONIFEROUS TREE, SIZE & TYPE
 - x — BW - BARBED WIRE FENCE
 - S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS

NO.	DATE	DESCRIPTION	BY	CHK
08-1829		EASEMENT REVISIONS		
PROJECT NO		TYPE	FIELDBOOK & PAGES	

For Registry of Deeds Use

CONSERVATION EASEMENT PLAN
PREPARED FOR
GEORGE DAY 2006 REVOCABLE TRUST
TAX MAP B, LOT No. 8
628 SIXTH STREET
CITY OF DOVER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

DRAWN BY: **KJP** FILE: C:\P\1829\08-18291
SCALE: 1" = 100' DATE: AUGUST 21, 2008

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

SURVEYING - PLANNING - CONSULTING



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.12.10 - 178**
Resolution Re: **ACCEPTANCE OF OAK STREET ARMORY
PROPERTY**

WHEREAS: The Dover Oak Street Armory was built on a parcel of land in Dover with the address of 99 Oak Street, Dover, New Hampshire, and;

WHEREAS: The warranty deed, executed in April of 1961, was conveyed by the City of Dover on the condition the premises would be used for erecting an armory to be used by the New Hampshire National Guard, and also upon further condition that if at any time in the future the premises were discontinued for use as an Armory then the title to the land conveyed shall revert to the City of Dover, and;

WHEREAS: The City of Dover has been notified by the State of New Hampshire Office of the Adjutant General that the building on Oak Street will no longer be used as an Armory by the National Guard and that the building will be turned over to the City of Dover, and;

WHEREAS: The Dover Armory has been inspected and cleared of environmental issues and is in good condition.

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

The City of Dover accepts the transfer of the Dover Oak Street Armory from the State of New Hampshire.

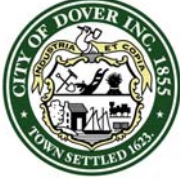
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.12.10 - 178**
Resolution Re: **ACCEPTANCE OF OAK STREET ARMORY
PROPERTY**

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 – 2008.12.10 - 178**
Resolution Re: **ACCEPTANCE OF OAK STREET ARMORY
PROPERTY**

RESOLUTION BACKGROUND MATERIAL:

The building located at 99 Oak Street known as the Dover Armory was constructed between 1961 and 1963. The building has a total square footage of 14,489 feet and is situated on five acres of land in the City of Dover. The National Guard maintained the building and used it for various missions since its construction. In November of 2007, the State of New Hampshire Office of the Adjutant General began the process of discontinuing use of the armory and turning the property over to the City of Dover.

Since November of this year and until the current date, the State of New Hampshire has conducted testing for environmental issues and inspected the building in order to transfer the building to the City.

The building contained asbestos in several locations. An asbestos remediation company was hired and throughout the summer of 2008 asbestos was removed throughout the building. The primary location of asbestos was in the floor tiles and insulation wrapped around exposed pipes. A report (see attached) was completed regarding the remediation of the asbestos.

In October of 2008, City staff conducted an inspection of the Dover Armory. The armory was considered to be in good structural condition. However, if used on a full time basis, significant remodeling and upgrades to the utilities would be required.

Of the 14,489 square footage within the building, there is 2,941 square feet of office space and 5,526 square feet of open area which was used for storage of vehicles, large pieces of equipment and as a drill hall. The remaining square footage is primarily storage, bathrooms and utility space.

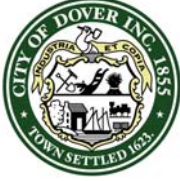
Expenses for a five year period were obtained from the State of New Hampshire. These expenses included utilities, maintenance and repairs. In FY2004, the total cost to maintain and operate the building was \$14,490. In FY2008, the total cost for the building was \$29,062. Utilities (heat, electricity) accounted for the majority of the cost to operate the armory which was being used on a full time basis. Attached is a breakdown of the five years of expenses.

It is the recommendation of staff that the building be used by the Police Department for indoor vehicle and property/evidence storage. In addition it is recommended that the building be used for City long term records storage.

The police have a need for the building primarily due to the impending loss of the Butler building on River Street. The police department needs space for specialized vehicles, large pieces of evidence to include impounded vehicles, and evidence processing. Other items such as traffic barricades would also be stored.

The City has had a need for long term records storage due to space limitations in City Hall. This need has been previously identified. Older records which must be retained but are rarely accessed would be stored on Oak Street freeing up much needed space.

If the building is retained by the City, staff believes the above recommendations would be the most useful and cost effective manner to utilize the former armory. The building would not be staffed which would allow for minimal use of heat and other utilities.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2008.12.10 - 178**
Resolution Re: ACCEPTANCE OF OAK STREET ARMORY
PROPERTY

It is estimated that the costs to operate the building for the above recommended use would be approximately 11,000. This would include utilities and insurance. For the remainder of FY09 the use of contingency funds is recommended.

There clearly are other potential uses for the building; however, any use which would include staffing is likely to require significant costs to upgrade the facility.

DOVER ARMORY EXPENSES

FY 2008	
Current Expenses ~ 020	\$314.00
Utilities ~ 023	\$28,122.62
Maintenance ~ 090	\$597.40
Dept. Maint. & Repairs ~ 092	\$27.98
TOTAL	\$29,062.00

FY 2007	
Current Expenses ~ 020	\$251.44
Utilities ~ 023	\$19,680.06
Dept. Maint. & Repairs ~ 092	\$528.35
Old Year/Curr Expenses ~ 420	\$132.44
TOTAL	\$20,592.29

FY 2006	
Current Expenses ~ 020	\$242.00
Utilities ~ 023	\$21,199.27
In-State Travel ~ 070	\$40.80
Dept. Maint. & Repairs ~ 092	\$216.36
Old Year/Curr Expenses ~ 420	\$22.00
TOTAL	\$21,720.43

FY 2005	
Current Expenses ~ 020	\$328.02
Utilities ~ 023	\$14,023.89
In-State Travel ~ 070	\$458.28
Maintenance ~ 090	\$1,853.82
State Active Duty ~ 091	\$306.26
Old Year/Curr Expenses ~ 420	\$19.39
TOTAL	\$16,989.66

FY 2004	
Current Expenses ~ 020	\$213.29
Utilities ~ 023	\$12,626.86
In-State Travel ~ 070	\$405.36
Dept. Maint. & Repairs ~ 092	\$1,225.35
Old Year/Curr Expenses ~ 420	\$19.39
TOTAL	\$14,490.25

