



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, February 25, 2009**
Meeting Time: **7:00pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PROCLAMATIONS – AWARDS - None**
5. **APPROVAL OF AGENDA**
6. **CITIZEN'S FORUM**

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

7. **PUBLIC HEARINGS - None**
8. **CITY MANAGER'S REPORT**
9. **MINUTES**
 - A. **MINUTES**
 1. **February 4, 2009 – Workshop**
 2. **February 11, 2009 – Workshop**
 3. **February 11, 2009 – Regular Meeting**

10. **MAYOR'S REPORT**

11. **UNFINISHED BUSINESS**

- A. **ORDINANCES IN THE 2ND READING - None**

- B. **RESOLUTIONS**

1. **RESOLUTION: SUPPLEMENTAL APPROPRIATION FOR LIBRARY ROOF REPAIRS AND AUTHORIZATION FOR BONDING (REQUIRES 2/3 MAJORITY VOTE)**
SPONSORED BY COUNCILOR CALLAGHAN

12. **NEW BUSINESS**

- A. **CONSENT CALENDAR**

1. **GATHERING – Dover Main Street**
 2. **RAFFLE – St. Thomas Aquinas High School**
 3. **RAFFLE – Maine Coast Runners Flyball Team**



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4. RESOLUTION: TIRE AND ELECTRONICS RECYCLING SERVICES TRUST FUNDS

SPONSORED BY MAYOR MYERS BY REQUEST

5. RESOLUTION: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY STREET

SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

B. RESOLUTIONS

1. RESOLUTION: FORMATION OF HORNE STREET SCHOOL JOINT BUILDING COMMITTEE

SPONSORED BY COUNCILOR CHENEY

2. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 2 CITIZEN FORUM WORKSHOP SESSIONS

SPONSORED BY COUNCILOR CHENEY

3. RESOLUTION: RELEASE OF CITY ATTORNEY CORRESPONDENCE

SPONSORED BY COUNCILOR CALLAGHAN

C. ORDINANCES IN 1ST READING

1. ORDINANCE: CHAPTER 3, ARTICLE 73, ADMINISTRATIVE CODE, MCCONNELL CENTER ADVISORY COMMITTEE

(TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009)

SPONSORED BY MAYOR MYERS BY REQUEST

2. ORDINANCE: CHAPTER 131 - OFFENSES

(TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009)

SPONSORED BY COUNCILOR CHENEY



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- 3. ORDINANCE: CHAPTER 166-56, VEHICLES & TRAFFIC, SCHEDULE I, NO PARKING AT ANY TIME ON WASHINGTON STREET (TO BE REFERRED TO PUBLIC HEARING ON MARCH 11, 2009) SPONSORED BY COUNCILOR WESTON**

D. COUNCIL CORRESPONDENCE

- 13. COUNCIL MATTERS OF INTEREST**
- 14. ADJOURN**

CITY MANAGER'S REPORT

February 25, 2009



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

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

SELECTED MATTERS FOR THE MONTH: January 2009

- Presentations to boards, commissions and committees regarding the new Acceptable Use Policy
- Assistance to the Planning Department regarding conservation easement; Energy Committee question
- Assistance to the Police Department regarding revisions to Chapter 131; Prosecutions
- Negotiation of cable matters and presenting contract issue to Comcast
- Litigation relative to drainage and Planning Board appeal
- Ethics training
- Assistance to the City Council; ordinance revisions; Robert's Rules; appointments
- Assistance to Community Services on Trash Ordinance enforcement
- Assistance to the Finance Department - Uniforms contract
- Processing of three (3) RSA 91-A requests; two requests involved 3 departments and approximately 2,000 pages
- Outside legal counsel expense for FY2009 is \$77,387.72 including environmental (as of 1.31.09).



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
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Meeting Time: **7:00pm**

Present: Mayor Myers, Councilors Callaghan, Carrier, Cheney, DeDe and Weston.
Absent: Deputy Mayor Trefethen, Councilors McCusker and Scott.
Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Councilor DeDe led the pledge of allegiance.

1. Sidewalk Snowplowing Policy

City Manager Joyal asked Doug Steele, Community Services Director, to address the Council regarding the sidewalk snowplowing policy.

Mr. Steele introduced Joe Boucher, Public Works Supervisor. He said the sidewalk snowplowing policy is written into the standard operating procedure for snowplowing, and said the sidewalks become a priority after the streets are satisfactory. He said there wasn't a strong policy, but that the City begins plowing the sidewalks as soon as the street plowing begins. He said sidewalk snow removal is the most challenging task. There are 66 miles of sidewalks in Dover, with three separate plow runs: North End, Downtown district, and South End. The City has 3 tractors that they use for sidewalk plowing: a 2001 model, a 1999 model, and a 1982 model being used as a spare when one of the others is broken down. The cost to maintain the 1999 model has been \$30,000. The 2001 model has cost the City \$42,000 to maintain, because it needed a new transmission a few years ago.

Mayor Myers asked how much a new tractor would cost.

Mr. Steele said \$126,000. He said a new tractor is provided for in the CIP within the next two years. He said for the average snowstorm it takes 70-80 hours to plow all the sidewalks, with two tractors starting in the downtown district, one going north and one going south. He said they also have to concentrate on the 2-mile radius around all of the schools. He said they were faced with many challenges, including:

1. The duration of storms and the length of time they are working.
2. The type of snow. Heavier snow sometimes takes weeks to remove.
3. Equipment breakdowns can be frequent, with broken shear pins and chains.
4. The snow blowers getting clogged with items such as recycling bins, trash bags, and mattresses.
5. Vehicles blocking sidewalks.
6. Residents and contractors filling the sidewalks with snow shoveled from their driveways.
7. A thaw/freeze cycle that makes snow hard like concrete.

Councilor DeDe asked if blocking the sidewalk was a ticketable offense.

Mr. Steele said that was correct.

Councilor DeDe said the main complaint was the timetable in getting the plowing down, and asked about getting snow blowers that cut a narrower path.

Mr. Steele said the ones the City has are effective.

City Manager Joyal said an alternative was to contract the job out to vendors.

Councilor Weston asked if one side of the street is done first.

Mr. Steele said the routes are written out for the operators, and they may not do both sides of the street at the same time.

Councilor Cheney asked if the same people who do the snowplowing also plow the sidewalks.

Mr. Steele said the City has people designated to do the sidewalks.



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Councilor Cheney asked what was being done when private contractors dumped snow on the sidewalks and streets.

Mr. Steele said the City Attorney assisted him in drafting a letter that is given to the contractor when he is seen dumping snow. He said repeat offenders would be fined.

Councilor DeDe asked how much the fine was for dumping snow in a public way.

Mr. Steele said the letter indicates that they may be subject to as much as a \$250 fine for a first offense.

Mayor Myers asked if it was true that the tractors don't fit on the Chestnut Street Bridge.

Mr. Steele said the tractor fits on the sidewalk, but the light poles are a problem and make it difficult.

Mayor Myers asked what the policy was for leaving snow on a driveway that is already cleared.

Mr. Steele said they just keep on moving, and it does anger people.

Councilor Carrier said he would like to see the Chestnut Street Bridge be a priority, because he sees people walking in the street.

Mr. Steele said he agreed.

Councilor Carrier asked the citizens for their help in clearing the sidewalks.

Councilor DeDe said the citizens could put trash receptacles on the snow bank, and then have the City workers replace the receptacles back on the snow bank. He said the citizens have to take part, and not expect the City to do it.

City Manager Joyal said he has asked the citizens to keep the sidewalks and fire hydrants clear. He said he would advise the citizens to wait a week to put trash out if a snow storm was being predicted on their trash day.

Councilor Callaghan said the fine can only be given if the contractor is caught putting snow on a public way. He asked if it would be helpful if the property owner were held responsible.

Mr. Steele said it would be helpful.

Councilor Callaghan said he doesn't hear that the sidewalks aren't being done on time, but that they aren't being done at all. He said doing one side of the street should be a priority. He asked if the public could be notified on which sidewalks will not be plowed. He asked how long tractors have been down.

Mr. Steele said the drivers carry shear pins with them. The average repair takes two hours.

Councilor Weston said she recently had an employee lose their home because the fire hydrant wasn't shoveled out. She also asked about the storm drains and the need to keep them clear.

Mr. Steele said the snow is usually pushed away from the catch basins.

Mayor Myers thanked Mr. Steele.

2. City Property Ordinance

This Ordinance was initially reviewed to allow for use of the auditorium for political events.

Councilor Cheney pointed out that 79-6 was numbered incorrectly and should be 1 and 2 - not 3 and 4. Second issue was the removal of the word "partisan."

City Attorney Krans stated he was initially left it in to show the history of the Ordinance and is clarifying language.

Councilor DeDe requested that Section 1, after candidacy, it be added: "on a first come first serve fee paid up front."

Councilor Callaghan wanted an additional Section 79-6 #3-Conservation land or other open space shall be governed by City Council or designee.



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Discussion continued on this point over whether it should be the City Manager or the City Council that manages the daily use of City land. There were also questions of this violating State statute and City ordinance. Consensus was not reached.

Councilor Callaghan wanted to amend Section K: #1 land sales, land purchase and distribution of funds shall be approved by the City Council. #2 DBIDA shall comply with all RSAs as amended. He requested that the City Manager provide historical data on DBIDA activity since creation including appraised value, sale price and what happened to funds. He stated that City Council shall have ultimate control over City land and currently DBIDA has no oversight by City Council.

Mayor Myers stated that information has been presented in the past and should be easily available. All funds went to General fund until 2002 then they were allowed to reinvest into Enterprise park and infrastructure. It was agreed to go back as far as Enterprise Park information.

Councilor Callaghan also wanted to be sure that the changes discussed in previous meeting were still going to be made and it was agreed that those changes would be made and the resolution would be forwarded to the City Council prior to being acted on.

3. Adjourn

Councilor DeDe made a motion to adjourn; seconded by Councilor Weston passed 6/0 at 9:25 pm.



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Meeting Time: **6:00 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.

Mayor Myers said the Workshop for the independent auditor's presentation on the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR). He said Daniel Lynch, the City's Finance Director, was in the audience and available for questioning. He introduced Scott McIntyre of Melanson Heath & Company, to present the independent audit presentation to the Council.

1. FY08 CAFR AND INDEPENDENT AUDITOR PRESENTATION

Mr. McIntyre said he would be reviewing the City's June 30, 2008 financial statements, and Melanson Heath and Company's audit of those financial statements. He said he would go over the high points of the Comprehensive Annual Financial Report (CAFR), and then go over the recommendations. He said the report was 150 pages and was divided into three sections:

- Introduction, a profile of the government
- Financial Section, including various balance sheets
- Statistical Section, including 10 years of trend analysis

He said the reports were prepared in accordance with the Governmental Accounting Standards Board (GASB), Statement #34. He said the report consisted of two sets of financial statements: one is designed to be a long-term perspective and the other a short-term perspective showing the cash position for the City as of June 30, 2008. He said both perspectives essentially break even for the year. The long-term perspective showed a small decrease in net assets, and the short-term perspective showed a \$500,000 increase in the unreserved fund balance.

Mr. McIntyre directed the Council to certain pages of the report to discuss with them.

