



**CITY OF DOVER**

## CITY COUNCIL - AGENDA

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

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PROCLAMATIONS – 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**

- A. **ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, YOUNG STREET NO PARKING**  
SPONSORED BY COUNCILOR WESTON
- B. **ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, DURHAM ROAD NO PARKING**  
SPONSORED BY COUNCILOR WESTON

### 8. **CITY MANAGER'S REPORT**

### 9. **MINUTES**

- A. **March 4, 2009**
- B. **March 11, 2009**

### 10. **MAYOR'S REPORT**

### 11. **UNFINISHED BUSINESS**

#### A. **ORDINANCES IN THE 2<sup>nd</sup> READING**

1. **ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, YOUNG STREET NO PARKING**  
SPONSORED BY COUNCILOR WESTON
2. **ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, DURHAM ROAD NO PARKING**  
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### B. RESOLUTIONS

- 1. RESOLUTION: DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN PESCHEL (TO BE REMOVED FROM  
TABLE)  
SPONSORED BY MAYOR MYERS BY REQUEST**

### 12. NEW BUSINESS

#### A. CONSENT CALENDAR

- 1. PARADE – Portsmouth Christian Academy – Upper School**
- 2. RAFFLE – Great Bay Figure Skating Club**
- 3. RAFFLE – Seymour Osman Community Center**
  
- 4. RESOLUTION: IDENTITY THEFT PREVENTION PROGRAM  
SPONSORED BY MAYOR MYERS BY REQUEST**
  
- 5. RESOLUTION: B08102 COLUMBARIUM FOR PINE HILL CEMETERY  
SPONSORED BY MAYOR MYERS BY REQUEST**
  
- 6. RESOLUTION: B09049 HAND PAVEMENT MARKINGS FOR SHORT LINES  
SPONSORED BY MAYOR MYERS BY REQUEST**
  
- 7. RESOLUTION: B09050 PAVEMENT MARKINGS FOR REFLECTORIZED LONG  
LINES  
SPONSORED BY MAYOR MYERS BY REQUEST**
  
- 8. RESOLUTION: SENIOR CENTER TRIP TO TAJ MAHAL / ATLANTIC CITY  
SPONSORED BY MAYOR MYERS BY REQUEST**
  
- 9. RESOLUTION: B09047 CONSTRUCTION EQUIPMENT RENTAL  
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: AMENDMENT TO COUNCIL RULES – RULE 2C**



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SPONSORED BY COUNCILOR CHENEY

**2. RESOLUTION: CDBG EASTER SEALS BLOCK GRANT**

SPONSORED BY MAYOR MYERS BY REQUEST

**3. RESOLUTION: DEBT AUTHORIZATION FOR ENERGY EFFICIENCY PROJECT  
(REFER TO PUBLIC HEARING ON APRIL 8, 2009, VOTE TO BE TAKEN ON  
APRIL 22, 2009)**

SPONSORED BY MAYOR MYERS BY REQUEST

**C. ORDINANCES IN 1ST READING – NONE**

**D. COUNCIL CORRESPONDENCE**

**13. COUNCIL MATTERS OF INTEREST**

**14. ADJOURN**

# CITY MANAGER'S REPORT

March 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: February 2009**

- Presentations to boards, commissions and committees regarding the new Acceptable Use Policy
- Orientation presentation to the Dover Utilities Commission
- Assistance to the Planning Department regarding wetlands matter; sign matter
- Assistance to the Police Department on property damage matter
- Research of Comcast cable franchise matter; procedural options
- Assistance to the City Council; ordinance revisions; Right to Know seminar DVD; legal opinions on several matters; charter review; review of Continuing Legal Education matter
- Assistance to Community Services on pre-litigation matter
- Assistance to the Finance Department regarding propane contract and review of various other contracts
- Negotiation of Land Disposition Agreement
- Processing of three (3) RSA 91-A requests
- Outside legal counsel expense for FY'09 is \$84,283.36 excluding environmental (\$8,907.82) as of 2.28.09.



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## CITY COUNCIL - MINUTES

Meeting Type: Workshop  
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**Present:** Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, McCusker, Scott and Weston.

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

Councilor Scott led the Pledge of Allegiance.