(STATUTORY FORM OF)
WARRANTY DEED

The City of Dover, a municipal corporation duly organized by law, of Dover, County
of Strafford and State of New Hampshire, by its Mayor, Patrick J. Greene
of _____ County, State of
New Hampshire, for consideration paid, grant to The State of New Hampshire

of _____ County, State of

_____ with WARRANTY covenants, the
(Description of land or interest being conveyed; incumbrances; exceptions, reservations, if any)

A certain tract or parcel of land, situated on the Westerly side of Oak Street
Extension, so called, bounded and described as follows:

Beginning on the West side of Oak Street at a steel stake, with cap marked "Davis
Engr., Dover, N.H.", at the Northeast corner of land, now or formerly, owned by
Georgianna Corson; (For further reference see Strafford County Registry Book 710 Page
407) thence running along the Westerly side of the right of way of said Oak Street
North $0^{\circ} 29'$ West seven hundred (700) feet to a stake; thence South $89^{\circ} 31'$ West three
hundred sixty (360) feet along land of the City of Dover to a stake; thence running
South $6^{\circ} 57'$ West five hundred fifteen and seven one-hundredths (515.07) feet along
land of the City of Dover to a steel stake on the Northwest corner of land, now or
formerly, owned by Cornelius Tucker, said steel stake is also situated at the North-
east corner of land, now or formerly, of Marion B. Adams; thence running South $66^{\circ} 34'$
East four hundred sixty-six and eighty one-hundredths (466.80) feet along land of said
Tucker, land, now or formerly of Anna Beaulieu, Mary Louise Batchelder, John Perry
Lawry, Daniel McDevitt and land of Georgianna Corson, to the point begun at.

Meaning and intending to convey a portion of the premises acquired by the City of
Dover under the will of Jeremy B. Guppy and meaning, also, to convey hereby a tract of
land five (5) acres, more or less, in area.

This deed is given upon the condition that the premises will be used for the
purposes of erecting an Armory and on the further condition that if, at any time
in the future, said premises are discontinued for use as an Armory the title to
the land herein conveyed shall revert to the City of Dover.

It is the purpose of this deed to correct the description in a prior deed from
the Grantor to the Grantee dated December 14, 1960 and recorded in Book 723 Page 385.

The description of this deed is shown on plan of land entitled "City of Dover.
Property Bounds of Armory, Oak Street, Dover, New Hampshire, dated April 18, 1961.
Donald L. Huston, Civil Engineer" to be recorded herewith.

..... wife
husband of said Grantor, ~~release to said Grantee all rights of~~
dower ~~and homestead and other interest therein.~~
curtesy

WITNESS my hand and seal/ of the corporation
this day of April 19 61.

Witness:

.....
.....

.....
The City of Dover
By
Mayor
For this act duly authorized
.....

State of New Hampshire

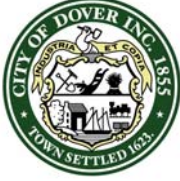
County of Strafford

On this the day of April 19 61

before me, Philip C. Keefe, the undersigned officer, personally appeared
Patrick J. Greene known to me (or satisfactorily proven) to be the person whose
name is subscribed to the within instrument and acknowledged
that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
Justice of the Peace
Notary Public



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2008.11.12 - 179**
Resolution Re: LEASE AGREEMENT WITH THE STATE OF NEW HAMPSHIRE – STORAGE BUILDING ON OAK STREET

WHEREAS: The Dover Oak Street Armory, has on its property a metal unit storage building, and;

WHEREAS: The metal unit storage building was constructed in 1988 pursuant to a Federal/ State Agreement and that under the terms of the agreement the construction of the unit was paid for by the Federal Government on the condition that the storage building be continually used by the New Hampshire National Guard for 25 years.

WHEREAS: The date of completion of the building was October 7, 1988, and that since the Dover Oak Street Armory is being relinquished to the City of Dover by the State of New Hampshire, the agreement regarding the storage building must be honored by the New Hampshire National Guard until October 1, 2013.

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

The City of Dover agrees to enter into a lease agreement (attached) with the State of New Hampshire through the Department of the Adjutant General to allow the New Hampshire National Guard access and use of the storage unit in order to fulfill its legal obligation.

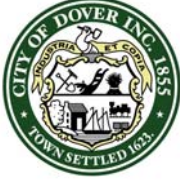
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

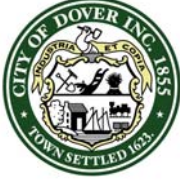
Resolution Number: **R – 2008.11.12 - 179**
Resolution Re: LEASE AGREEMENT WITH THE STATE OF NEW HAMPSHIRE – STORAGE BUILDING ON OAK STREET

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.2.

Resolution Number: **R – 2008.11.12 - 179**
Resolution Re: LEASE AGREEMENT WITH THE STATE OF NEW HAMPSHIRE – STORAGE BUILDING ON OAK STREET

RESOLUTION BACKGROUND MATERIAL:

A metal unit storage building was built on the Armory premises in 1988. The building was funded by the Federal Government on the condition that the storage building is available for continuous and exclusive military use for a period of 25 years from October 7, 1988. In order for this agreement to be honored by the State of New Hampshire National Guard, the State is asking for the City of Dover to enter into a lease agreement with the State, paying the City \$1 in order for the State to have continued access to and exclusive use of the storage building.

Should the City not enter into the agreement which would run until October 1, 2013, the State of New Hampshire would have to pay the Federal Government \$3,999.08 annually. This is a pro-rata share of the contract price of construction of the building which was \$99,977.

The metal storage building was built separately and is located adjacent to the Armory Building. The building consists of 12 storage bays and will be used to store items owned by the New Hampshire National Guard.

UNIT STORAGE BUILDING ACCESS AND USE LEASE AGREEMENT

The State of New Hampshire acting through its Department of The Adjutant General, having a mailing address of The State Military Reservation, 1 Minuteman Way, Concord, New Hampshire, 03301-5607 (hereinafter referred to as the "LESSEE"), and The City of Dover, New Hampshire, with an address at The City of Dover, 288 Central Avenue, Dover, New Hampshire 03820 (hereinafter referred to as the "LESSOR") enter and execute this Unit Storage Building Access and Exclusive Use Lease Agreement ("AGREEMENT") effective as of this _____.