- Pages 13 and 14 of the CAFR, which was the independent auditor's report. He said all the other pages of the CAFR were created by the City of Dover. He said Page 13 told the City what was completed in the audit, and what the independent auditor's opinions were on the City's financial statements. He referred to the second paragraph, which said that the independent audit was conducted in accordance with auditing standards generally accepted in the United States and government audit standards. He referred to the second-to-last paragraph and said in essence it indicates that the independent audit is giving the City a clean opinion, that the City's financial statements are totally in accordance with generally accepted accounting principles for local governments.
- Pages 29, 30, and 31, which showed the long-term perspective financial statements. He said the unrestricted net assets had a balance of \$1,555,000, which has gone \$600,000 from June 30, 2007 to June 30, 2008. He said the main reason it had gone down was because the City was accounting for Other Post Employment Benefits (OPEB) liability.
- Page 32, which showed the short-term perspective financial statements. He said the unreserved fund balance is \$5,584,935, up \$500,000 over the prior year, which represents 6.9% of FY08 expenditures. He said the percentage of the City's budget was unchanged from 2007 to 2008. He discussed the reserve funds that were set aside for Arena and McConnell Center.



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- Page 34, which showed a change in fund balance of \$438,000. He explained the difference.
- Page 35, which has become an important page in determining positive or negative trends. It represented reconciliation between short-term perspectives and long-term perspectives. He referred to two numbers: 1. \$4.7 million for depreciation. 2. \$6,215,000 for repayment of debt. He said they look for repayment of debt to be greater than the amount of depreciation.
- Page 63, which showed a summary of amortization for debt. He said for the governmental side; the City is paying off 72% of its debt in the first ten years. For the business side, 74% of the debt is paid off in the first ten years. He said that was a very large percentage and a very positive attribute.
- Page 74, the actuarial evaluation.

Mr. McIntyre then went over the audit recommendations for the City, which was in the Management letter.

- Pages 1 and 2 were an introduction to the Management letter, which showed what was done in the audit and what wasn't done in the audit. He said the audit did not look at every single transaction of the City.
- Page 4, Issue #1: obtain Capital Asset Software
- Page 5, Issue #2: establish a receivable collection and abatement policy
- Page 6, Issue #3: review revenue classification
- Page 6, Issue #4: accelerate the year-end closing process
- Page 7, Issue #5: monitoring the McConnell Center and School lunch program to avoid losses.
- Page 8, Issue #6: Federal Trade commission "red flag" rules, and the need for a written policy on suspicious activity.

Mayor Myers asked if there was anything specific in the delays for the year-end closing process. Mr. McIntyre said the delay in 2007 was caused by the City not having a Finance Director for seven months. In 2008, capital assets accounting was one of the principle issues for the delay. Mayor Myers asked the City Manager for an update on the status for the new financial software. City Manager Joyal said Dan Lynch, Laurie Verville, Annie Dove and Councilor Cheney met last year to lay out the initial framework choosing a system. He said there have been some vendors that have come in to make various proposals. The staff has putting together various RFPs and pulling together different pieces, which will be sent back to the committee. He said he hopes it will be ready to put out for bids later this spring, and then they'll go through an evaluation process.

Deputy Mayor Trefethen asked when it would be implemented.

City Manager Joyal said it will most likely be this fall.

Deputy Mayor Trefethen asked if the Council should expect the same timeframe for reconciliation for FY2009.

City Manager Joyal said he expected the Council to see improvement regardless of the software issue. He said Dan Lynch has created a checklist for year-end activities, which he has allocated to different staff members to complete.

Councilor Callaghan referred to Page 57, Issue #2: \$488,000 for ambulance fees. He asked for a comparison with other communities, and if they are behind in collections.

Mr. McIntyre said having an overdue balance for over 120 days is not uncommon for a community of this size.



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Councilor Callaghan asked if there was anything in the audit that the City should implement immediately to prevent ID theft.

Mr. McIntyre said there was nothing immediate that needs to be addressed.

Councilor Scott referred to Page 74; the actuary liability has gone from \$31 million three years ago to \$42 million, a 36% increase.

Mr. McIntyre referred to a second actuary report, which was completed by the City. He said he felt people were living longer now. He said there were two pieces for this figure: the population that is already retired, and the current employees that are earning that benefit now for when they will retire.

Councilor Scott referred to Page 72, the contribution to the State Pension Fund, in which the City's portion had gone up \$900,000 in 2008, while the Plan Members' portion had gone down. City Manager Joyal said there was a significant rate increase for the City, while the employees' rate hasn't changed.

Councilor Scott referred to Page 136, revenues and expenditures. He said there was a \$1.5 million surplus, and asked where the funds go.

Mr. McIntyre said \$1,093,000 was transferred to special revenue funds, which left the net of \$438,000.

Councilor Scott asked if he had a worksheet showing the disposition of those funds.

Mr. McIntyre said he did.

Councilor Scott asked if he had them for prior years.

Mr. McIntyre said he had 2007, and said it was in the CAFR, Page 34, which is outlined in detail on Pages 90 through 99.

Councilor Scott asked if this was audited.

Mr. McIntyre said it was audited.

Councilor Scott asked if the payroll was audited.

Mr. McIntyre said they look at the internal controls structure that the City has surrounding the process, and take a representative sample of transactions to trace back to its supporting documentation.

Councilor Scott asked if this had been done consistently for the past four or five years.

Mr. McIntyre said that was correct.

Councilor Scott referred to Page 135; the amount of bond issuing was left blank for 2008.

Mr. McIntyre said no bonds were issued in FY2008.

Councilor Scott referred to the debt service, which was \$9.5 million in 2008, and \$7.4 million in 2007.

Mr. McIntyre said in 2007 the City issued over \$18 million in debt, but did not begin making principal payments until 2008.

Mr. Lynch said the Council was putting the auditor in an awkward position by asking him to answer questions that he might not know the answer to. He said the first year was interest only. He said in this case the bond was issued in June 2007, and in 2008 principal and interest was paid. He said the City also made a change to amortize over 20 years, and the City didn't defer the principal, but paid the principal amount owed.

Councilor Scott asked Mr. McIntyre to create a worksheet explaining this.

Mayor Myers said that would require a decision of the whole Council, to direct the City Manager to request that worksheet. He asked Councilor Scott to bring it up in Council Matters of Interest.



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Councilor Weston said she was concerned about the unfunded liability Mr. McIntyre referred to, and his comment that some municipalities budget for it and some do not. She asked, if it wasn't budgeted for did it come out of the fund balance.

Mr. McIntyre asked if she meant when it was paid for on an annual basis. He said the \$2.5 million that he referred to was the annual required contribution that the actuary recommended by put aside, and was a net number. He said the actuary actually said to put aside \$3 million, but the City already pays \$500,000 out of the General Fund.

Mayor Myers said the Council has to approve the use of fund balance.

Councilor Weston gave the example of someone retiring today and the City owes them money for acquired sick time. She asked if that money came from fund balance.

Mr. McIntyre said there was an appropriated amount within the annual budget for what is expected to be paid out for retirement.

Councilor Weston asked if the City should fund this reserve fund.

Mr. McIntyre said it would look favorable with credit rating agencies.

Mayor Myers said \$200,000 is appropriated every year.

Councilor Callaghan referred to Page 7 of the Management Letter, the debt for the McConnell Center, and asked if that was actually spent, or if it was absorbed as debt.

Mr. McIntyre said the \$354,000 was the excess in expenditures over revenues for FY2008.

Councilor Callaghan said the report also showed the McConnell Center having a negative cash position of \$433,000. He asked if the numbers should be added together.

Mr. McIntyre said no. He said in FY2007 there was an \$80,000 deficit; add that to the \$354,000 for 2008, and you get the total negative cash position of \$433,000.

Councilor Callaghan asked about the procedure for the audit, and how much was actually looked at.

Mr. McIntyre said it was very broad. He said they tested all accounts. He said they tested 300 to 350 samples.

Councilor Callaghan asked what the failure rate was.

Mr. McIntyre said he didn't have that number. He referred to the Management Letter and their recommendations.

City Manager Joyal asked Mr. McIntyre to discuss quality control.

Mr. McIntyre said they follow two auditing standards, and every few years they go through an audit as well. They hire another CPA firm to go through their work and determine if they are following the auditing standards.

Councilor Cheney asked for clarification that everything other than the Management Letter was created by the City.

Mr. McIntyre said that was correct.

2. ADJOURN TO REGULAR MEETING

Councilor Cheney made a motion to adjourn to the Regular Meeting Session; seconded by Councilor Weston.

Vote: 9/0.



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Meeting began at 7:40 pm, following a Workshop Session.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Cheney 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

Deputy Mayor Trefethen asked for a minor word change to 12.B.1. The name of the truck company vendor should be Schmiel.

Councilor Scott asked that 12.B.2., 12.B.3., and 12.B.4. be moved to after the Mayor's Report. Mayor Myers asked for a vote to move 12.B.2., 12.B.3., and 12.B.4. to after the Mayor's Report.

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

Deputy Mayor Trefethen made a motion to approve the agenda as amended; seconded by Councilor Scott.

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.

Don Medbery, 3 Covered Bridge Lane: He referred to the Resolution regarding the role of the Council. He said with the recession going on the Council should only be discussing the budget. He said Councilor DeDe has a problem with Councilor Callaghan, and that should be discussed with the Ethics Committee or the courts. He said the bigger problem is that Councilor DeDe's project, the McConnell Center, has lost \$433,000 in revenues in the last eighteen months. He said Councilor DeDe needed to spend more time trying to figure how to cover these losses, and less time trying to control the thoughts and voices of the folks he disagrees with. He said Councilor DeDe needed to use his time more wisely on other issues besides recycling bins and snow on the sidewalk. He said those issues are the responsibility of Community Services and not the Ward 2 Councilor.



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Harvey J. Lynch, 26B Lincoln Street: He said a lot of the citizens don't like the dirty politics going on behind the scenes. He said the Council members need to remember that they work for the people of Dover. He told the Council to be careful with the email issue, because he didn't want them to take away his 1st Amendment rights.

Glenn Grasso, 1 Pebble Hill Drive: He said he has been offended at the enormous amount of time being wasted on the email policy. He said it was a simple concept and no different than any other business. He urged the Council to work on City business, instead of this trivial issue.

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

7. PUBLIC HEARINGS

A. ORDINANCE: HENRY LAW PARKING
SPONSORED BY COUNCILOR WESTON

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

B. RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – CIP APPROPRIATIONS FROM FY2000 THROUGH FY2008 PROJECTS
SPONSORED BY MAYOR MYERS BY REQUEST

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

C. RESOLUTION: SUPPLEMENTAL APPROPRIATION FOR LIBRARY ROOF REPAIRS AND AUTHORIZATION FOR BONDING
SPONSORED BY COUNCILOR CALLAGHAN

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

D. RESOLUTION: REPROGRAMMING BOND PROCEEDS SEWER FUND FY1999-FY2006 CIP APPROPRIATION
SPONSORED BY MAYOR MYERS BY REQUEST

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

8. CITY MANAGER'S REPORT

City Manager Joyal said he had a few things to discuss. First, the Stimulus Bill in Congress may have some opportunity to create some jobs in the City. He said the City will be submitting applications to the State of New Hampshire. He said there was a potential for water/sewer projects that might be eligible for stimulus funding. He said it probably wouldn't have any affect on the budget for this year or next year, but does have the potential for providing the City with an infusion of funds to get some projects going.



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Second, the City has taken possession of the Armory. He said they are evaluating what needs to be done with the building to secure it, checking the heating system, and making sure it doesn't deteriorate. He said the City will be storing equipment in the building.