### 1. ENERGY EFFICIENCY PROJECTS

City Manager Joyal mentioned that the City Council entered into an agreement with Johnson Controls last year to complete a detailed energy audit of all City-owned buildings and operations, and there were several people present to report to the Council about this. He introduced Mr. John Rizzo from the American Development Institute (ADI), who was hired with grant funds to assist the City in this process. He said after Mr. Rizzo completed his presentation, he would then ask representatives of Johnson Controls to come before the Council to go through their findings for savings opportunities throughout the City's buildings, and basically outline the proposed project that he is recommending to the Council. He said this project was attempting to accomplish two main objectives: First, reduce the City's energy consumption; Second, make changes to equipment and operations, which requires an investment. He said the City will have to spend money to save money, but the savings over time will more than make up for the initial expense. He said he will attempt to address the Council's questions, and will ultimately be recommending that the Council proceed with this project. He said it would consist of two resolutions brought before the Council: 1. Establishing the funding mechanism for this project, which would be over 10 years; 2. Entering into a performance contract with Johnson Controls. He asked Mr. Rizzo to give his presentation. Mr. Rizzo gave a little background information regarding this energy audit. He said Johnson Controls has been working on this project for a while, and has been meeting with him every week. He referred to his handout to the Council, and reviewed the ten items used in the evaluation process.

City Manager Joyal introduced Jim Cotton, Sales Manager for Johnson Controls.

Mr. Cotton went over the summary of the proposal to the Council.

Councilor Scott referred to Page 13 of the presentation. He asked for the specific investment for each of the ten projects, and if Mr. Rizzo was able to provide that.

Mr. Cotton said he would provide that information to the Council. He said it was readily available. He did provide that information to the City Manager and ADI.

Councilor DeDe referred to the removal process for hazardous waste. He asked if there were any calculations of the actual costs.

Mr. Cotton said they would be responsible for the cost of removal, and it is part of the service contract.

Councilor DeDe referred to the energy management systems. He said some areas have different usage patterns. He asked if there were provisions in the calculations for overrides in specific areas of the building.

Mr. Cotton said that has been calculated into the savings.

Councilor DeDe asked if it was specific to the individual rooms that might be used, or if it was applicable to the building as a whole. He said it was a very big problem in the McConnell Center.



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Mr. Cotton asked Domenic Armano, Regional Project Development Manager for Johnson Controls, to answer the question.

Mr. Armano said the baseline is established with the usage of hours identified in the document, and that pattern would be used for the future use of the building.

City Manager Joyal said the improvements will allow for tailoring of heating and cooling in order to save energy on a room-by-room basis.

Councilor Cheney referred to Page 16 of the presentation, Capital Cost Avoidance of \$33,840, and the Annual Operational Savings of \$13,680. She asked what the difference was between these figures. She asked if the Library boiler was included in the Capital Cost Avoidance.

Mr. Cotton said Capital Cost Avoidance is for the pool dehumidification unit for the indoor pool that is proposed to be replaced in this contract, which will eliminate the capital cost to the City in the future. He said the Annual Operational Savings comes from the chiller that will be replaced in the Ice Arena. He said the \$13,680 comes from the difference between the historical repair costs versus the future maintenance costs. He said the Library boiler, which was replaced on an emergency basis, is included in the overall costs.

Councilor Cheney said in the presentation today the lighting changes save \$28,000. She referred to Page 18 of the proposal where it said the savings with the VFD installations would be \$33,000.

Mr. Cotton said Page 18 of the proposal is the summary of utility rebates that would be garnished by installing new lighting.

Councilor Cheney referred to the line beneath, regarding a custom incentive. She asked about the utility deciding the amount of the rebate, which could be as much as 35% of the installed costs.

Mr. Cotton said the Wastewater Treatment Plant (WWTP) is the primary focus for the custom rebates. He said they gave Public Service of New Hampshire (PSNH) the design upgrades that Johnson Controls is proposing to do, which is to install two very large motors as replacements in the WWTP. He said PSNH did an evaluation and came up with the custom rebate.

Deputy Mayor Trefethen asked how Johnson Controls makes money on this project.

Mr. Cotton said Johnson Controls is an engineering general contractor. He said they already did the engineering design aspect, which the Council authorized, and will be paid for that. He said they also make money in the construction. As the project is completed they will invoice the City for the \$2.4 million. He said the RFQ defines clearly what Johnson Controls' overhead and profit will be on the project.

Deputy Mayor Trefethen asked if the \$2.4 million includes all the City's costs.

Mr. Cotton said that was correct.