WITNESSETH

Whereas, the LESSOR is the owner of the site of the former New Hampshire National Guard Armory on Oak Street (hereinafter referred to as the "PREMISES"), in the City of Dover, County of Strafford and State of New Hampshire; and

Whereas, the LESSOR'S current ownership of the PREMISES is the result of a reversion clause contained in the April 29, 1961, Warrant Deed (Attachment 1) , in which ownership of the PREMISES was granted to the LESSEE by the Grantor upon the condition that the PREMISES be used by the LESSEE for erecting and operating an Armory; and

Whereas an Armory was erected and operated on the PREMISES and was continuously used as such until _____

Whereas a metal Unit Storage Building was built on the PREMISES by the LESSEE in 1988 pursuant to a Federal-State Agreement (hereinafter referred to as the "Federal-State Agreement") in 1987 (Attachment 2); and

Whereas, pursuant to the Federal State Agreement, construction of the USB was funded by the Federal Government on the condition that the USB be available for continuous and exclusive military use for a period of twenty-five (25) years from October 7, 1988, the date that the USB was completed, ; and

Whereas, notwithstanding the cessation of the LESSEE'S use of the Oak Street Armory, the LESSEE requires access to and the exclusive use of the USB for the remainder of the twenty-five (25) year term; and

Whereas, the LESSOR has no objection to the LESSEE'S continued access to and exclusive use of the USB; and

Therefore, in consideration of these promises the he LESSOR hereby gives the LESSEE a Lease for access to and exclusive use of the USB subject to the following terms and conditions:

1. TERM / RENEWAL: The term of the AGREEMENT shall be the period commencing upon the execution date of the AGREEMENT and October 7, 2013.

2. CONSIDERATION: The LESSEE shall pay consideration for the Lease in the amount of \$1.00. Such payment shall be due and payable upon the signing of this agreement and paid to The City of Dover, New Hampshire, 288 Central Avenue, Dover, New Hampshire 03820.

3. USE AND OCCUPATION OF LAND: The LESSEE shall be permitted to cross the PREMISES for the purpose of entering, occupying and using the USB.

The LESSEE and all persons on the premises the PREMISES for the purpose of accessing the USB with the consent of the LESSEE shall comply with all laws and regulations of the State of New Hampshire and all Federal, State, County and municipal laws, ordinances or regulations which are applicable to activities covered by this AGREEMENT.

4. ACCESS: The LESSEE shall have unlimited access to the PREMISES for the purposes herein prescribed. The LESSEE acknowledges that it will be responsible for the security of the USB and of its contents.

5. STRUCTURES, MAINTENANCE, and ALTERATIONS: The LESSEE shall not construct or establish any new building, additions, or other improvements or alterations to the PREMISES

A. Minor Maintenance: Minor maintenance of the USB involving repairs-in-kind resulting in no effects to the natural resources and no changes in footprint or profile of the PREMISES shall not require approval from the LESSOR.

The LESSOR may impose reasonable conditions on its approval of the proposed project in order to meet these criteria.

Once the LESSOR approval has been granted, any local, County, State or Federal required permits must be obtained and a copy forwarded to the LESSOR for record keeping.

Failure to undertake the proposed activities in accordance with the approvals under this paragraph and all applicable laws and regulations shall constitute a default under the AGREEMENT.

C. Gates: No gates or traffic barriers shall be installed to the PREMISES without prior written consent of the LESSOR. Any agreed-to gate will be erected at the LESSEE'S expense and both gate design and locks and keys must conform to the LESSOR's standards.

Except for the above provision, the LESSEE shall not restrict passage over existing public roads or rights of way on the PREMISES by any means, including locking, closing, or erecting barriers.

- D. Housekeeping: The LESSEE shall maintain the USB in a neat, sanitary, and safe condition. The LESSEE shall dispose of all garbage, trash, and other solid waste by removing all such material from the PREMISES and depositing same at an approved facility maintained for such purpose at no cost to the LESSOR.
- F. Hazardous Materials: No combustible or hazardous materials or substances shall be kept on the PREMISES, except that LESSEE may keep reasonable quantities of those materials commonly used for ordinary purposes or recreational activities, provided they are stored, used, and ultimately disposed of in a lawful manner.
- G. LESSOR'S Right to Pass: The rights granted to the LESSEE pursuant to the AGREEMENT shall not in any way affect the right of the LESSOR to enter upon, use and enjoy the PREMISES at any and all times for any purpose. The LESSEE acknowledges that the LESSOR's activities may affect the LESSEE's use of the PREMISES, and the LESSEE expressly consents to such activities.
- H. ABANDONMENT: The LESSEE may elect to abandon the USB by written notice to the LESSOR. In which case the AGREEMENT shall terminate.

The LESSEE, in recognition of A through H above, hereby consents to such activities and in particular any visual, noise and/or aesthetic impacts, and hereby covenants that the LESSEE will not, in any manner, interfere with the LESSOR or the public's activities on the PREMISES.

6. TRANSFERS AND ASSIGNMENTS: The LESSEE shall not transfer, assign or otherwise encumber this Lease AGREEMENT or any rights arising hereunder without the prior written consent of the LESSOR.

7. DEFAULT/TERMINATION FOR CAUSE: If the LESSEE shall fail to comply with any of the conditions or regulations of the AGREEMENT or any subsequent reasonable changes in or additions to the AGREEMENT, the LESSOR shall have the right at its option at any time thereafter to terminate the AGREEMENT, after giving thirty (30) days advance notice in writing to LESSEE. If, during said thirty (30) day period, after receipt of notice of termination from the LESSOR, the LESSEE shall cure any default, the notice to terminate shall automatically be vacated, otherwise the same shall remain in full force and effect. Such right of termination shall be in addition to any other rights or remedies, which the LESSOR may have at law. No waiver by the LESSOR of any default shall operate as a waiver of any other default or of the same default on a future occasion. In the event of a termination for cause, the LESSOR shall not be liable to refund to the LESSEE any payments made by the LESSEE hereunder.

Upon expiration, cancellation or lapse of the AGREEMENT by any means and for any reason whatsoever, the LESSEE shall within one (1) week remove any of its property remaining on the PREMISES.

8. NOTICES AND PAYMENT: Any notice required to be given hereunder shall be either mailed, certified mail return receipt requested, or personally delivered, via U.S. mail, postage prepaid, to the LESSEE or the LESSOR at their respective addresses listed on page 1 of the AGREEMENT. Notice shall be deemed given on the day it is received.