Third, the City has submitted a request to the congressional delegation to secure the funding to complete the Cochecho River Dredging Project.

Fourth, the City has had 20 snow events, spending \$326,000 on snow removal. He said \$293,000 was budgeted, and he will be making adjustments in the budget to address this. Councilor Weston said she read an article that money from the stimulus package will go to shovel ready projects.

City Manager Joyal agreed.

Councilor Weston asked how many of Dover's wish list projects are shovel ready.

City Manager Joyal said they had \$500 million in projects. He said \$450 million was for the General Sullivan Bridge project, which is already going forward, and the City has asked for complete funding to enable the project to be done as originally intended. He said there were water/sewer projects that have designs in place and are shovel ready. He said the Whittier Street Bridge could be made shovel ready in 60 to 90 days. He said the Horne Street School is possible and could qualify for funding.

Councilor Weston asked about the water tower.

City Manager Joyal said the water tower was not shovel ready. He said the City will seek the funds, but he is not overly optimistic that the State will be doling out money to Dover, given they have other transportation projects that may take priority.

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

Vote: 9/0.

9. MINUTES

A. January 21, 2009

B. January 28, 2009

Deputy Mayor Trefethen made a motion to accept the Minutes as presented; seconded by Councilor McCusker.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers spoke the Resolution that the Council passed several weeks ago regarding sending a letter to the State delegation opposing the downshifting of costs to the local level. The letter has been written, signed, and will be mailed this week. He said he attended the event hosted by Dover Main Street, The Taste of Dover, and it was well attended. He said he went to the Dover High School and St. Thomas Aquinas High School basketball game, and said it seems they have renewed their rivalry. He wanted to thank the City Clerk Lavertu, Chief Colarusso and Sergeant Spiedel in coordinating the parking for the ballroom dancing in the auditorium. The offsite parking made the street parking available for merchants. He congratulated the Junior ROTC program for their annual review by the regional commander. He said the Dover Business and Industrial



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Development Authority has hired an Economic Development Director, Daniel Barufaldi, and he will be starting the first week of March. He said the New Hampshire Municipal Association had a meeting to discuss budget issues, which the Governor will be presenting on February 12, 2009. He read a letter to the Council from Steven Burns regarding his wife's wonderful visit with the Mounted Patrol. (This letter is archived with the minutes for this meeting.) He wanted to remind the citizens of his Coffee with the Mayor session on February 28, 2009, 9:00 – 11:00 am, at Café on the Corner.

Councilor Weston said she read in the Union Leader that they didn't like the Council's opinion on the gas tax.

Mayor Myers said it wasn't presented correctly.

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

Vote: 9/0.

12.B.2. RESOLUTION: DEADLINE FOR IMPLEMENTATION OF ACCEPTABLE USE POLICY

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

Councilor DeDe said this Resolution puts a deadline of March 1, 2009 on signing the Acceptable Use Policy. He said anyone who has not signed the Acceptable Use Policy will not have access to the City server.

Councilor Weston asked what would happen if the person doesn't have access to the City server and someone is trying to get in contact with them.

Mayor Myers said they would have other contact information available from the website.

Councilor Cheney said she had a problem with being cut off from the server if the Acceptable Use Policy isn't signed. She said the Acceptable Use Policy covered everyone, including employees, vendors, and boards, and it didn't seem practical to have the Acceptable Use Policy apply to everyone. She said the City Council only uses the email. She said she had a problem with "no expectation of privacy." She said when a constituent contacts the Council representative through email, that email is private. She said the Acceptable Use Policy is standard for employees, but should not be true for City Councilors. She said she didn't support the Acceptable Use Policy and will not support this Resolution.

Councilor Callaghan said he wouldn't support the Resolution. He said instead of addressing 91-A, which must be honored, the real issue is the expectation of privacy with constituents. He asked if the Council is really going to cut off the constituent's right and ability to contact a Councilor privately. He said there is no plan of what procedure will be followed if email is taken away. He said he signed the older agreement, but felt the new agreement violates his and his constituents' privacy.

Deputy Mayor Trefethen said most of the arguments are about the Acceptable Use Policy, which has already been passed. He said this Resolution is putting a deadline on signing the Acceptable Use Policy. He said the Council has set policies that if there was no quorum, then the information is not to be considered public information. He said the "no expectation of privacy" statement in the Acceptable Use Policy is not the same. He said this would be when the courts become involved and there is a court order to release that information. He said that was an extreme situation and will occur with or without the Acceptable Use Policy. He said cell phone calls between a Councilor and constituent may appear private, but the true is someone can listen in.



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He said there are other methods available to a citizen to contact their Councilor. He said he still receives phone calls and letters. He said he would be voting for the Resolution.

Councilor Scott said he had no problem with the Acceptable Use Policy for employees of the City. He did have a problem with cutting off communications via email between a Councilor and their constituents. He said this removal of privacy is in violation of the 4th Amendment. He said it should be tabled for more review. He said he would not support the Resolution.

Mayor Myers said he had no problem with signing this Acceptable Use Policy, and no problem with putting a deadline date on it.

Councilor Weston asked the City Attorney for clarification on the statement of "no expectation of privacy." She said it did appear to conflict with 91-A.

City Attorney Krans said the policy is broad and consistent with the corporate world.

Councilor Weston asked the City Attorney if he would go on the record stating that any citizen that sends an email to a Councilor, one-on-one, could expect privacy.

City Attorney Krans said absolutely not. He said currently the state of the law and the policy here with this City Council is that one-on-one communications between a constituent and councilor are not disclosable under the law. He said this was because there are specific provisions in 91-A law that say that a governmental record means distribution to a quorum or better. If the law changes, and they change the definition to one-on-one communications, then the Council has no control over that. He said 91-A sets the floor for disclosure. This Council could draw up a resolution to say one-on-one emails between Councilors and constituents are disclosable, but this Council hasn't done that. He said he finds no support for the right to privacy with a constituent in the law. He said he did find full support for the Acceptable Use Policy of not disclosing one-on-one communications. He gave the example of one of the councilors receiving an email from a constituent saying that they were coming to the City Hall with a bomb. He asked if anyone felt they had the right to privacy and that the email shouldn't be revealed. He went over the monitoring the City can perform, and referred to Police Investigations, and that the email wouldn't have a right to privacy. He said the policy now is that one-on-one communications are not disclosable, but was careful not to say private.

Councilor Cheney said she did sign the old agreement, and she felt the new policy did not apply to the Council. She asked to make a friendly amendment of "is directed to cutting off access to Municipal Information Technology Service (MITSS) by current users who have refused or neglected to sign the revised Acceptable Use Policy. Non-employees or elected officials may still be provided an email address which would be forwarded to the email address provided by that user;" seconded by Councilor Callaghan.

Councilor Cheney said it would offer consistency for the constituents.

Councilor Scott said he didn't see how that would guarantee the privacy of the constituents.

Councilor Callaghan said he seconded this amendment because he felt it was a step in the right direction.

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

Vote: 2/7; Failed. Councilors Callaghan and Cheney voted in favor.

Councilor Callaghan said he agreed with the City Attorney that this policy is acceptable to employees, because the computers are owned by the company. He said this is extending that policy to the Council's personal computers.

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



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

Councilor Cheney asked to speak again.

Mayor Myers said he needed a motion to suspend the rules to enable Councilor Cheney to speak for a third time on this Resolution.

Councilor Callaghan made a motion to suspend the rules to allow a Councilor to speak two more times on this Resolution; seconded by Councilor Scott.

Roll Call Vote: 5/4; Passed. Mayor Myers, Deputy Mayor Trefethen, Councilors DeDe and McCusker were opposed.

Councilor Cheney read over the resolution that was presented in February 2006, which was defeated at that time. She also read emails from constituents regarding the policy. She also spoke on the LGC presentation on 91-A, and that the City Attorney said he ordered a copy of it on CD. She felt that this would be looked at as a way to stifle communication.

Mayor Myers asked for a roll call vote on the Resolution.

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

12.B.3. RESOLUTION: WEBSITE/DIRECTORY OPEN GOVERNMENT POLICY

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

Councilor DeDe said this Resolution authorizes the City Manager to publish city addresses, and private email addresses shall be removed. He said the Acceptable Use Policy was adopted. He said the language and purpose is very clear, and it supports open government. He said there is no constitutional issue with privacy, even though people have tried to make it seem that there is. If the Acceptable Use Policy is not signed, then the City should not encourage them by publishing their emails on the City's website.

Councilor Cheney said she wanted an alternative address on the City's website. She said there was a lot of personal information about the Councilors on the website, including phone numbers, address, and pictures. She didn't understand why the personal email couldn't be on the website. She didn't think it was a good policy and will not support the Resolution.

Councilor Scott said he wants constituents to be able to contact him, and this would cut off communication. He said it looks like a punishment.

Councilor Callaghan said he hopes the citizens see how this will cost more and email all the councilors.

Mayor Myers said this was policy straight and simple. He said the last Resolution vote was 6/3, a supermajority.

Deputy Mayor Trefethen said he does hope to hear from the citizens, because he felt Councilor Callaghan was in the minority and in for a rude awakening.

Councilor McCusker said during the Citizen's Forum that one person talked about this, saying the Council is spending too much time on it. He said he didn't feel there was a conspiracy here, and no one is reading email out of curiosity. He said he had a difficult time with understanding why the Council wouldn't want a city email address if it is serving the residents of Dover. He said signing the Acceptable Use Policy enables you to be available to your constituents, via the email address which is published on the website. He said if you choose not to have a City email address, then you're not going to be allowed to have a second choice, because that was the choice you made.



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Councilor Weston said she wouldn't support this Resolution, because it is in direct conflict with the Acceptable Use Policy.

Councilor Cheney said the Resolution should be voted down or tabled until the Council can learn more about 91-A.

Councilor DeDe said the Acceptable Use Policy was established by the Council, and felt the Council should be the leaders. He said it was inconsistent to have the policy and then make exceptions. He said this Resolution was a natural extension to the prior Resolution that was just passed.

Councilor Weston said Councilor DeDe was wrong. The Acceptable Use Policy allows the Council to forward emails, and this Resolution says it can't be forwarded.

Mayor Myers said he didn't agree with that. If you sign the Acceptable Use Policy, then you can still forward your emails from your City email address.

Deputy Mayor Trefethen made a motion to move the question; seconded by Councilor Weston.
Vote: 9/0.

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

12.B.4. RESOLUTION: RESTATEMENT OF COUNCIL COMMITMENT TO SERVING THE CITIZEN'S OF DOVER

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

Councilor DeDe said this Resolution covers Charter C5-8. He said C5-8 is the only section in the Charter that gives a specific remedy for its violation: removal from office. It defines the role of the City Manager as a person who implements the Council's policies. He said the City Council is forbidden in getting in the way of performing those things. He said he felt there has been a situation where Charter C5-8 was violated, and felt as individual councilors they needed to recognize when it has happened. He said he would withdraw his Resolution.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. ORDINANCE: HENRY LAW PARKING SPONSORED BY COUNCILOR WESTON

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

Councilor Weston said this Ordinance was to enable the Police Department to enforce signage on Henry Law Avenue, because it must be adopted by the City Council. She was looking for the Council's support.

Roll Call Vote: 7/0. Councilors Callaghan and McCusker were absent from Council Chambers.