City Manager Joyal said Johnson Controls also wants to build a relationship with the City, and this equipment will require ongoing maintenance. He said Johnson Controls will certainly pursue a City contract for maintenance. He said the City doesn't have to, but they have the opportunity to have a future relationship with Johnson Controls.

Deputy Mayor Trefethen said he assumed the equipment had some form of warranties.

Mr. Cotton said absolutely.

Deputy Mayor Trefethen referred to the City Hall building, which does not have central air conditioning or heat. He said in the summer there were window air conditioners and fans. He



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said in the winter there were space heaters. He asked as Johnson Controls tries to reduce energy costs, how they take those variables into consideration.

Mr. Cotton said they were going to gain control over the space. He used the City Manager's Office, which is usually very warm, as an example. He said Johnson Controls will go through the heating system, specifically concerning the calibration of the system. He said that was included in the costs and is a critical component in gaining control of the building.

Deputy Mayor Trefethen asked they will address how the summer air conditioning problems. Mr. Cotton said they will eliminate air conditioners that have high energy usage.

Mayor Myers referred to Page 11 of the presentation, areas for energy efficiencies that have been discarded in the proposal, because the payback in years was too great. He said it would be helpful to him and the Council if there was a breakdown of the payback years, and costs for each item that Johnson Controls is considering in the proposal, and not just the aggregate of 7.2 years for \$2.4 million. He asked Mr. Cotton to speak on the fluctuation of energy costs over the past few years, and how the baseline of consumption was one number that equates to the costs of various utilities.

Mr. Cotton said utility costs are unpredictable, but they are being conservative. He said the calculations are based on current costs, and then they escalated those costs by 3% per year for the length of the contract. He said Johnson Controls guarantees reduction of units.

Mayor Myers asked how often Johnson Controls is going to be in the City buildings. Mr. Cotton said on a quarterly basis.

Mayor Myers asked what the penalties were for the City if we don't follow through on our end of the agreement.

Mr. Cotton said the City is required to maintain equipment, and lack of maintenance will result in negotiations over the payment of the guarantee.

Mayor Myers asked if the temperature was overridden, if that would change the guarantee. He asked if Johnson Controls monitors this. He asked if the guarantees were tight.

Mr. Cotton said that was correct.

Mayor Myers asked about central air in the entire City Hall versus room-by-room.

Mr. Cotton said they have identified specific areas in the building for a split system, which involves a single condenser. He said the cost savings are marginal, but there would be savings in staff time.

Mayor Myers asked about the vendor machine controls, and if the system is affected when the machine is switched for a new one.

Mr. Cotton said the controls are mounted on the unit itself, and it is simple to switch when machines are replaced.

Mayor Myers asked Mr. Rizzo what red flags the City should be aware of.

Mr. Rizzo said he looked at the proposal in fine detail. He said the contract is solid and the document is strong. He said the next step is during construction phase, where they will review drawings, conduct a submittal review and hold bi-weekly meetings. He said after the first quarter, ADI will monitor the project.

Mayor Myers asked what the average payback time is that he has seen for other cities entering into this type of agreement.

Mr. Rizzo said 7 years is reasonable for a 10 year financing term.

Mayor Myers asked the City Manager if the City was going to keep someone like Mr. Rizzo to monitor the project for 10 years, and if that cost is factored in.



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City Manager Joyal said part of the project was trying to free up enough money to fund a consultant or a part-time position. He said Mr. Rizzo's obligation is through the construction and implementation period. He said \$30,000 has been estimated for a consultant.

Councilor Scott referred to Pages 9, 10, and 11 of the proposal, where 14 locations are identified, with the costs of the therms for each location for three years. He noticed on the three largest facilities, Ice Arena, Wastewater Treatment Plant, and McConnell Center, that it wasn't for the full three years. He asked why that wasn't done.

City Manager Joyal said the Ice Arena was shown on Page 101.

Councilor Scott asked where the information was obtained.

City Manager Joyal said it was obtained from the invoices that were received from the utilities.

Councilor Callaghan asked if Johnson Controls took into account heating/cooling degree days.

Mr. Cotton said yes, they did. He said it was in calculations that are weather dependent.

Mayor Myers asked if the Ice Arena had two chillers that allow the City to alternate energy sources; one electric and one natural gas.

City Manager Joyal said they use the primary natural gas system, with the electric used as backup, and do not toggle between one and the other. He said this was one of the issues being looked at with this proposal.