9. ENTIRE AGREEMENT: The AGREEMENT supersedes all prior oral and written agreements between the parties with respect to the subject matter hereof. Any modification or addition to the AGREEMENT shall be in writing and duly executed by the parties hereto.

10. NON-WAIVER OF RIGHTS: The failure of either party to insist in any one or more instances upon strict performance of any of the provisions of the AGREEMENT, or to take advantage of any right hereunder, shall not be construed as a waiver of any such provision nor the relinquishment of any such rights, but the same shall continue and remain in full force and effect.

11. UNDERSTANDING; WAIVER: Execution of this AGREEMENT constitutes complete and full understanding of the AGREEMENT, its terms and restrictive covenants.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the day and year first above written.

LESSOR

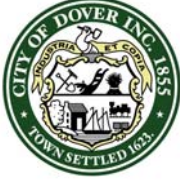
BY:

J. Michael Joyal, City Manager
City of Dover

LESSEE

License

Witness



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2008.12.10 - 180**

Resolution Re: Establishment of Recreation Facilities Capital Reserve Fund

- WHEREAS: The City council adopted an ordinance for the establishment of Impact Fees; and
- WHEREAS: On October 14, 2008, the Planning Board established an Impact Fee related to Recreation capital facilities; and
- WHEREAS: The City Council desires to establish a capital reserve trust fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 34, a capital reserve fund is established titled Recreation Facilities Capital Reserve for the deposit of Recreation Impact Fees, with said funds to be held in custody by the Board of Trustees of the Trust Funds. The funds are to be used for the purpose of expansion of infrastructure and/or equipment of the Recreation Department that has been identified as a project within the City's Capital Improvements Program.

AND, FURTHER BE IT RESOLVED;

The City Manager is designated as the agent to carry out the purposes of the reserves, only after approval of a 2/3 majority vote of the City Council to expend funds for each project as identified within the City's Capital Improvements Program.

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

NOTE: This resolution requires a majority favorable vote for passage after a public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2008.12.10 - 180**

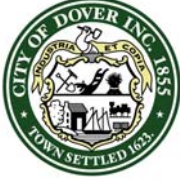
Resolution Re: Establishment of Recreation Facilities Capital Reserve Fund

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.3.

Resolution Number: **R – 2008.12.10 - 180**

Resolution Re: Establishment of Recreation Facilities Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

On October 14, 2008 the City of Dover Planning Board held a public hearing and voted to approve the establishment of an impact fee for Recreation capital facilities. NH RSA 674:21-I authorizes impact fees to be collected to pay for the impacts to capital facilities caused by development.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R – 2008.12.10 - 181**
Resolution Re: Establishment of Fire & Rescue Facilities Capital Reserve Fund

- WHEREAS: The City council adopted an ordinance for the establishment of Impact Fees; and
- WHEREAS: On October 14, 2008, the Planning Board established an Impact Fee related to Fire & Rescue capital facilities; and
- WHEREAS: The City Council desires to establish a capital reserve trust fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 34, a capital reserve fund is established titled Fire & Rescue Facilities Capital Reserve for the deposit of Fire & Rescue Impact Fees, with said funds to be held in custody by the Board of Trustees of the Trust Funds. The funds are to be used for the purpose of expansion of infrastructure and/or equipment of the Fire & Rescue Department that has been identified as a project within the City's Capital Improvements Program.

AND, FURTHER BE IT RESOLVED;
The City Manager is designated as the agent to carry out the purposes of the reserves, only after approval of a 2/3 majority vote of the City Council to expend funds for each project as identified within the City's Capital Improvements Program.

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

NOTE: This resolution requires a majority favorable vote for passage after a public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

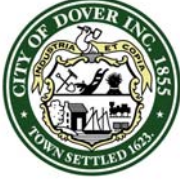
Resolution Number: **R – 2008.12.10 - 181**
Resolution Re: Establishment of Fire & Rescue Facilities Capital Reserve Fund

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

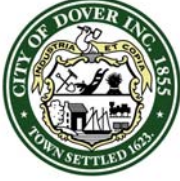
CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R – 2008.12.10 - 181**
Resolution Re: Establishment of Fire & Rescue Facilities Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

On October 14, 2008 the City of Dover Planning Board held a public hearing and voted to approve the establishment of an impact fee for Fire & Rescue capital facilities. NH RSA 674:21-I authorizes impact fees to be collected to pay for the impacts to capital facilities caused by development.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2008.12.10 - 182**
Resolution Re: Establishment of Police Facilities Capital Reserve Fund

- WHEREAS: The City council adopted an ordinance for the establishment of Impact Fees; and
- WHEREAS: On October 14, 2008, the Planning Board established an Impact Fee related to Police capital facilities; and
- WHEREAS: The City Council desires to establish a capital reserve trust fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 34, a capital reserve fund is established titled Police Facilities Capital Reserve for the deposit of Police Impact Fees, with said funds to be held in custody by the Board of Trustees of the Trust Funds. The funds are to be used for the purpose of expansion of infrastructure and/or equipment of the Police Department that has been identified as a project within the City's Capital Improvements Program.

AND, FURTHER BE IT RESOLVED;
The City Manager is designated as the agent to carry out the purposes of the reserves, only after approval of a 2/3 majority vote of the City Council to expend funds for each project as identified within the City's Capital Improvements Program.

AUTHORIZATION

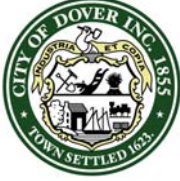
Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk

NOTE: This resolution requires a majority favorable vote for passage after a public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2008.12.10 - 182**

Resolution Re: Establishment of Police Facilities Capital Reserve Fund

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, Ward 4		
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

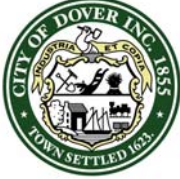
Agenda Item#: 12.B.5.