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B. RESOLUTIONS

- 1. RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – CIP APPROPRIATIONS FROM FY2000 THROUGH FY2008 PROJECTS (REQUIRED A 2/3 VOTE)**
 SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe.
 Mayor Myers said this Resolution ties up loose ends.

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

- 2. RESOLUTION: REPROGRAMMING BOND PROCEEDS SEWER FUND FY1999-FY2006 CIP APPROPRIATION (REQUIRED A 2/3 VOTE)**
 SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cheney.
 Mayor Myers said this was a similar Resolution that ties up loose ends.

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

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – Seymour Osman Community Center and Youth Safe Haven**
- 2. RESOLUTION: AWARD PURCHASE ORDER FOR RENTAL OF WORK UNIFORMS, LINENS, MATS ETC.**
 SPONSORED BY MAYOR MYERS BY REQUEST
- 3. RESOLUTION: SENIOR CENTER TRIP TO DAYTONA BEACH FLORIDA**
 SPONSORED BY MAYOR MYERS BY REQUEST
- 4. RESOLUTION: STATE OF NEW HAMPSHIRE FUELING DEPOT**
 SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

Deputy Mayor Trefethen moved to accept the Consent Calendar; seconded by Councilor DeDe.
 Councilor DeDe asked to pull Committee Report #12, Legislative Liaison Report.



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Mayor Myers asked for a roll call vote on the remaining items of the Consent Calendar.
Roll Call Vote: 9/0.

Councilor DeDe said he handed out an amended Legislative Liaison report to the Council. He said he is proposing that two letters regarding HB641 be sent to the District Representatives and to Amanda Merrill, State Senator. He added that he is not locked into the wording, and is open to wordsmithing from the Council. He discussed HB641 and its consequences to the City. Councilor Weston made a motion to accept the letters; seconded by Deputy Mayor Trefethen.
Vote: 9/0.

Councilor DeDe discussed HB46, which would take away the arbitrary rights of elected officials to determine what happens in negotiations, and would make arbitrator's decisions final. He made a motion to send an email to the District Representatives; seconded by Councilor Weston.
Vote: 9/0.

Councilor Weston made a motion to accept the Legislative Liaison Report; seconded by Deputy Mayor Trefethen.
Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: PURCHASE OF SCHMIEL PLATFORM SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Callaghan. Mayor Myers invited Fire Chief Perry Plummer to speak on this Resolution. Fire Chief Plummer said the Council passed \$950,000 in the CIP for a new platform. He said they did some research to try to save the City some money. He said they came across an unusual situation. He said Schmiel Manufacturing built a ladder truck, basically with a commitment from another city to deliver it. The paper for the commitment was lost, the city backed out, and Schmiel was left with a \$1 million ladder truck. He said he entered into negotiations with Schmiel and they have settled with the \$950,000 price. He said they have locked in the price until noontime, February 12, 2009. He said if the Council doesn't approve this tonight; it will be sold to a company in Canada for \$43,000 more. His recommendation is for the Council to approve this and buy it.

Roll Call Vote: 9/0.

2. RESOLUTION: DEADLINE FOR IMPLEMENTATION OF ACCEPTABLE USE POLICY SPONSORED BY COUNCILOR DEDE

Motion made to move up on the Agenda.

3. RESOLUTION: WEBSITE / DIRECTORY OPEN GOVERNMENT POLICY SPONSORED BY COUNCILOR DEDE



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Motion made to move up on the Agenda.

4. RESOLUTION: RESTATEMENT OF COUNCIL COMMITMENT TO SERVING THE CITIZEN'S OF DOVER
SPONSORED BY COUNCILOR DEDE

Motion made to move up on the Agenda.

C. ORDINANCES IN 1ST READING – NONE

D. COUNCIL CORRESPONDENCE

1. LETTER FROM JOHN E. CARROLL, PH.D, PROFESSOR OF ENVIRONMENTAL CONSERVATION; dated January 23, 2009.

Deputy Mayor Trefethen moved to have the letter placed on file; seconded by Councilor DeDe.

13. COUNCIL MATTERS OF INTEREST

Councilor Callaghan said he attended the HUB's 15th anniversary on January 30, 2009.

Deputy Mayor Trefethen said he wasn't going to support Councilor DeDe's Resolution for the Restatement of Council Commitment to Serving the Citizen's of Dover, but he understood the basic premise. He referred to 91-A and the Charter, and said the Council is collectively dysfunctional about these areas. He recommended a workshop to discuss these items.

Councilor DeDe said he would like a new plaque made for the McConnell Center. He said if he is going to get all the blame for what goes wrong over there, he wants his name on it.

Councilor Cheney referred to the Resolution for the Restatement of Council Commitment to Serving the Citizen's of Dover, and said it was a highly political move. She thought it was totally out of line. She said she attended the Tolend Road update and was pleased with the report.

Councilor Weston said she also went to the Tolend Road update, and said they hope that this landfill will be cleaned up within 5 to 20 years.

Mayor Myers referred to the Resolution for the Restatement of Council Commitment to Serving the Citizen's of Dover, and said he was disappointed for a number of reasons. He said it started out that Councilor DeDe said he was going to come forth with a censure, and then a few days later he said he was going to come forth with a removal. He didn't support the censure or removal statements. He said the Council should be more careful with words, and be more responsible. He agreed with Deputy Mayor Trefethen about the dysfunction of the Council regarding interpretation of 91-A and the Charter. He didn't think a workshop would help with this. He said



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the Council has to respect the differences in opinions and learn to live with them. He said he did take offense to the Resolution's title. He said he has taken the Oath three times, is committed to the citizens of Dover, and didn't feel he had to restate his commitment to the City.

Councilor Callaghan said he didn't believe he had violated the Charter, and would like someone to come forward formally if they truly believe that he violated the Charter. He said if it is brought up again, he will call a point of order, and will expect the Mayor to do something about it. He agreed that there shouldn't be a workshop, because it's going to be set up by the City Manager and City Attorney. He said the City Attorney does not work for the Council. He said the Council's employee, the City Manager, has an attorney. He said the City Attorney takes whatever his boss says and protects him with it. He felt the Council should hire an attorney that does what the Council wants.

City Manager Joyal said the City has an attorney licensed to represent the City of Dover. He said he assumes certain roles and responsibilities as the City Manager, and he will defend them on behalf of the citizens if there is a need to do that. He said if there was a problem with legal opinions being issued by the City Attorney, they need to be brought forward, because why should the City pay the City Attorney if you don't trust his opinions? He said the same was true of the City Manager.

Deputy Mayor Trefethen said to Councilor Callaghan that he did not say he agreed with Councilor DeDe regarding any misconduct.

14. ADJOURN

Deputy Mayor Trefethen made a motion to adjourn; seconded by Councilor Weston.
Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2008.01.28 - 24**
Resolution Re: Supplemental Appropriation for Library Roof Repairs and Authorization for Bonding

WHEREAS: The Dover Public Library 1988 addition has roof leaks during special storm conditions which require the placement of buckets in various locations; and

WHEREAS: The Debt Financed Capital Improvements Projects recently approved by the City Council is \$49,247 less than the retired debt from the previous fiscal year.

WHEREAS: The City Council desires to make public improvements and to finance these improvements with the sale of general obligation bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital projects are appropriated with estimated useful lives in excess of the length indicated:

Description	Appropriation	Life/Years	Department	Fund
Library Flat EPDM Roof Repair	40,000	20	Public Library	General
Total	40,000			

AND, FURTHER BE IT RESOLVED;

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount equal to the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the Finance Director/City Treasurer, with the Finance Director/ City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Richard Callaghan,
Councilor Ward 6

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2008.01.28 - 24**
Resolution Re: Supplemental Appropriation for Library Roof Repairs and Authorization for Bonding

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, 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#: 11.B.1.

Resolution Number: **R - 2008.01.28 - 24**
Resolution Re: Supplemental Appropriation for Library Roof Repairs and Authorization for Bonding

RESOLUTION BACKGROUND MATERIAL:

Passing this resolution will not exceed expenditures beyond the retired debt of last year.

Passing this resolution will remove \$40,000.00 in Capital Reserve financed capital improvements in FY 2012.

The Dover Public Library is scheduled for new carpeting throughout as approved by the City Council and repairing the roof will be preventative to damages to the new carpet.

The random placement of buckets in the Dover Public Library is a safety hazard and will create trip and fall hazards for normal traffic and emergency egress. The water from the roof leak is a health hazard due to the increased potential for mold. The water from the roof leak can greatly increase the deterioration of the structural integrity of the building.

RATE IMPACTS:

The following table summarizes the impact of this authorization on the Property Tax Rate by year, and the total change after 3 years, for an average single family home, based on the FY09 assessed value at \$243,446. It is anticipated that the first year impact will be for a half year of interest only.

Impact to Average Single Family Home

	Yr1	Yr2	Yr3	Change After 3 Years
Property Tax	.16	.39	.38	.93

LEGAL DEBT LIMITS:

The following table summarizes the amount of debt outstanding and authorized-unissued, as of January 1, 2009 and this pending authorization, against legal debt limits.

Description	City	School	Water	DBIDA-IP	DBIDA-IB	Exempt	Total
Debt Outstanding	35,612,469	27,408,664	10,763,000	595,000	1,823,436	23,809,786	100,012,355
Authorized - Unissued	4,609,200	3,850,000	1,050,000	0	2,000,000	3,100,000	14,609,200
Total Issued & Unissued	40,221,669	31,258,664	11,813,000	595,000	3,823,436	26,909,786	114,621,555
This Authorization	40,000	0	0	0	0	0	40,000
Grand Total	40,261,669	31,258,664	11,813,000	595,000	3,823,436	26,909,786	114,661,555
Legal Debt Limit	91,808,810	214,220,556	306,029,366	4,000,000	NA	NA	
Unused Capacity	51,547,141	182,961,892	294,216,366	3,405,000			
Percent Unused	56.1%	85.4%	96.1%	85.1%			



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Gathering for clean up

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

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

Organization Name: DOVER MAIN STREET
Federal Tax ID number for Organization: 202-0509409
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political
Contact Person: MICHAEL PRADT Day Time Telephone: 603-740-6485
Address: 288 MAIN STREET Email Address: dwermainst@ci.dover.nh.us
Purpose of Permit: TO CONDUCT DOVER PRIDE/Downtown Clean up Day
Date of Event: SATURDAY APRIL 25 Specific Time: 8:00 AM TO 12:00 NOON
Location of Event: COCCECHS MANS COUNTRY AND 14 STREETS THROUGHOUT DOWNTOWN

(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: Michael A Pradt Date: 2/13/09

Licensing Board approval: [Signature] Date: 2/18/09
Revised 03/17/08

OK Wfan

516-6666

TO: Dover City Council

FR: ST. THOMAS

RE: PERMIT - raffle

RECEIVED
DOVER CITY CLERK

2009 FEB 25 A 11:00

2009 FEB 25 A 11:00

RECEIVED
DOVER CITY CLERK



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

File In Completed and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: ST THOMAS AQUINAS H.S.

Federal Tax ID number for Organization: 02-0256491

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

Contact Person: S. Downey Day Time Telephone: 603-742-3206

Address: 197 Dover Pl. Rd Email Address: sdowney@stalex.org

Purpose of Permit: RAFFLE

Date of Event: 3-14-09 Specific Time: evening

Location of Event: ST. THOMAS

(Raffle Permits only) TV 50/50

Print (S) To Be Awarded: #10/25 Date of Drawing: 3-14 Specific Time: evening

Amount of Donation: \$10/25 Place of Drawing: ST. THOMAS

* 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 expedite information on these requirements may be found at http://www.dovernh.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

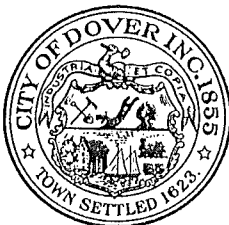
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL. PER THE PROVISIONS OF RSA 367-A, RSA 369-B and/or RSA 266 and I agree to abide by same.