Deputy Mayor Trefethen referred to Page 16 of the presentation, and asked the City Manager if the City will bond the \$2.2 million.

City Manager Joyal said he would be recommending debt financing for the \$2.2 million, with the revenue stream coming from the savings.

Deputy Mayor Trefethen asked the City Manager if he would provide the amortization table.

City Manager Joyal said yes.

Deputy Mayor Trefethen said he didn't think \$256,000 in guaranteed savings was enough to cover the debt financing.

City Manager Joyal said it may be short the first year, but it would be realized back in the remaining nine years.

Councilor Cheney referred to Page 32 of the proposal, and the Library boiler, which has been replaced. She asked if he put that in the contract that doesn't exist yet.

Mr. Cotton said the boiler was replaced because of an emergency situation. He said he agreed to hold back invoicing until a decision was made on the contract.

Councilor Cheney asked for the cost breakdown for the projects. She said she was concerned with the common sense items that Johnson Controls is recommending. She asked why the City couldn't fix some of those items themselves to realize the savings right away.

Mr. Cotton said he would provide the cost breakdown.

Councilor Cheney said she was concerned with the previous energy contract, and asked if that contract missed all of these items that Johnson Controls is proposing.

Mr. Cotton said he did review the previous contract for scope. He said Johnson Controls' proposal was a detailed review as it exists today.

Deputy Mayor Trefethen asked the City Manager about the timeline for this project.

City Manager Joyal said if there was an interest, it will be put into next year's budget. Johnson Controls is coming into construction season and is waiting to start. He said the Ice Arena has a scheduled shutdown this spring and they will get in there then. He recommended that a decision be made within the next month or so, so Johnson Controls can get together with their subcontractors and start working in the buildings this summer.



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Mayor Myers asked what the construction timeframe is once they started.

Mr. Cotton said the chiller for the Ice Arena needs 12 to 16 weeks lead time to order the equipment, but the overall timeframe for the whole project is 9 months. He said they were ready to go.

Mayor Myers said the City wouldn't be realizing all of the savings in the first year, because of the nine months of construction.

City Manager Joyal said the City wouldn't realize all of the savings, but the costs would be built into the budget. He said there would be some operational adjustments that he would factor into next year's budget, which he still had time to do.

Mayor Myers asked the City Manager if he could identify, in a summary sheet, where he made reductions for some of the specific categories, so the Council can see the savings based on these improvements.

City Manager Joyal said he could do that.

Mayor Myers suggested that the Council have another workshop on this topic on March 18, 2009, and the resolution could be put on the March 25, 2009 agenda. He thanked Johnson Controls for their presentation.

## 2. EPA STORM WATER REGULATIONS

City Manager Joyal introduced Dean Peschel, the City's Environmental Project Manager, to speak about the forthcoming EPA Storm Water Regulations.

Mr. Peschel gave his EPA Storm Water presentation to the Council.

Councilor DeDe asked what was considered a developed acre.

Mr. Peschel said it had to do with an impervious service, and doesn't address open lands or rural areas. He said Dover had 22,000 acres total, and 13,000 to 15,000 acres are developed.

Councilor DeDe asked how Manchester, NH was assessing the fee.

Mr. Peschel said they are looking at different ways. He said some areas give credits.

Councilor DeDe asked the City Manager if this was an unfunded mandate from the State Legislature in Concord.

City Manager Joyal said it was a Federal mandate. He said the system protects the environment and there is an associated cost to do it. Unfortunately, it was just coming at a bad time economically. He said this goes into effect on July 1, 2009, and the City has to hit the ground running with the new additional program, on top of what the City already does now. He said there will be additional costs, and the City needs to figure out a way to accommodate that. It could be added to the Operating Budget, which would impact the taxpayers, or they could be creative and look into treating the storm water utility as any other utility. It would be based on use, creating incentives for people to help avoid storm water runoff.

Mayor Myers asked if a city-wide assessment would need to be completed.

City Manager Joyal said the grant would allow the City to look at the feasibility for levying charges.

Mayor Myers said additional staff or contractors will be needed to do the additional water testing.

City Manager Joyal said that was correct.

Deputy Mayor Trefethen asked Mr. Peschel if he has any indication what is in store for the City from the EPA in the next five years.



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Mr. Peschel said he felt the chart showed the direction in which we are going. He said conservation groups are pushing the EPA to protect our water supply.