Resolution Number: **R – 2008.12.10 - 182**

Resolution Re: Establishment of Police Facilities Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

On October 14, 2008 the City of Dover Planning Board held a public hearing and voted to approve the establishment of an impact fee for Police capital facilities. NH RSA 674:21-I authorizes impact fees to be collected to pay for the impacts to capital facilities caused by development.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number:

Ordinance Title: **O – 2008.12.10-19**

Chapter:

Chapter 3, Article IV, Boards and Commissions

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by creating a new Section 3-74 to be entitled “Parking Commission”

2. AMENDMENT

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, is hereby amended by creating a new Section 3-74, entitled “Parking Commission” as follows:

“3-73. PARKING COMMISSION

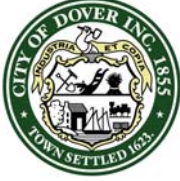
A. MEMBERSHIP: The Parking Commission shall consist of eleven (11) members appointed by the City Council, as follows:

- a. One (1) resident within the central business district
- b. One (1) resident outside the central business district
- c. Two (2) commercial property owners within the central business district
- d. Two (2) local business representatives within the central business district
- e. One (1) City Councilor designated by the Mayor
- f. One (1) member designated by the Transportation Advisory Committee,
- g. One (1) member designated by the Planning Board,
- h. One (1) member designated by the Dover Chamber of Commerce,
- i. One (1) member designated by Dover Main Street

B. TERMS OF MEMBERS: The designated City Councilor and Planning Board member shall serve throughout the term of their respective positions. All other commission members shall serve terms of three (3) years. The terms for initial member appointments shall be made to allow for subsequent appointments to occur on a staggered basis.

C. AUTHORITY AND DUTIES: The Parking Commission shall serve in an advisory capacity to the City Council and City Manager assisting with the development, implementation and continued monitoring of a comprehensive public parking system throughout the City. The Parking Commission shall review and develop recommendations for the ongoing financing and operation of public parking services and facilities to include:

- a. Making recommendations to the City Council and City Manager for the maintenance and implementation of an overall public parking plan that defines goals, policies, regulations and their enforcement.
- b. Making recommendations to the City Council and City Manager with respect to funding for a parking activity fund.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number:
Ordinance Title: **O – 2008.12.10-19**
Chapter: Chapter 3, Article IV, Boards and Commissions

- c. Making recommendations to the Planning Board, the City Council and City Manager with respect to capital improvement programming as it relates to public parking facilities.
- d. Making recommendations to the City Council and City Manager with respect to special parking districts, related maintenance programs and their funding and management.
- e. Promoting communication and the exchange of ideas and concerns between users of public parking, property owners, merchants, and City agencies.
- f. Acting to promote public awareness of public parking areas in the city.

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.

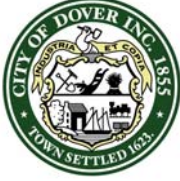
AUTHORIZATION

Approved as to Funding: Daniel 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 - ORDINANCE

Agenda Item#: 12.C.1.

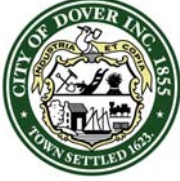
Ordinance Number:
Ordinance Title: **O – 2008.12.10-19**
Chapter: Chapter 3, Article IV, Boards and Commissions

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 - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number:

Ordinance Title: **O – 2008.12.10-19**

Chapter:

Chapter 3, Article IV, Boards and Commissions

ORDINANCE BACKGROUND MATERIAL:

The creation of the Parking Commission is recommended by the Downtown Parking Facility and System Report prepared by the City of Dover Downtown Parking Facility Ad Hoc Committee dated September 16, 2008.

The purpose of the Ad Hoc Committee was to investigate and recommend financing options for the construction of a public parking facility and other related improvements to the parking system in the City of Dover.

This ordinance will establish an 11 member Parking Commission to review and make ongoing recommendations ensuring the effective implementation and ongoing operation of a comprehensive public parking system.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2008.12.10-20**
Chapter: Chapter 79, City Property

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 79, entitled City Property.

2. AMENDMENT

Chapter 79 entitled “City Property” is hereby amended by revising the entire Chapter as follows in the attached background

3. TAKES EFFECT

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

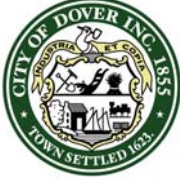
AUTHORIZATION

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.2.

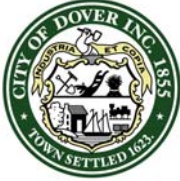
Ordinance Number:
Ordinance Title: **O – 2008.12.10-20**
Chapter: Chapter 79, City Property

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 - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2008.12.10-20**
Chapter: Chapter 79, City Property

ORDINANCE BACKGROUND MATERIAL:

The proposed ordinance represents a general re-drafting of an existing ordinance adopted over thirty years (30) ago in 1977.

The major substantive change in this ordinance is the use of the auditorium and conference rooms in City Hall by candidates running for elective office. Previously, candidates were prohibited from using City Hall facilities for campaigning activities.

Users of City property will incur rental charges as authorized by the City Council when approving fees on an annual basis.

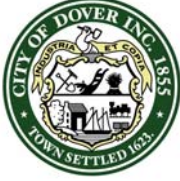
Additional substantive changes are the deletions of provisions pertaining to administrative functions and personnel matters.

Provisions regarding the sale of City owned real property are simplified and clarified.

There are a variety of housekeeping changes and changes in grammar throughout the ordinance.

CITY PROPERTY CHAPTER 79

- 79-1. Private work.
- ~~79-2. Street cleaning machinery limitation.~~
- ~~79-3. Use by city employees limited.~~
- ~~79-4. Rental charges.~~
- ~~79-5. Use on unaccepted streets.~~
- ~~79-6. Compensation for private work.~~
- 79-72. Naming of city property.
- ~~79-8. Violations and penalties.~~
- 79-93. Disposal of surplus property.
- 79-104. Storage of sludge on city property prohibited.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2008.12.10-20**
Chapter: Chapter 79, City Property

79-415 Disposing of Tax-Deeded and City Owned Real Estate

79-426 Use of City Property

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Section 79-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Marking of city motor vehicles - See Ch. 77.
Streets and sidewalks - See Ch. 152.

79-1. Private work.

City property and equipment may be used at the discretion of the City Manager for private work with the approval of the City Manager, provided that there is no conflict with municipal projects, and a proper rental is paid, for such use, and provided further that similar private equipment is not available for said work.