Signature: [Signature] Date: 2-1-09

Licensing Board approval: [Signature] Date: 2/9/09

Rec'd of 01/17/08

OK Wilson



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

RAFFLE...TAG*.....PARADE**.....ROAD TOLL***.....FIREWORKS****.....

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

Organization Name: Maine Coast Rummen Flyball Team

Nature of Organization: CIRCLE ONE [Religious, Educational, Charitable, Civic, Veterans, Fraternal or Political]
*A COPY OF NON-PROFIT/CHARITABLE STATUS SHOULD BE AVAILABLE UPON REQUEST

How Long Has Organization Been in Existence: 10 years

Contact Person: Telephone: 1-207-646-3472

Address: Shirley M. Rand
1424 Littlefield Rd.
Wells, ME 04090-7540

Purpose of Permit: Raffle to be held at flyball tournament

Date of Event: April 4th & 5th Specific Time: 8am - 2pm both days

Location of Event: Dover ice & recreational building

(Raffle Permit only)

Prize (s) To Be Awarded: baskets put together by club members

Amount of Donation: \$1 per ticket Date of Drawing: 4-4-09 - 4-5-09 Specific Time: 8am - 2pm

Place of Drawing: Dover Ice & recreational building

- *NOTE: THIS PERMIT DOES NOT GIVE PERMISSION TO SOLICIT AT BUSINESS ESTABLISHMENTS WITHOUT THE OWNERS/MANAGERS PERMISSION
** NOTE: ALL REQUESTS FOR PARADE PERMITS 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
****NOTE: FIREWORKS PROGRAMS AND DISPLAYS MUST BE APPROVED BY THE FIRE CHIEF AND POLICE CHIEF IN ACCORDANCE WITH THE PROVISIONS OF RSA 160-A

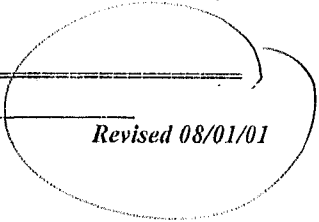
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Shirley M. Rand Date: 2-4-09

RECOMMENDATION: City Clerk recommends this item be granted. MEETING HELD:

Handwritten signature: OK W. Simon

Handwritten signature: OK - ARY





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.02.25 - 25**

Resolution Re: Tire and Electronics Recycling Services TRUST FUNDS

WHEREAS: In 1981 four NH Municipalities founded the Northeast Resource Recovery Association to provide a clearinghouse for current, up to date information and a source of technical and marketing assistance in the general areas of waste reduction and recycling. Membership has grown to over 300 municipalities. Dover is a member and has utilized this program for many years; and

WHEREAS: A resolution to the Board of Trustees of the Trust Funds was prepared and is in the process of being approved by the Board of Trustees of the Trust Fund and is included in this resolution; and

WHEREAS: As a member of this organization the City of Dover would like to continue to use Northeast Resource Recovery Association for it recycling needs; and

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

The Purchasing Agent is hereby authorized to issue a blanket Purchase Order to Northeast Resource Recovery Association for continued recycling services, as needed, given the rates provided Feb10, 2009. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation Balance as of 2/18/09
8933-43240-4831-0000-00-30	Vehicle Reclamation Trust Disbursement by Agent	\$30,378.00

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.4.

Resolution Number: **R - 2009.02.25 - 25**

Resolution Re: Tire and Electronics Recycling Services TRUST FUNDS

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.02.25 - 25**

Resolution Re: Tire and Electronics Recycling Services TRUST FUNDS

RESOLUTION BACKGROUND MATERIAL:

In 1981 four NH Municipalities founded the Northeast Resource Recovery Association to provide a clearinghouse for current, up to date information and a source of technical and marketing assistance in the general areas of waste reduction and recycling. Membership has grown to over 300 municipalities with goals such as maximizing recycling revenues, sharing cutting edge information, reducing disposal costs, reducing global warming emissions and access to expert technical assistance.

Dover is a member of this non-profit recycling cooperative and has utilized this program for many years. A resolution was prepared and is in the process of being approved by the Board of Trustees of the Trust Funds and is attached, documenting disbursement of funds from the Vehicle Reclamation Trust as an appropriate use of the Funds. As a member of this organization the City of Dover would like to continue to use Northeast Resource Recovery Association for its recycling needs

Electronic recycling services provided at a rate \$125.00 monthly rental fee of a closed container and a collection fee of \$275.00. In addition, a fee is charged in the amount of \$0.15 per pound.

Tire Recycling Services: one (1) twenty yard capacity trailers at a rate of \$655.00 per load and an annual rental fee of \$650.00.

Bid Information:

None, Member of a municipal organization

Award Information:

A purchase order will be issued to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:		Number of Responses:	
Warranty:		Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	
Prices will hold for:		Estimated Delivery:	As needed
Recommended Award to:	NRRA	Fund:	Trust Reclamation account 8933-
Other Approvals Required:	Board of Trustees of the Trust funds.	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase amount exceeds the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.02.25 - 25**

Resolution Re: Tire and Electronics Recycling Services TRUST FUNDS

CITY OF DOVER, NEW HAMPSHIRE RESOLUTION OF THE BOARD OF TRUSTEES OF THE TRUST FUND

RE: TIRE/ELECTRONIC RECYCLING SERVICES

WHEREAS: The City has been utilizing the services of the Northeast Resource Recovery Association to facilitate the collection and recycling of tire and electronics for the past several years; and

WHEREAS: As a member of this NH Municipality organization, NRRRA has arranged to have the electronic recycling services provided for the City of Dover at a rate \$125.00 monthly rental fee of a closed container and a collection fee of \$275.00. In addition, a fee is charged in the amount of \$0.15 per pound.

NRRRA will also supply one (1) twenty yard capacity trailers for the tire recycling at a rate of \$655.00 per load and an annual rental fee of \$650.00; and

WHEREAS: Annual estimated total not to exceed \$30,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES THAT:

The Treasurer is authorized to make payment for continued Tire and Electronic collection and recycling Services to Northeast Resources Recovery Association of Epsom, NH at the rates listed above, to be used as needed and charged to the following account:

<i>ACCOUNT #</i>	<i>DESCRIPTION</i>	<i>UNENCUMBERED BALANCE</i>	<i>CHARGE</i>
8933-43240-4831-0000-00-30	Vehicle Reclamation Trust – Disbursement by Agent	Funds Available	\$30,000.00 (Not to exceed estimated)

Approved by:

Daniel R Lynch

Don Cichon

Earle Goodwin

Date: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R -2009.02.25 - 26**

Resolution Re: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY STREET

WHEREAS: Waterloo Circle is ready for acceptance as a City street; and

WHEREAS: The Engineering Division has reviewed this street and has determined it meets the City standards and specifications for street acceptance; and

WHEREAS: Waterloo Circle was dedicated by the developer by the filing and recording of an approved subdivision plan identified as Plan 55-62 in the Strafford County Registry of Deeds.

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

Waterloo Circle is accepted as a City Street according to the metes and bounds description contained in the background of this resolution.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R -2009.02.25 - 26**

Resolution Re: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY 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.A.5.

Resolution Number: **R -2009.02.25 - 26**

Resolution Re: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY STREET

RESOLUTION BACKGROUND MATERIAL:

A street is created as an official public way in one of 4 ways as follows:

- Highway layout
- Prescription
- Dedication and acceptance
- Deed

Creation of this street as an official highway by dedication and acceptance will be accomplished with this resolution. The vast majority of highways in the modern age are created by dedication and acceptance.

The process is a two-step process. The most common act of dedication is the filing and recording of an approved subdivision. The second and final step is a formal vote of acceptance by the City Council.

The City of Dover maintains and provides services for city streets. Only streets meeting city specifications are accepted.

Beginning at the southeasterly sideline of Dover Neck Road and at the southwesterly sideline of Map M, Lot 76-15 at a granite bound; thence running along a curve to the right with a radius of 25.00 feet for a distance of 38.69 feet to a granite bound; thence turning and running N 84° 55' 07" E for a distance of 119.38 feet to a granite bound; thence running along a curve to the right with a radius of 375.00 feet for a distance of 72.56 feet to an iron rod; thence running S 83° 59' 44" E for a distance of 171.56 feet to a 5/8 rebar; thence running S 83° 59' 44" E for a distance of 145.62 feet to a granite bound; thence running along a curve to the left with a radius of 175.00 feet for a distance of 26.03 feet to a 5/8 rebar; thence running along a curve to the left with a radius of 175.00 feet for a distance of 150.00 feet to a 5/8 rebar; thence running along a curve to the left with a radius of 175.00 feet for a distance of 81.36 feet to a granite bound; thence turning and running N 11° 43' 59" E for a distance of 68.64 feet to a 5/8 rebar; thence running N 11° 43' 59" E for a distance of 74.13 feet to a granite bound; thence running N 43° 05' 13" E for a distance of 7.47 feet to a granite bound; thence running N 43° 05' 13" E for a distance of 154.01 feet to a 5/8 rebar; thence running along a curve to the left with a radius of 175.00 feet for a distance of 144.32 feet to a 5/8 rebar; thence continuing along a curve to the left with a radius of 175.00 feet for a distance of 150.00 feet to a 5/8 rebar; thence continuing along a curve to the left with a radius of 175.00 feet for a distance of 150.00 feet to a 5/8 rebar; thence continuing along a curve to the left with a radius of 175.00 feet for a distance of 15.34 feet to a granite bound, thence turning and running S 72° 35' 35" W for a distance of 134.66 feet to a 5/8 rebar; thence running S 72° 35' 35" W for a distance of 150.00 feet to a 5/8 rebar; thence running S 72° 35' 35" W for a distance of 150.00 feet to a 5/8 rebar; thence running S 72° 35' 35" W for a distance of 7.88 feet to a granite bound; thence running along a curve to the left with a radius of 325.00 feet for a distance of 92.21 feet to a granite bound; thence running S 56° 20' 11" W for a distance of 49.91 feet to a 5/8 rebar; thence running S 56° 20' 11" W for a distance of 182.41 feet to a granite bound; thence running along a curve to the right with a radius of 275.00 feet for a distance of 71.17 feet to a granite bound; thence running S 71° 09' 56" W for a distance of 68.49 feet to a granite bound; thence running along a curve to the right with a radius of 25.00 feet for a



CITY OF DOVER

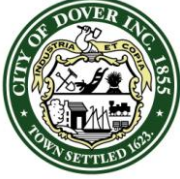
CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R -2009.02.25 - 26**