Councilor Cheney asked what was considered illicit use of the storm water system.

Mr. Peschel said it is any connection that discharges contaminated water.

Councilor Cheney asked if the City's system was adequate.

Mr. Peschel said it was constantly growing as development takes place.

Councilor Cheney asked what would happen if the City cannot comply.

Mr. Peschel said the City would be subject to fines and penalties.

Mayor Myers thanked Mr. Peschel.

City Manager Joyal told the Council that they will be seeing two things: There will be an impact to the budget, and the City will be applying for a grant to look at what options are available to the City.

### 3. ADJOURN

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



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### 1. MOMENT OF SILENCE

### 2. PLEDGE OF ALLEGIANCE

Councilor Carrier led the Pledge of Allegiance.

### 3. ROLL CALL

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

**Absent:** Councilor McCusker.

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

### 4. PROCLAMATIONS – American Red Cross

Mayor Myers said there was no one present to accept the Proclamation.

### 5. APPROVAL OF AGENDA

Deputy Mayor Trefethen asked to add the Legislative Report to the Agenda.

Councilor Scott asked to have 12.B.3. moved to after the Mayor's Report; seconded by Councilor Cheney.

Mayor Myers asked for a vote on moving Item 12.B.3. to after the Mayor's Report.

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

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

Vote: 8/0.

### 6. CITIZEN'S FORUM

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

**Ronald Huml, 199 Mast Road:** He spoke about the article in the newspaper on the School Budget and the additional \$800,000 coming from the State. He said the School thinks the money belongs to them, but he felt it belonged to the taxpayers. He said according to the State \$5,000 per child was an adequate amount for education, and right now Dover students are getting \$9,000 between the State and taxpayers. He felt the additional funds should go back to the taxpayers. He said this was brought up in 2001, when \$1.3 million came from the State, which the City determined belonged to the City and not the School. He said the School told the Council they needed \$900,000 of that money for a one time purchase, and the Council approved letting the School have the \$900,000. He said the School has received this money every year since then, not as the same item, and he felt the School owed the City about \$7 million. He just didn't think it was fair to the taxpayers for the School to keep the \$800,000. He said he also supports people speak at the podium during workshops.



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**Harvey J. Lynch, 26B Lincoln Street:** He spoke about the Local Government Center teaching municipal workers how to bypass the tax cap. He said some of the citizens don't like this. He said the citizens are paying money to the Local Government Center, only to be worked over. He felt the citizens shouldn't be paying that. He said it would be fine if the managers want to have their own organization, but the citizens shouldn't have to pay for it. He said the City is trying to work around the tax cap, and when the government grants go away the City ends up paying more. He told the Council to be more frugal and make some tough decisions. He said things are not as rosy as the Council painted at the Chamber of Commerce meeting.

**Mary Hebbard, 97 Spruce Lane:** She referred to Item 11.B.2. and read the Resolution for the citizens. She said she supported this change to Council rules for a number of reasons. She said the City Council was elected by the citizens to conduct the business of the City. She said any opportunity for citizens to participate in the process, as is their right, to give instructions to their representative, should be permitted and encouraged. She said input from citizens during workshops may contribute to a smoother workshop. She said she also saw the benefit of having citizen's forum at the beginning and ending of a workshop. She said she appreciated the intent of this Resolution, but also felt that the Council had to listen to what the citizens had to say. She said the Council tends to be blocks of stone, without emotion and not answering questions from the citizens. She referred to former Deputy Mayor Hindle, who always made sure he addressed questions. She encouraged the Council to support this Resolution.