***Editor's Note: Provisions of this chapter are derived from Ch. 8 of the former Code, adopted 12-14-77.**

~~79-2. Street cleaning machinery limitation.~~

~~Any street sweeper of the city may not be used beyond the city limits.~~

~~79-3. Use by city employees limited.~~

~~No equipment may be used by city employees for their own work except as above.~~

~~79-4. Rental charges.~~

~~Rental charges for such equipment shall be determined by the City Manager.~~

~~79-5. Use on unaccepted streets.~~

~~Equipment may be used in the care and maintenance of roads and streets not formally accepted by the city but which have been maintained by the city prior to the effective date of this chapter.~~

~~79-6. Compensation for private work.~~

~~No employee of the City of Dover shall do any private work for compensation or accept compensation for private work during time he is being paid by the city.~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2008.12.10-20**
Chapter: Chapter 79, City Property

79-72. Naming of city property. [Added 2-27-85 by Ord. No. 3-85, amended 01-15-92 by Ord. No. 51-91]

~~Pursuant to RSA 47:5 by which city councils are granted the care and superintendence of all City buildings, City property, and all public squares and streets, all such city property, except streets of newly created subdivisions, shall be named by resolution of the City Council after a public hearing. Any such resolution must be referred to a public hearing prior to adoption.~~

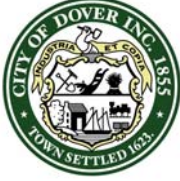
~~79-8. Violations and penalties. [Added 4-27-83 by Ord. No. 10-83]~~

~~Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be guilty of a violation and shall be subject to a fine of up to one hundred dollars (\$100.).~~

79-93. Disposal of surplus property. [Added 03-18-92 by Ord. No. 09-92]

The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess **non-real property owned by the City** :

- A. Transfer property from one department to another.
- B. **Trade for replacement equipment.** ~~Include surplus equipment as trades on replacement equipment.~~
- C. Sell property by public auction or sealed bid Said auction or sealed bid to be advertised seven (7) days in advance.
- D. Donate property to other organizations upon approval by the City Manager.
- E. Sell for salvage or dispose of in an appropriate manner ~~any items that are unsalable or unwanted.~~
- F. City of Dover Library Material **[Added 06-20-2001 by Ord. No. 12-2001]**
 - (1) **Surplus Materials at the Dover Library may be donated to the Friends of the Library or other similar charity. Surplus Materials are materials not useful, not relevant, materials in poor condition or duplicative as determined by the Library Director with the concurrence of the Library Board of Trustees.** ~~City of Dover Library Material, which is deemed by the Library Director, with concurrence by the Library Board of Trustees, to be not useful, not relevant, in poor physical condition, or a duplication of material already owned by the Library, shall be considered surplus material, and may be donated by the Library Director to the Friends of the Library or other similar charity.~~
 - (2) This authorization is specifically exempt from reporting requirements under 3-44 G, unless the item is a fixed asset such as furniture or equipment.
 - (3) In consideration of this surplus donation policy, any such donated library material donated to the Friends of the Library, which is selected for resale, other than the annual book sale, shall



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be itemized and posted internally, and on the Library Web Page, at least seven (7) days prior to the offering, so that citizens of Dover have advance notice.

79-404. Storage of Sludge on City Property Prohibited. [Added 04-03-96 by Ord. No. 05-96]

It shall be illegal to store sludge on city property that is not derived from the City of Dover's sewage system. Any person, firm or corporation violating this ordinance shall be guilty of a violation and upon conviction, fined not less than \$500.00 (five hundred dollars) nor more than \$1,000.00 (one thousand dollars) for each day sludge is stored on city property.

79-445. Disposing of Tax-Deeded and City Owned Real Estate. [Added 06-04-97 by Ord. No. 11-97]

- A. **On or before November 15 of each year, the City Council shall receive an updated list of the inventory of City-owned real property.** ~~the Finance Department shall annually on or before November 15th prepare a list of real estate deeded to the City for non-payment of taxes. This list shall be forwarded to the City Manager and City Council and shall be used to update the inventory of City owned real estate property.~~
- B. **On an annual basis, the City Manager shall recommend to the City Council the sale of City owned parcels that do not have a present or future use.** ~~Upon receiving the list of tax deeded real estate from the Finance Department, the City Manager shall evaluate the tax deeded real estate and all other City owned real estate for their current or expected future use. Those Properties that do not have a present or reasonably foreseeable use shall be recommended to the City Council to be sold.~~
- C. ~~Upon receiving the City Manager's recommendations, the City Council may then~~ **The City Council may authorize the City Manager to dispose of such city owned real property pursuant to state law in such manner as it may deem appropriate in accordance with RSA 80:80, III.**
- D. ~~If at any time an individual or party should be interested in purchasing a particular parcel of City-owned real estate not previously identified for disposal, they shall express their interest in writing to the City Manager. In order for the City to further consider such a request to sell real estate, a deposit by certified check or money order in the amount of two hundred fifty dollars (\$250) shall be included for each parcel being requested to sell.~~ **Persons interested in purchasing city real property shall notify the City Manager in writing requesting a sale and shall accompany said request with a certified check as a deposit in the amount of two-hundred fifty dollars (\$250) for each parcel or item. Such-Said deposit shall be fully refunded if the property or item requested for sale is not recommended for sale or is credited to the purchase price if successfully sold to the depositor.**
- E. ~~Upon receiving a letter of interest to purchase real estate and the accompanying deposit, the City Manager shall evaluate the real estate requested for sale for its current and future use, and also seek two (2) appraisals of any real property, to include land and buildings, that the City is offering for sale prior to approval of the sale. The City Manager shall then recommend to the City Council within four (4) weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City.~~ **Two (2) real estate**



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appraisals shall accompany the recommendation of the City Manager if the City Manager recommends the sale. Upon the sale, the buyer shall reimburse the City for the cost of the appraisals. [Amended 03-15-06 by Ord. No. 04-2006]