Resolution Re: ACCEPTANCE OF WATERLOO CIRCLE AS A CITY STREET

distance of 34.86 feet to a granite bound; thence turning and running along a stone wall and the easterly sideline of Dover Neck Road 96.00 feet to a granite bound; thence turning and running along a curve to the right with a radius of 25.00 feet for a distance of 40.70 feet to a granite bound; thence turning and running N 71° 09' 56" E for a distance of 53.72 feet to a granite bound; thence running N 56° 20' 11" E for a distance of 45.77 feet to a 5/8 rebar; thence running N 56° 20' 11" E for a distance of 156.25 feet to a 5/8 rebar; thence N 56° 20' 11" E for a distance of 30.30 feet to a granite bound; thence running along a curve to the right with a radius of 275.00 feet for a distance of 78.03 feet to a granite bound; thence running N 72° 35' 35" E for a distance of 43.92 feet to a 5/8 rebar; thence running N 72° 35' 35" E for a distance of 161.70 feet to a 5/8 rebar; thence running N 72° 35' 35" E for a distance of 161.70 feet to a 5/8 rebar; thence running N 72° 35' 35" E for a distance of 75.22 feet to a granite bound; thence running along a curve to the right with a radius of 125.00 for a distance of 328.33 feet to a granite bound; thence running S 43° 05' 13" W for a distance of 103.39 feet to a 5/8 rebar; thence running S 43° 05' 13" W for a distance of 63.77 feet to a granite bound; thence running S 11° 43' 59" W for a distance of 67.11 feet to a 5/8 rebar; thence running S 11° 43' 59" W for a distance of 75.66 feet to a 5/8 rebar; thence running along a curve to the right with a radius of 125.00 feet for a distance of 183.85 feet to a granite bound; thence turning and running N 83° 59' 44" W for a distance of 57.88 feet to a 5/8 rebar; thence running N 83° 59' 44" W for a distance of 150.00 feet to a 5/8 rebar; thence running N 83° 59' 44" W for a distance of 116.73 feet to a granite bound; thence along a curve to the left with a radius of 425.00 feet for a distance of 33.27 feet to a 5/8 rebar; thence running along a curve to the left with a radius of 425.00 feet for a distance of 48.96 feet to a granite bound; thence running S 84° 55' 07" W for a distance of 123.45 feet to a granite bound; thence running along a curve to the right with a radius of 25.00 feet for a distance of 35.62 feet; thence turning and running southwesterly along Dover Neck Road 96.00 feet to the point of beginning.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.02.25 – 27**
Resolution Re: **FORMATION OF HORNE STREET SCHOOL JOINT BUILDING COMMITTEE**

WHEREAS: Pursuant to RSA 199:3, a Joint Building Committee shall be chosen in equal numbers by the City Council and the School Board regarding all construction of schoolhouses; and

WHEREAS: A new Joint Building Committee is required for the renovation of Horne Street School pursuant to RSA 199:1.

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

The Dover City Council hereby appoints the following persons to a new Joint Building Committee to renovate Horne Street School:

Catherine Cheney
Ray Bardwell
Karen Weston

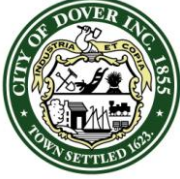
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.02.25 – 27**
Resolution Re: **FORMATION OF HORNE STREET SCHOOL JOINT BUILDING COMMITTEE**

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 – 2009.02.25 – 27**

Resolution Re: **FORMATION OF HORNE STREET SCHOOL JOINT
BUILDING COMMITTEE**

RESOLUTION BACKGROUND MATERIAL:

Plans and appropriations have been made for the renovation of the Horne Street School, including the expansion of the footprint.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2009.02.25 - 28**
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 2
CITIZEN FORUM WORKSHOP SESSIONS**

WHEREAS: The Dover City Council adopted Council Rules for the conduct of business of the City Council; and

WHEREAS: The efficient conduct of City Council business will be enhanced with an amendment to the Council Rules.

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

Rule 2 C of the Dover City Council Rules 2008-2009 is amended to allow citizens to address the Council during Workshop sessions as shown in the Background of this resolution.

NOTE: This requires a 2/3 majority vote.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2009.02.25 - 28**
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 2
CITIZEN FORUM WORKSHOP SESSIONS**

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 – 2009.02.25 - 28**

Resolution Re: AMENDMENT TO COUNCIL RULES – RULE 2
CITIZEN FORUM WORKSHOP SESSIONS

RESOLUTION BACKGROUND MATERIAL:

Rule 2 C.

. The Council may meet for informational workshop sessions on the 1st Wednesday of every month and on an as needed basis. The place of meeting shall be the Council Chambers in the City Hall, except as otherwise designated. Workshop sessions shall not be used for business that may be referred to standing or other committees of the Council. **Citizens may address the Council at the beginning of and at the end of each workshop session subject to the time limit of Rule 12 (F).**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.02.25 – 29**
Resolution Re: **RELEASE OF CITY ATTORNEY
CORRESPONDENCE**

WHEREAS: The City Council and others, receive letters from the City Attorney, marked “confidential”; and

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

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

WHEREAS: The NH DOJ Right to Know Memorandum dated February 7, 2008 section E.1. h. “The public body must have a basis for invoking the exemption and may not simply mark a document "confidential" in an attempt to circumvent disclosure. To best effectuate the purposes of the Right-to-Know Law, whether information is "confidential" must be determined objectively, and not based on the subjective expectations of the party generating it.”

WHEREAS: The City Council is empowered to release such confidential material from the City Attorney.

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

The Mayor and City Council of Dover, NH resolves that all letters written by the City Attorney after February 25, 2009 and marked “confidential” shall be placed on the Consent Calendar and considered for release at the next regularly scheduled Council Meeting;

AND, FURTHER BE IT RESOLVED;

That all letters written between January 7, 2008 and February 25, 2009 by the City Attorney and marked “confidential” shall be placed on the Consent Calendar and reviewed for consideration to determine if those letters shall remain “confidential”;

AND, FURTHER BE IT RESOLVED;

That all letters written after January 7, 2008 by the City Attorney and marked “confidential” have not been considered to determine if the letters should remain “confidential”, shall be automatically deemed unsuitable for confidentiality and will be released on April, 1, 2009;

AND, FURTHER BE IT RESOLVED;

That all letters identified above released as the result of this resolution shall be appended to, and complete the Background contained in this resolution;



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.02.25 – 29**
Resolution Re: **RELEASE OF CITY ATTORNEY
CORRESPONDENCE**

AND, FURTHER BE IT RESOLVED;

Letters written to the Zoning Board of Adjustment or the Ethics Commission shall be exempt from this resolution.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Richard Callaghan
By request

Approved as to Legal Form:

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.02.25 – 29**
Resolution Re: **RELEASE OF CITY ATTORNEY
CORRESPONDENCE**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, 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 – 2009.02.25 – 29**
Resolution Re: **RELEASE OF CITY ATTORNEY
CORRESPONDENCE**

RESOLUTION BACKGROUND MATERIAL:

It is a matter of practice for the City Attorney to mark all correspondence to the City Council “Confidential”, but does not necessitate those letters to be kept confidential.

The City Council should consider the relevance of keeping any letter marked “confidential” by the City Attorney on a case by case basis to assure they are objectively and not subjectively kept in “confidential” status.

This will also precludes any perception that the letters were left in “confidential” status by error or to circumvent the spirit and intent of NH RSA 91-A.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number:
Ordinance Title: **O – 2009.02.25 – 3**
Chapter: Chapter 3, Administrative Code

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled “Administrative Regulations” of the Code of the City of Dover, 1983, by amending language in Section 3-73.

2. AMENDMENT

Chapter 3 entitled “Administrative Regulations, is hereby amended by revising Article 3-73 "McConnell Center Advisory Committee" as follows:

“3-73 McConnell Center Advisory Committee

A. MEMBERSHIP: The McConnell Center Advisory Committee shall consist of eleven (11) members appointed by the City Council, with representation as follows:

- i.** Two (2) City Representatives
- ii.** Three (3) tenant representatives
- iii.** Six (6) community members

B. TERMS OF MEMBERS: All commission members, except City representatives, shall be appointed for a term of three (3) years.

i. The length of terms for the initial appointments shall be three (3) members with three (3) year terms; three (3) members with two (2) year terms; and three (3) members with one (1) year terms thereby allowing for subsequent appointments to occur on a three (3) year staggered basis.

ii. City representatives shall be appointed as needed by the City Council. The term of a City Council representative and Recreation Advisory Board shall expire when the term of office for the appointment expires.

C. AUTHORITY AND DUTIES: The McConnell Center Advisory Committee shall serve in an advisory capacity to the City Council and the City Manager. The major responsibilities of the Advisory Board include the following:

- i.** Advocate for achieving the mission of the McConnell Community Center.
- ii.** Review the operations budget recommended to City Manager.
- iii.** Seek and recommend tenants to the City of Dover.
- iv.** Assist in the creation and dissemination of publicity related to the McConnell Community Center.
- v.** Foster collaborative programming between tenants of the McConnell Community Center and other agencies.
- vi.** Recommend and review the policies covering the following:

a Use of shared space



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Chapter 3, Administrative Code

- b. Use of tenant space
 - c. Conflict and grievance resolution
 - d. Subletting of leased space
 - e. Parking
 - f. Finances
 - g. Security
 - h. Safety
 - i. Use of cafeteria services and kitchen
 - j. Signage plans and requirements
 - k. Cleanliness of the McConnell Community Center
- vii. Review the governance structure periodically.
- B. The Committee shall establish its own operating rules subject to approval of the City Council and shall appoint a Chairperson annually.
- C. The Committee shall meet at least once quarterly and report to the City Council periodically.

3. TAKES EFFECT

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

4. RECOMMENDATION

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

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By Request

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

Recorded by: Karen Lavertu
City Clerk

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		



CITY OF DOVER

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Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

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Ordinance Number:
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Chapter: Chapter 3, Administrative Code

ORDINANCE BACKGROUND MATERIAL:

The McConnell Center Advisory Committee is an existing committee. The substantive change is the deletion of the Planning Board representative to conform to State law.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2009.02.25 – 4**
Chapter: Chapter 131 - Offenses

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 131, entitled “Offenses” of the Code of the City of Dover 1983.

2. AMENDMENT

Chapter 131 entitled “Offenses” is hereby amended by changing the entire Chapter 131.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

3. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

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Chapter: Chapter 131 - Offenses

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:		
Ordinance does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2009.02.25 – 4**
Chapter: Chapter 131 - Offenses

ORDINANCE BACKGROUND MATERIAL:

OFFENSES CHAPTER 131

- 131-1. ~~Loitering and obstruction.~~ Reserved
- 131-2. Benches.
- 131-3. Prohibited weapons.
- 131-3.1. Safe Storage of Firearms.
- 131-4. ~~Fishing in restricted areas.~~ Reserved
- 131-5. Identification of certain workers.
- 131-6. Consumption and possession of alcoholic beverages.
- 131-7. Park hours.
- 131-8. Consumption, sale and dispensing of alcoholic beverages in city-owned buildings.
- 131-9. Motor vehicles on school property and park grounds.
- 131-10. Private property rights.
- 131-11. Public peace.
- 131-12. Interference with law enforcement officers.
- 131-13. ~~Keeping controlled drugs.~~ Reserved
- 131-13.1. Fireworks.
- 131-13.2. Operation of boats and vehicles on Willand Pond restricted.
- 131-14. Violations and penalties.
- 131-15. Sale of rolling papers to minors.
- 131-16. School Truancy.
- 131-17. Facilitation of a Drug of Underage Alcohol Party.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2009.02.25 – 4**
Chapter: Chapter 131 - Offenses

- 131-18. Use of tobacco products in Henry Law Skate Park , School grounds, and athletic fields
- 131-19. Use of tobacco products on the grounds of the McConnell Center and Dover Public Library
- 131-20. Registered Sex Offender Restrictions

[HISTORY: Adopted by the City Council of the City of Dover 10-28-81 as Ord. No. 7-81. Amendments noted where applicable.]