**John Leggett, 128 Dover Point Road:** He referred to the CAFR report, and said it was outstanding. He did have some questions about the upcoming budget and the process. He said the CAFR reported that the City had \$16.5 million in authorized but unissued debt. He said it wasn't clear whether that will be issued in fiscal year 2009, and if that will change the debt service level for 2010. He said the CAFR also showed that the City had a 43% increase in property tax revenue since 2003. He said population has gone up in Dover by 10 to 15 percent, and inflation has gone up an aggregate of 10% for the same period, or 15% over the past five years. He asked that the Council show the top three elements of the budget that have driven the need to increase property taxes above both population growth and inflation. He said the CAFR also shows a growth in net assets, which shows solid fiscal health in the City. He said the assets can't be monetized and don't pay for the costs. He said it hides the significant liabilities that are going to fall to the taxpayers over time. He said one liability was \$42.5 million in unfunded post-employment benefits, which has grown 37% since 2005. He referred to Mayor Myers' question about setting aside a fund for that, but he didn't hear an answer from the auditor on whether that was a good idea or not. He asked if the City is expecting that growth rate to continue, because right now the unfunded post-employment benefits are 100 to 150 percent of current payroll. He asked if this amount was expected to decrease either by setting aside a fund to take care of it, or if the City expected it to decrease over time. He referred to the energy efficiency workshop and Johnson Controls' comment that the biggest benefit would come from the Arena. He said the Council should look at selling the Arena, because it would add cash into the budget and he felt a private firm could run it more efficiently than the City. He said he didn't know if the City wanted to run a commercial enterprise, but it needs to be run like a commercial enterprise to pay down the debt. He said he also agreed with the Workshop rules, and felt it would be beneficial for the residents.



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**Richard Hebbard, 97 Spruce Lane:** He said good evening to the blocks of stone. He said he asked years ago to have agendas and agenda packets provided at the podium for the citizens to view. He said he understood the need to conserve paper, but he asked the City Manager to provide those again. He said the video equipment for recording the meetings is horrendous, and asked the City Manager to look into it and get it fixed. He also asked that the video be available for viewing on the website.

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

### 7. PUBLIC HEARINGS

**A. ORDINANCE: CHAPTER 3, ARTICLE 73, ADMINISTRATIVE CODE, MCCONNELL CENTER ADVISORY COMMITTEE**  
SPONSORED BY COUNCILOR MAYOR MYERS BY REQUEST

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

**B. ORDINANCE: CHAPTER 131, OFFENSES**  
SPONSORED BY COUNCILOR CHENEY

**Abby Martine, 8<sup>th</sup> grader at Dover Middle School; Olivia Luce, Sophomore at Dover High School; Max Bortz, 7<sup>th</sup> grader at Dover Middle School:** Miss Luce said they were here from Dover Youth to Youth, an after school prevention program. She said they were here in support of banning tobacco products from Shaw's Lane fields. Miss Martine reiterated why they were present. She said they were not here because of the health effects from second hand smoke, because it is an open outside area. She said it wasn't teaching children the right message seeing adults smoking at this facility. Miss Luce said there was also the problem of cigarette butts littering the ground. Mr. Bortz mentioned the fire hazards from cigarettes butts. Miss Luce said this was a facility used by kids and the message must be sent that smoking isn't allowed. Miss Martine asked for the Council's help in making these fields tobacco free.

**Richard Hebbard, 97 Spruce Lane:** He said there were two sides to every story. He said he agreed with the children 100 percent. However, the Council can't legislate morality. He said he was curious if the children that just spoke went over to the adults and told them they were littering when a cigarette butt was thrown on the ground. He said that is what they should be doing as a people, and not come before the Council asking for legislation against stupid people. He again said the children were right, but it was up to the people to stand up and do something about it.

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



**CITY OF DOVER**

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### **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. ORDINANCE: CHAPTER 166-56, VEHICLES & TRAFFIC, SCHEDULE I, NO PARKING AT ANY TIME ON WASHINGTON STREET**

SPONSORED BY COUNCILOR WESTON

**Charles Alty, 46 Morrison Lane:** He said Morrison Lane is also known as Washington Highlands. He said he is President of his association, which consists of 24 units. He said he was present on behalf of the Board of Directors for his association. He said there have been complaints from previous board members that led to the City's investigation of this situation, which led to the recommendations to the Transportation Advisory Committee, that are now before the Council. He said the changes are recommended so the dangerous conditions don't continue. He said it is extremely dangerous to pull out into traffic from Morrison Lane onto Washington Street, and a few residents have almost been hit by oncoming traffic, because a truck has been parked on the side of the road obscuring their view. He said it is even more difficult with snow. He said, speaking on behalf of all the residents on Morrison Lane, that he encouraged the Council's adoption of this Ordinance. He handed out pictures of the area in question to the Council.