- F. Within four (4) weeks of receiving authorization by the City Council, the City Manager shall offer for sale by advertised sealed bid the tax acquired properties and other real estate authorized by the City Council to be sold.
- G. Notice of intended sale of City-owned real estate shall be published in a newspaper of general circulation in the City, **placed on the City website**, and ~~shall be posted in City Hall.~~ **Abutters shall also be notified by certified mail.** ~~The City shall also notify by certified mail the abutters of the property and previous owners, if known.~~ Notice of the intended sale shall inform the public of the time and procedure of the sale of the property and that any available data shall be provided for public inspection in City Hall. Notice shall be provided to any mortgagee pursuant to RSA 80:38-b at least **thirty (30)** days prior to the sale.
- H. ~~Unless otherwise authorized by the City Council, sealed bids with a minimum bid price of eighty percent (80%) of the current appraised value will be solicited for all City-owned real estate property authorized to be sold.~~ Bids ~~are required to~~ **shall** be submitted in writing, sealed and accompanied by a certified check or money order in an amount equal to at least ten percent (10%) of the bid offering. This bid security deposit money will be returned to all unsuccessful bidders once the transfer of ownership has been completed or if all bids shall be rejected. All bids received shall be opened publicly. **No property shall be sold for less than eighty (80%) percent of the average appraised value unless expressly authorized by the City Council.** All City-owned real estate advertised for sale shall normally be conveyed to the highest bidder meeting the minimum bid requirements subject to the following conditions or exceptions: **[Amended 03-15-06 by Ord. No. 04-2006]**
1. The City shall retain the right to refuse any and all bids.
 2. Any expense related to the sale of the City-owned real estate and the recording of the deed shall be the responsibility of the purchaser. Such expenses shall included but are not limited to the expense of the tax stamp and the cost of preparing and recording the deed.
 3. The successful bidder shall deliver to the City the balance of the bid price by certified check or money order within thirty (30) days of the bid opening. If the balance is not received within such time, the City may retain the deposit and sell the property to the bidder with the next highest bid.
- I. After review of the successful bid by the City Council, the City Manager shall be authorized by a majority vote of the City Council to execute and deliver quitclaim deeds in the name of and on behalf of the City to purchasers of real estate sold by the City. Surplus funds shall be distributed in accordance with the City Code.



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- J. In the instance involving the sale of tax-deeded property, all funds received in excess of unpaid taxes, interest, penalties and other expenses incurred by the City related to the sale of the property shall be made available to the previous owner of record. In order to receive such excess funds, the previous owner of record shall make application for payment with the Finance Department within one (1) year of the sale closing otherwise all surplus funds shall revert to the General Fund.
- K. Exceptions to this sale procedure shall be allowed for the marketing and sale of City-owned property for economic development, historic preservation or conservation purposes. Such exceptions shall include land purchased, developed and/or marketed by the Dover **Business and Industrial Development Authority (DBIDA) Economic Development Corporation**, or for preserving land for historic or conservation purposes. Exemptions shall also include small parcels of land of insignificant value to be deeded to abutters for boundary line adjustment. **[Amended 08/06/03 by Ord. No. 10-2003]**

79-426. Use of City Property. [Added 08-21-02 by Ord. No. 26-2002]

1. ~~The Auditoriums, gymnasiums and conference rooms of City buildings including inside of the Dover City Hall Building shall not~~ **may be rented used** as an event venue by **persons and organizations, including but not limited to** any candidate for elective partisan public office to promote a candidacy. ~~This section is not intended to prohibit elected officials from conducting policy events, as they relate to discussions of generic interest issues.~~
2. The City Manager shall promulgate policies for the use and rental of City **buildings**. ~~Hall in all other cases.~~ **Rental fee rates for auditoriums, gymnasiums and conference rooms shall be adopted by the City Council on an annual basis.**

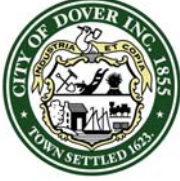


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CITY PROPERTY CHAPTER 79

- 79-1. Private work.
- 79-2. Naming of city property.
- 79-3. Disposal of surplus property.
- 79-4. Storage of sludge on city property prohibited.
- 79-5. Disposing of Tax-Deeded and City Owned Real Estate
- 79-6. Use of City Property

[**HISTORY:** Adopted by the City Council of the City of Dover 12-14-77.* Section 79-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Marking of city motor vehicles - See Ch. 77.
Streets and sidewalks - See Ch. 152.

79-1. Private work.

City property and equipment may be used for private work with the approval of the City Manager, provided there is no conflict with municipal projects, a proper rental is paid, and similar private equipment is not available for said work.

***Editor's Note: Provisions of this chapter are derived from Ch. 8 of the former Code, adopted 12-14-77.**

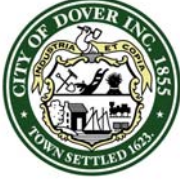
79-2. Naming of city property. [Added 2-27-85 by Ord. No. 3-85, amended 01-15-92 by Ord. No. 51-91]

City property, public squares and streets, except streets of newly created subdivisions, shall be named by resolution of the City Council **after a public hearing.** -

79-3. Disposal of surplus property. [Added 03-18-92 by Ord. No. 09-92]

The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess **non-real property owned by the City** :

- A. Transfer property from one department to another.
- B. **Trade for replacement equipment.**
- C. Sell property by public auction or sealed bid **upon seven (7) days notice.**
- D. Donate property to other organizations upon approval by the City Manager.



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E. Sell for salvage or dispose of in an appropriate manner

F. City of Dover Library Material [Added 06-20-2001 by Ord. No. 12-2001]

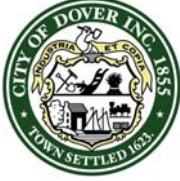
- (4) **Surplus Materials at the Dover Library may be donated to the Friends of the Library or other similar charity. Surplus Materials are materials not useful, not relevant, materials in poor condition or duplicative as determined by the Library Director with the concurrence of the Library Board of Trustees.**
- (5) This authorization is specifically exempt from reporting requirements under 3-44 G, unless the item is a fixed asset such as furniture or equipment.
- (6) In consideration of this surplus donation policy, any such donated library material donated to the Friends of the Library, which is selected for resale, other than the annual book sale, shall be itemized and posted internally, and on the Library Web Page, at least seven (7) days prior to the offering, so that citizens of Dover have advance notice.

79-4. Storage of Sludge on City Property Prohibited. [Added 04-03-96 by Ord. No. 05-96]

It shall be illegal to store sludge on city property that is not derived from the City of Dover's sewage system. Any person, firm or corporation violating this ordinance shall be guilty of a violation and upon conviction, fined not less than \$500.00 (five hundred dollars) nor more than \$1,000.00 (one thousand dollars) for each day sludge is stored on city property.