131-1. ~~Loitering and Obstruction.~~ [Amended 10-28-81 by Ord. No. 19-81] Reserved

~~A. No person shall sit, stand or lounge on any public way or sidewalk in or about any doors, windows or passageways, except the owners or occupants of the premises, after having been requested by the owners or occupants or any police officer to depart therefrom.~~

~~B. Three (3) or more persons shall not stand or remain in a group or near each other on any sidewalk or crosswalk or in any street or public way in such a manner as to obstruct a free passage thereon or therein after request has been made by any person to move on.~~

~~C. Three (3) or more persons standing or remaining in a group or near each other on a sidewalk or crosswalk or in any street or public way in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic shall move on immediately after a request is made by any police officer; and no person to whom such a request has been made by a police officer shall again become a member of any group of three (3) or more persons standing near each other on a sidewalk or crosswalk or in any street or public way in close proximity in time and place to the initial request to move on and in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic.~~

131-2. Benches. [Amended 10-28-81 by Ord. 19-81]

~~A. No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench.~~

~~B. No person shall continue to sit or stand or lounge in the area immediately adjacent to any municipally owned bench after having been requested to move on by any police officer, and at no time after such a request has been made by a police officer shall any person to whom such a request is made return and sit or stand or lounge in the area immediately adjacent to any municipally owned bench.~~

131-3. Prohibited weapons. [Amended 2-11-87 by Ord. No. 2-87]

~~A. It shall be unlawful for any person, persons, firm or corporation to sell or possess any slingshot, slungshot, metallic knuckles, switch knife or dagger.~~



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B. No person shall display or possess any dangerous weapon in a threatening manner or under any circumstances which is designed or likely to cause alarm or concern where no legitimate purpose for such a display exists.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

DAGGER means any knife whose blade is sharpened on two (2) edges.

DANGEROUS WEAPON means any firearm, knife or other instrument which, in the manner it is used or displayed or intended to be used or threatened to be used, is known to be capable of producing death or bodily injury.

METALLIC KNUCKLES means any hand-held device that is designed to provide a hardened striking surface to the outer hand, fingers or knuckles when a fist is formed by the hand.

SLINGSHOT means a forked stick with an elastic band attached for shooting small stones or the like.

SLUNGSHOT means a small mass of metal or stone fixed on a flexible handle, strap or the like and used as a weapon.

SWITCH KNIFE means any knife whose blade is driven by spring action.

D. Any weapon or device seized by the Police Department pursuant to a violation of this section shall be forfeited to the use of or disposed of by the Police Department as is deemed appropriate by the Chief of Police.

E. Any person violating any of the provisions of this section shall be guilty of a violation.

131-3.1. Safe Storage of Firearms. [Added 01-17-96 by Ord. No. 22-95]

A. DEFINITIONS

1. **Safe Storage of Firearms means** keeping the firearm in the immediate possession or under the immediate control of the owner, or:
 - a. Keeping the firearm in a securely locked box or container; or,
 - b. Securing the firearm with a trigger lock; or,
 - c. Keeping the firearm in a location or manner which a reasonable person would believe to be secure and reasonable likely to prevent access to a child **age 18** or under.
2. **Minor Defined.** ~~As used in this Ordinance, means the term minor means~~ any person age **eighteen (18)** ~~seventeen (17)~~ or under.



CITY OF DOVER

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3. Firearm ~~means Defined.~~ ~~As used in this Ordinance, a firearm is defined as~~ any rifle, pistol, revolver, or shotgun capable of discharging a projectile. A firearm is presumed to be loaded if ammunition for the firearm is contained in the firearm's magazine cylinder, chamber or clip, or in close proximity to the firearm, to exclude B.B. guns.

B. SAFE STORAGE REQUIRED

1. Any person leaving or storing a loaded firearm on a premises knowing, or where he should have known, that a minor is able to gain access to the firearm without the lawful permission of the minor's parent or guardian, shall safely store the firearm as described in Section A.
2. Any person violating the requirements of this Ordinance shall be guilty of a violation only if any minor gains access to the firearm and possesses or exhibits it; and any one of the following conditions exists:
 - a. The firearm is displayed or brought into any public place, except where the firearm is being used for legitimate hunting purposes consistent with state law;
 - b. The firearm is used or displayed in a reckless or threatening manner;
 - c. The firearm is used during the commission of any misdemeanor or felony;
 - d. When the firearm is negligently or recklessly discharged.
3. This sub-section does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

C. PENALTIES.

1. Any person violating the provisions of this section shall be subject to a fine of up to one thousand dollars (\$1,000).
2. Any firearms seized by the Police Department pursuant to a violation of this Ordinance shall upon conviction, be ordered forfeited by the Court and turned over to the Police Department for destruction.

~~131-4. Fishing in restricted areas.~~

~~No person over fifteen (15) years of age shall fish in the posted area of Bellamy Road and Cold Springs. This section shall not apply to any adjoining landowner or member of his immediate family.~~



CITY OF DOVER

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Chapter: Chapter 131 - Offenses

131-5. Identification of certain workers.

Every person, whether in the employ of the city or any private corporation, ~~whose duty it shall be to~~ **who enters private property** visits private residences or buildings for the purposes of examining electric, gas and water meters or pipes or ~~for the purpose of inspecting drains or chimneys shall wear~~ **during the entry,** while making such a visit, a **clearly visible and** suitable badge or other distinctive mark, indicating his/her employment or authority.

131-6. Consumption and possession of alcoholic beverages. [Amended 05-19-93 by Ord. No. 09-93; amended 10-16-02 by Ord. No. 32-2002]

A. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverage as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, while upon or in a motor vehicle upon any public way, as defined by Chapter 259:125 of the New Hampshire Revised Statutes Annotated, or any public sidewalk or municipal parking lot ~~within the limits of the City of Dover~~ except as provided in Chapter 99 of this Code.

B. No person shall consume or possess **in an open can, bottle or other container** any alcoholic liquor or beverages, as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, in any park, recreation or rest area ~~within the limits of the City of Dover,~~ except **upon the written consent of the City Manager.** ~~when expressed written consent shall have been given by the City Manager.~~

C. No person shall ~~possess or consume~~ **consume or possess in an open can, bottle or other container** any alcoholic **liquor or** beverages in Hilton Park ~~in the City of Dover,~~ except when **upon the** written consent ~~of shall have been given by the New Hampshire Commissioner of the Department of Public Works and Highways or his or~~ authorized representative.

131-7. Park hours.

A. No person shall remain in or enter ~~upon the confines of~~ any park or recreation area in the City of Dover during the hours set forth in the table below, except by written consent of the public official who has authority and control over said publicly owned parks and recreation areas and except as provided in Subsection B.

Months	Hours
April 1 - September 30	9:30 p.m. - 7:00 a.m.
October 1 - March 31	7:00 p.m. - 7:00 a.m.



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B. Exceptions.

(1) Park Street Park. No person shall remain in or enter ~~upon the confines of the Park Street Park, so called, in the City of Dover,~~ during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30, ~~or during the hours of 7:00 p.m. through 7:00 a.m. during the period October 1 through March 31.~~

(2) Hilton Park. No person shall remain in or enter ~~upon the confines of Hilton Park, so called, in the City of Dover,~~ during the hours of 8:00 p.m. to 6:00 a.m., except ~~by expressed~~ **upon the** written consent of the New Hampshire Commissioner of Public Works and Highways, **or authorized representative. [Amended 7-23-86 by Ord. No. 9-86]**

(3) Henry Law Park. Henry Law Park shall not be restricted.

131-8. Consumption, sale and dispensing of alcoholic beverages in City-owned buildings. [Amended 2-22-84 by Ord. No. 3-84; amended 10-27-04 by Ord. No. 18-2004]

No person shall consume, sell or dispense any alcoholic beverages in any city-owned building unless waived by the City Manager **in writing** ~~and under the policies and rules established by State RSA and City Ordinance as approved by the City Council.~~

131-9. Motor vehicles on school property and park grounds.

No automobiles, trucks, motorcycles, mopeds, trail bikes or any other motorized vehicles shall be permitted on the grounds of Bellamy Park, Woodman Park, Garrison Hill Park, Varney Hill Park, Mt. Pleasant Park, Guppy Park, Henry Law Park, Applevale Park, Mineral Park, Longhill Memorial Park, all school playgrounds and athletic fields or any yet unnamed city park or recreation area. Vehicular travel shall be restricted to paved roadways and paved or otherwise designated parking areas.

Any person violating the provisions of this section shall be subject to a minimum fine of up to \$250.00. If the person causes damage to City property, the person will also be subjected to a criminal mischief charge pursuant to RSA 634:2. **[Added 03-20-2002 by Ord. No. 13-02]**

131-10. Private property rights. [Amended 10-28-81 by Ord. No. 19-81]

A. ~~No person shall enter or remain upon the property of another if such a person knows he is not licensed and privileged to do so.~~

B. ~~No person shall purposely damage the property of another if such a person has no right to do so.~~

C. ~~No person shall willfully conceal the goods of any store while still upon the premises of such store unless such person is authorized to do so.~~

D. ~~No person shall possess the property of another with intent to deprive the owner thereof, knowing that such property is stolen.~~



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~~E. No person shall retain or possess the property of another with the intent to deprive the owner thereof under circumstances that would cause a reasonable and prudent person to believe such property was probably stolen.~~

~~F. No person shall steal or exercise control over the property of another with the intent to deprive the owner thereof unless such a person is authorized to do so.~~

~~G. No person shall enter a building or structure with the purpose to commit a crime therein, if such building or structure is not open to the public and such person is not authorized to enter.~~

H. No person shall enter upon private or public property and look, by means of an overt act which serves no legitimate purpose, into the window of a private home, apartment or other domicile for the purpose of watching the occupant(s) therein, without permission of said occupant(s), thereby causing affront or alarm to said occupant(s). **[Added 2-11-87 by Ord. No. 4-87]**

131-11. Public Peace. [Added 10-28-81 by Ord. No. 19-81; Amended 10-19-94 by Ord. No. 19-94]

A. No person shall knowingly create a condition which is physically offensive or hazardous to that person or another in a public place by any act which serves no legitimate purpose. Physically offensive specifically includes the following:

1. Urinating or defecating in a public place which can be viewed by a member of the public.

B. No person shall recklessly create a risk of breaching the peace by:

(1) Making loud or unreasonable noises in a public place or making loud or unreasonable noises in a private place that can be heard in a public place or other private places, any such noises would disturb a person of average sensibility. For the purposes of this Section, persons shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud and unreasonable noises that can be heard in a public or other private place.

(2) A person in control of a parked or moving motor vehicle shall not operate or permit to be operated, a stereo sound system supplemented or enhanced by speakers or amplifiers not originally installed by the vehicle manufacturer, so as to be heard from a distance a 100 feet or more. **[Added 09-20-2000 by Ord. No. 12-2000]**

C. As used in this section, "public" means likely to affect persons in a place to which the public or a substantial group has access, including but not limited to schools, government facilities and the lobbies or hallways of apartment buildings.