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

## **8. CITY MANAGER'S REPORT**

City Manager Joyal spoke about the availability of the stimulus funds, and said the State has very little information at this point on the amount of funds and how they will be distributed. He said the City is identifying particular programs and budget items that could be available for funding to take the burden off the taxpayer. He said there are two transportation projects which the City knows they will be receiving funds for, and a drainage project for which the City is just waiting for confirmation. The transportation projects are the Route 9 Bridge and the Washington Street Bridge. The drainage project is on Broadway. He said there are 300 different programs available for funding, and the City's staff is looking at opportunities for additional funding. He took the time to address some questions from Citizen's Forum. He said he will follow up with Mr. Leggett's questions on the CAFR, but that most information was on Pages 20 to 30 in the Budget book. He said the question of selling the Arena has come up before. He said the City is not in a position to sell the Arena, because the land is in a trust. The City has looked into contracting a private company to run the facility, but was told they couldn't run the facility for less than the City currently does. He apologized that there weren't copies of the agenda on the podium, but they are usually put there for the citizens. He said he will have one agenda packet available at each meeting, but that it is readily available on-line and in the City Clerk/Tax Collection Office for the public. He referred to the comments about Channel 22 and said the



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most recent problems have been because they didn't have camera operators to record the meeting.

Mayor Myers asked about putting the broadcast on the website.

City Manager Joyal said that part of the funding through the cable franchise agreement will allow for On Demand broadcasting of the meetings.

Councilor Scott complimented the City Manager for numbering the pages of his City Manager's Report, because it makes it easier to follow. He referred to Page 27 and the Sand & Gravel bid. He asked if Severino was included in the bid process, how much can the City expect to pay, and how much is the City going to buy.

City Manager Joyal said the City goes through this process every year, and has answered this question for Councilor Scott before. He said the City needs processed sand and gravel. He said the Mast Road gravel pit is not processed. He said if Severino can process it, they will be considered. He said Severino does screen sand for the City to use during the winter, and at no cost.

Councilor Callaghan asked about the distribution of the agenda and how a citizen can get a copy to take home.

City Manager Joyal said copies are available to be viewed at the City Clerk/Tax Collection Office and the Library. He said they can have a copy made to take home.

Councilor Callaghan asked if they had to pay for that.

City Manager Joyal said yes, \$.50 a page.

Councilor Callaghan asked for the amount spent to date on snowplowing.

City Manager Joyal said his report wasn't copied correctly, and he would get that information to the Council.

Councilor Callaghan referred to the people on the list for snowplowing. He said he spoke to someone who was the last one put on the list, and they have not been asked to plow this season. He asked what the procedure was for snowplowing.

City Manager Joyal said first the City goes out to bid annually for private contractors to supplement and assist the City with plowing. He said anyone on the list is subject to a call based on the needs of the snowplowing crew. He said it was based on the type of equipment the contractors had.

Mayor Myers said he appreciated having the Arena information on a separate sheet. He said he was happy to see the Fast Trans route numbers.

Councilor Cheney referred to a discussion from a year ago about work being done by the City at facilities that don't pay taxes, and having a payment made in lieu of taxes. She said she didn't recall hearing anything more about this and asked the City Manager to refresh the Council what came about with that.

City Manager Joyal said he did approach different entities, the Dover Housing Authority being one. He said as part of last year's budget, Dover Housing Authority agreed to provide additional funding for an additional police officer. He said the other issues are with churches and non-profit organizations, where the City doesn't have a leg to stand on because they are exempt. He said he and Mayor Myers met with representatives of Wentworth-Douglass Hospital, and they have agreed to provide funding for the outreach program.

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

Vote: 8/0.



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### 9. MINUTES

#### A. February 25, 2009

Deputy Mayor Trefethen moved for their approval; seconded by Councilor DeDe.  
Vote: 8/0.

### 10. MAYOR'S REPORT

Mayor Myers said he attended several ribbon cuttings. He said it was a positive sign that businesses were growing. He said he had been communicating with Lorraine Sencicle, a woman from Dover, England. He referred the citizens to a website: [www.doversociety.homestead.com](http://www.doversociety.homestead.com). He said it was a website about different Dovers throughout the world. He said he met with Leslie Vogt, State Representative for the 2010 Census. He said in the first phase citizens will start seeing census workers who are verifying addresses and gathering information for their database. He said the actual counting part for the census will be through the mail in 2010. He mentioned again the need for volunteers for boards and commissions. He congratulated Steven Jencso on earning his Eagle Scout. He mentioned his meeting with the Municipal Organization that morning. He mentioned that he and the City Manager met with Senator Amanda Merrill to discuss the budget, stimulus funding, and revenue sharing. He said Senator Merrill appreciates the communication that the Council has with her. He thanked the City Manager and Dover Chamber of Commerce for sponsoring the State of the City event on March 10<sup>th</sup>. He said his "Coffee with the Mayor" event was very well attended. He said his son is on the Dover High School basketball team, and they are playing their first game in the playoffs.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Weston.  
Vote: 8/0.