79-5. Disposing of Tax-Deeded and City Owned Real Estate. [Added 06-04-97 by Ord. No. 11-97]

- A. **On or before November 15 of each year, the City Council shall receive an updated list of the inventory of City-owned real property**
- B. **On an annual basis, the City Manager shall recommend to the City Council the sale of City owned parcels that do not have a present or future use.**
- C. **The City Council may authorize the City Manager to dispose of city owned real property pursuant to state law.**
- D. **Persons interested in purchasing city real property shall notify the City Manager in writing requesting a sale and shall accompany said request with a certified check as a deposit in the amount of two-hundred fifty dollars (\$250) for each parcel or item. Said deposit shall be fully refunded if the property or item requested for sale is not recommended for sale or credited to the purchase price if sold to the depositor.**
- E. The City Manager shall recommend to the City Council within **eight (8)** weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City. **Two (2) real estate appraisals shall accompany the recommendation of the City Manager if the City Manager recommends the sale. Upon the sale, the buyer shall reimburse the City for the cost of the appraisals. [Amended 03-15-06 by Ord. No. 04-2006]**



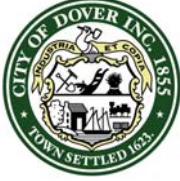
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- F. Within four (4) weeks of receiving authorization by the City Council, the City Manager shall offer for sale by advertised sealed bid the tax acquired properties and other real estate authorized by the City Council to be sold.
- G. Notice of intended sale of City-owned real estate shall be published in a newspaper of general circulation in the City, **placed on the City website**, and posted in City Hall. **Abutters shall also be notified by certified mail.** Notice of the intended sale shall inform the public of the time and procedure of the sale of the property and that any available data shall be provided for public inspection in City Hall. Notice shall be provided to any mortgagee pursuant to RSA 80:38-b at least **thirty (30)** days prior to the sale.
- H. Bids **shall** be submitted in writing, sealed and accompanied by a certified check or money order in an amount equal to at least ten percent (10%) of the bid offering. This bid security deposit money will be returned to all unsuccessful bidders once the transfer of ownership has been completed or if all bids shall be rejected. All bids received shall be opened publicly. **No property shall be sold for less than eighty (80%) percent of the average appraised value unless expressly authorized by the City Council.** All City-owned real estate advertised for sale shall normally be conveyed to the highest bidder meeting the minimum bid requirements subject to the following conditions or exceptions: **[Amended 03-15-06 by Ord. No. 04-2006]**
1. The City shall retain the right to refuse any and all bids.
 2. Any expense related to the sale of the City-owned real estate and the recording of the deed shall be the responsibility of the purchaser. Such expenses shall included but are not limited to the expense of the tax stamp and the cost of preparing and recording the deed.
 3. The successful bidder shall deliver to the City the balance of the bid price by certified check or money order within thirty (30) days of the bid opening. If the balance is not received within such time, the City may retain the deposit and sell the property to the bidder with the next highest bid.
- I. After review of the successful bid by the City Council, the City Manager shall be authorized by a majority vote of the City Council to execute and deliver quitclaim deeds in the name of and on behalf of the City to purchasers of real estate sold by the City. Surplus funds shall be distributed in accordance with the City Code.
- J. In the instance involving the sale of tax-deeded property, all funds received in excess of unpaid taxes, interest, penalties and other expenses incurred by the City related to the sale of the property shall be made available to the previous owner of record. In order to receive such excess funds, the previous owner of record shall make application for payment with the Finance Department within one (1) year of the sale closing otherwise all surplus funds shall revert to the General Fund.



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K. Exceptions to this sale procedure shall be allowed for the marketing and sale of City-owned property for economic development, historic preservation or conservation purposes. Such exceptions shall include land purchased, developed and/or marketed by the Dover **Business and Industrial Development Authority (DBIDA)** or for preserving land for historic or conservation purposes. Exemptions shall also include small parcels of land of insignificant value to be deeded to abutters for boundary line adjustment. **[Amended 08/06/03 by Ord. No. 10-2003]**

79-6. Use of City Property. **[Added 08-21-02 by Ord. No. 26-2002]**

3. **Auditoriums, gymnasiums and conference rooms of City buildings including** Dover City Hall **may be rented** as an event venue by **persons and organizations, including but not limited to** any candidate for elective partisan public office to promote a candidacy.
4. The City Manager shall promulgate policies for the use and rental of City **buildings. Rental fee rates for auditoriums, gymnasiums and conference rooms shall be adopted by the City Council on an annual basis.**

PETITION TO LEAVE LOWER SIXTH STREET OPEN TO LOCAL TRUCKS UP TO CLASS 8

NAME	BUSINESS NAME	ADDRESS	SIGNATURE
Barry Gilpatrick	Gil's Trucking	Dover, N.H.	Barry Gilpatrick
D. Gennoli's	Tri-State paving	Dover NH	D. Gennoli's
T. Lambert	Tri-State paving	Dover	T. Lambert
Jason Luce	OAK EXCAVATION	Rothsford NH	Jason Luce
Frank Wentworth	Wentworth etc	Dover	Frank Wentworth
Frank Wentworth	Wentworth	Dover	Frank Wentworth
J. Myl	RCH	Dover	J. Myl
Tim Aker	Aker	Dover	Tim Aker
Jason Hammond	KC Paving	DOVER	Jason Hammond
Seay's Quality	CONCRETE TRUCKING	DOVER	Seay's Quality
Det. Spence	FRUM	DOVER	Det. Spence
Frank Hubert	HERBERT FARM	DOVER	Frank Hubert
Mar Moore	R+M PAVING CO.	50 CROSBY RD	Mar Moore
Scott Wentworth	Wentworth Exc.	Dover NH	Scott Wentworth
Eli McCarthy	E.A. McCarthy	34 BROS DOWAY DOVER, NH	Eli McCarthy
DARYL Pelletier	XXXXXXXXXXXXXXXXXXXX	Rothsford	Daryl Pelletier
Alan Mandye	TAXPAYER OF DOVER	DOVER	Alan Mandye
Kevin Cooper	KC Paving	Dover	Kevin Cooper
Larry P. Farland	H.P. Farland Trucking	Rochester	Larry P. Farland
Wayne May	W. May Const	Dover	Wayne May
Michael Hunter	GOVE CONST.	ROCHESTER	Michael Hunter
John Prustelak	PALLETS INFRARED	DOVER	John Prustelak
John Murray	R/M Paving	Dover	John Murray
Ken B. Cury	XXXXXXXXXXXX Const	SOMMERS	Ken B. Cury
Steve Richard	Gove Const	Portsmouth NH	Steve Richard