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D. No person shall lure or attempt to lure a child under the age of sixteen (16) into a motor vehicle **for other than a lawful purpose** without the consent of the parent or legal guardian of the child. ~~for other than a lawful purpose.~~

131-12. Interference with law enforcement officers. [Added 10-28-81 by Ord. No. 19-81; Amended 07-18-90 by Ord. No. 5-90]

A. No person shall physically erase or obscure a time recorded chalk mark from the tire of a parked vehicle with a purpose to interfere with the enforcement of the City of Dover parking ordinances.

B. No person shall give to any law enforcement officer a false name, address, date of birth, social security number, or other identifying information with a purpose to hinder the arrest or subsequent prosecution of that person for any offense or violation.

131-13. ~~Keeping controlled drugs.~~ Reserved

~~No person shall knowingly be present where a controlled drug as defined by New Hampshire RSA 318-B:1 is illegally kept when such person is in control of the premises where said controlled drug is kept or deposited.~~

131-13.1. Fireworks. [Added 10-9-85 by Ord. No. 12-85]

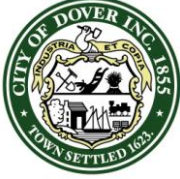
No person or organization of any kind, public or private, shall have in its possession and under its control any fireworks as defined by Chapter 160 of the New Hampshire Revised Statutes Annotated within the City of Dover unless said person first obtains written permission from the Chief of Police to ~~so~~ possess and/or use said fireworks.

131-13.2. Operation of boats and vehicles on Willand Pond restricted. [Added 8-10-88 by Ord. No. 14-88]

No person shall operate a vehicle or boat which has as its primary or backup source of power, an engine fueled by motor fuel, as defined by RSA 259:58, on Willand Pond within the City of Dover. Any person violating the provisions of this section shall be guilty of a violation and shall, upon conviction, be subject to a fine of up to one thousand dollars (\$1,000.).

131-14. Violations and Penalties. [Amended 8-10-88 by Ord. No. 14-88]

Any person violating the provisions of this chapter for which specific penalties are not otherwise provided shall be guilty of a violation ~~and shall, upon conviction, be fined one hundred dollars (\$100.).~~



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Chapter: Chapter 131 - Offenses

131-15. Sale of rolling papers to minors. [Added 07/22/99 by Ord. No. 09-99]

A. Definitions.

1. Rolling Papers ~~mean shall be defined as~~ any paper product that is designed to encase or wrap tobacco or similar products and marketed for the purpose of smoking or manufacturing hand-rolled cigarettes.

~~A Minor means shall be defined as~~ any person who is under the age of 18.

B. Sales and Possession.

1. No person or place of business shall sell, give or furnish rolling papers to minors.
2. It shall be unlawful for any minor to possess or attempt to purchase rolling papers.

C. Penalties.

1. Any person violating the provisions of this section shall be subject to a fine of up to one hundred dollars (\$100).

131-16. School Truancy. [Added 07/22/99 by Ord. No. 09-99; amended 10/17/01 by Ord. No. 26-2001]

- A. Any student that is enrolled in a city of Dover public school shall attend school each day that school is in session, for the full length of the official school day, unless that student has been excused pursuant to the rules or procedures established by the district and distributed in a student handbook.
- B. Any student that is enrolled in a City of Dover public school who has been suspended from attending school for any period of time shall, while serving that out of school suspension, remain at home for the full length of the official school day unless they are directly under the supervision of a parent or legal guardian, or are being directly supervised by an adult that has been selected by their parent or guardian to be responsible for the student.
- C. Any truant officer or police officer may issue a summons to appear in court pursuant to this section. If the child is **under** age ~~18~~ ~~17~~ ~~or under~~, the officer shall notify the parent or guardian of the summonsed child and advise the parent or guardian of the summons, the court date, and of the requirement that they accompany the child to court.
- D. A parent or guardian shall accompany the student at any required court appearance related to a violation of this section if the student is age 17 or under at the time of the offense.
- E. Any student found in violation of paragraph A shall pay a fine not to exceed \$25 for a first offense or \$100 for subsequent offense. At its discretion, the court may suspend the fine, or any portion thereof, upon completion of 60 days truancy-free school attendance. A violation of any other provision of this ordinance shall result in a fine not to exceed \$100.



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- F. If within 48 hours a student charged under paragraph A can provide satisfactory written verification to the police or truant officer that the absence was authorized by a parent, guardian, or school or work official, then no prosecution shall go forward under this ordinance.

131-17. Facilitation of a Drug or Underage Alcohol Party. [*Added 12-17-03*

by ord. No. 22-2003]

I. A person shall be guilty of the offense of facilitation of a drug or underage alcohol party if such person owns or has control of the dwelling or curtilage of that dwelling, as defined in RSA 627:9, where a drug or underage alcohol party is held and such person permits the drug or underage alcohol party to take place or to continue after becoming aware that it was taking place.

II. Where a person becomes aware of a drug or underage alcohol party that is in progress, it is an affirmative defense to prosecution under this section if that person takes immediate action to terminate the drug or underage alcohol party upon becoming aware of its existence and, in so doing, exercises due care to ensure the safety of individuals involved.

III. In this section, "drug or underage alcohol party" means a gathering of three or more people under the age of 21 at any dwelling or curtilage of that dwelling, as defined in RSA 627:9, who unlawfully possesses or consumes an alcoholic beverage or controlled drug.

IV. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities, or to those persons using a controlled drug under a physician's care where the use of the drug is consistent with the directions of a physician.

V. For the purposes of demonstrating that 3 or more individuals under the age of 21 were consuming alcohol or a controlled drug at a location, testimony by a law enforcement officer of the steps taken to determine the age of individuals at the party and testimony of the steps taken to determine that they had been consuming an alcoholic beverage shall be sufficient.

VI. Any person who violates section I above shall be guilty of a violation and shall be fined a minimum of \$300 for the first offense and \$500 for any second or subsequent violation.

No portion of these mandatory minimum fines shall be waived, continued for sentencing, or suspended by the court.

Nothing in this section shall be construed so as to limit the civil liability of a homeowner, host or person in control of a residence, in any civil action that arises from the consumption of an alcoholic beverage or illegal drug at a location under their control.



CITY OF DOVER

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Chapter: Chapter 131 - Offenses

131-18. Use of tobacco products in Henry Law Skate Park, School grounds, and athletic fields. *[Added 02-18-04 by Ord. No. 01-2004]*

- A. No person shall smoke or use a tobacco product within Henry Law Skate Park, **on the grounds of all recreational facilities, areas or athletic fields associated with the Woodman Park, Horne Street or Garrison elementary schools, within two hundred (200) feet of the playing surfaces at Shaw's Lane athletic field. A designated smoking area may or may not be provided at the discretion of city or school staff.**
- B. The Henry Law Skate Park shall be defined as the improved recreational area on the East side of River Street; to include: the rink, designed ramps and jumps, all contiguous paved areas, and shall include a **twenty five (25) foot buffer zone immediately surrounding the recreational area and rink.**
- C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

131-19. Use of tobacco products on the grounds of the McConnell Center and Dover Public Library *[Added 03-16-05 by Ord. No. 05-2005]*

- A. No person shall smoke or use a tobacco product upon the grounds of the McConnell Center **and the Dover Public Library. A designated smoking area may or may not be provided at the discretion of city staff.**
- B. The grounds of the McConnell Center **and Dover Public Library shall be all areas surrounding the buildings including the adjoining parking lot, driveway, monument area, bench areas and lawn area in front of both buildings to the inner edge of the sidewalks on Locust and St. Thomas streets.** ~~be inclusive of all property within the following perimeter and excludes any privately owned property.~~
 - ~~1. The perimeter shall be defined as the inside edge of the sidewalk on Locust Street and; the edge of the sidewalk on Saint Thomas Street; the entire surface of the paved access way that runs the length of the easterly side (rear) of the building; and the northerly edge of the Dover Public Library driveway and parking lot.~~
 - ~~2. No part of the Public Library driveway, parking lot to the rear of the Public Library or any sidewalk described above shall be considered within the perimeter.~~
 - ~~3. In any circumstance where construction or other condition causes the location of the sidewalk, or any other part of this perimeter, to become not discernible, that portion of the perimeter shall still be considered to be 30 feet from the closest point of the McConnell Center building.~~
- C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:
Ordinance Title: **O – 2009.02.25 – 4**
Chapter: Chapter 131 - Offenses

131-20. Registered Sex Offender Restrictions. [Added 10-19-05 by Ord. No. 18-2005]

A. Definitions.

1. Registered Sex Offender – This Chapter shall only apply to offenders who have been convicted of the crime against a person under the age of 18 and as a result, is required to register for life pursuant to RSA 651-B:6 I. [Amended 01-17-2007 by Ord. No. 15-2006]
2. School/Day Care – Any public or private educational facility that provides services to children in grades K-12_or licensed day care facility that is clearly marked.
3. Premises – Shall mean the building structure or curtilage surrounding the building, playground area or playing field, or courts.
4. Radius – Distance shall be measured from the outer property lines.

B. Restrictions

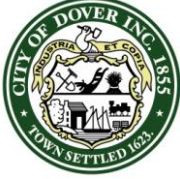
1. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500 foot radius of the property line of a school or day care center.
2. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering upon the premises of a school or day care center, unless specifically authorized by the school administration or day care center owner.

C. Exceptions.

A registered sex offender residing within 2500 feet of a school or day care is not in violation if the residency was established prior to the date of passage.

D. Penalties

Any person violating the provisions of this Chapter shall be subject to a fine of not less than \$500 for the first offense, and \$1000 for any subsequent offense.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number: **O – 2009.02.25 – 5**
 Ordinance Title: Chapter 166-56, Schedule 1, No Parking at Any Time,
 Washington @ Morrison
 Chapter: Chapter 166-56, Schedule 1, Vehicles and Traffic

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” by adding a new locations to the list of streets in 166-56 “Schedule I: No Parking at Any Time”.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by adding language to Section 166-56, “Schedule I: No Parking at Any Time” as follows:

a. The following is added:

STREET:

Washington Street

LOCATION:

Westerly side, from the intersection of Morrison Lane northerly for a distance of 150 feet.

3. TAKES EFFECT

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

AUTHORIZATION

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

Sponsored by: Councilor Karen Weston
Transportation Advisory
Commission

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

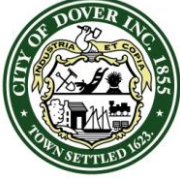
Ordinance Number: **O – 2009.02.25 – 5**
 Ordinance Title: Chapter 166-56,Schedule 1, No Parking at Any Time,
 Washington @ Morrison
 Chapter: Chapter 166-56,Schedule 1, Vehicles and Traffic

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor 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.3.

Ordinance Number:	O – 2009.02.25 – 5
Ordinance Title:	Chapter 166-56,Schedule 1, No Parking at Any Time, Washington @ Morrison
Chapter:	Chapter 166-56,Schedule 1, Vehicles and Traffic

ORDINANCE BACKGROUND MATERIAL:

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

Residents of Morrison Lane, also known as the Washington Highlands subdivision, petitioned the TAC for relief on an issue of public safety. Motorists attempting to exit Morrison Lane onto Washington Street have severely limited sight lines to the left (northerly direction) when vehicles are parked on Washington Street near the intersection.

Staff representatives of the Police, Planning and Engineering Departments conducted a site review. Because of the design of Washington Street (a downgrade to the immediate north of Morrison Lane) City staff has determined that any vehicle parked along Washington Street within a distance of 150' poses a hazard by interfering with necessary sight lines. City staff discussed the problem informally with the Washington Street property owner abutting Morrison Lane. There is ample parking within the driveway of this property.