#### 12.B.3. RESOLUTION: DEPUTY DIRECTOR OF COMMUNITY SERVICES EMPLOYMENT AGREEMENT WITH DEAN PESCHEL SPONSORED BY MAYOR MYERS BY REQUEST

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

Councilor Scott said he asked for this to be moved up on the Agenda, because he felt it was a general policy issue, and he didn't like to see these major policy issue resolutions at the end of the session. He said this proposal increases the annual salary of an individual by 18.7%, and felt in consideration of the uncertain economic situation that the City should refrain from any pay increases. He said he felt the City employees will understand that many taxpayers are having difficulty paying their taxes, along with the value of their houses and retirement savings going down. He felt we should all bear the sacrifice of restraining all of our expenses. He said when the economy changes this can be revisited.

Councilor DeDe said this is a larger increase than one might expect to hear, but there are several other arrangements within the contract where the applicant is giving up money. He said the healthcare contribution went from 9% to 20%. He said this individual has been with Dover for 17 years. He said this contract is a new dimension with more responsibilities, and should be compensated. He said the Council should be happy we don't have to train someone new, and



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that saves the City money. He said the City of Dover was recognized for land preservation. He said Mr. Peschel is a loyal employee.

Councilor Cheney said she asked the City Manager for specifics on savings. She said the last paragraph stated that the City would save \$51,000 over three years. She said she was concerned about the raises being determined by the department head. She asked, if the Section 125 charge was taken out, would the City still see the \$51,000 savings over three years?

City Manager Joyal said no, it would back out at least \$21,000, leaving \$30,000 in savings over three years. He explained the creation of the Deputy Community Services position. He asked the Council to allow this position to be added to the classification plan several months back, recognizing that one the largest department in the City was without a second in command. He said the bottom line is that the City is not increasing staff, but taking an existing staff position and expanding duties and responsibilities for that position. He said the individual has more than 20 years with the City, is part of a union, and is grandfathered accrued leave time. He said the salary increase in the contract is \$13,000, but the employee has \$20,000 of accrued leave time. He spoke of the 125 spiking charge, which the Council was familiar with, where a penalty is charged to the employer. He said there is a change to the individual's base salary, but the net gain is negligible. He said the cost savings to the City was considerable.

Councilor Weston asked if Mr. Peschel's current title will be removed from the classification plan. City Manager Joyal said he didn't plan to remove it from the classification plan, but he didn't have any intention of filling it.

Councilor Weston asked if the City Manager planned on funding Mr. Peschel's existing position as Environmental Projects Manager in next year's budget.

City Manager Joyal said he would not be funding that position.

Councilor Weston asked if Mr. Peschel will be able to do both his old job duties and his new responsibilities.

City Manager Joyal said he would have to juggle priorities.

Mayor Myers reminded the Council that this person was in a position that had not received a pay increase in the last four years. He said you have to factor in Mr. Peschel not getting a raise in the last four years, additional responsibilities, accrued leave off the books, a quality employee, and that this gives the Community Service Director backup. He said the numbers work on this when you look at the entire scenario.

Deputy Mayor Trefethen said he would support this Resolution.

Councilor Callaghan said he did realize Mr. Peschel is an excellent employee. He said he had a problem with the amount of the increase. He felt it should not be more than 5%, and felt it should be 5% each year. He said Mr. Peschel would be making \$105,300 five years from now. He said he wasn't sure the City needed another upper management position. He said he was concerned with Mr. Peschel becoming so involved in helping the Community Services Director, that he will lose sight of Willand Pond and Tolend Landfill, and another person will need to be hired. He said he was uncomfortable with the Community Services Director being the sole person who can, at his own discretion, give Mr. Peschel a raise. He felt that only the City Manager or the Council should be able to give him a raise. He said he hasn't seen Mr. Peschel's resume, but felt the Environmental Projects Manager was being put in charge of one of the largest departments doing multiple tasks at one time. He said he would like to work on this Resolution. He said he probably wasn't going to support it, because he really wanted the numbers spread out.



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Councilor Carrier said he didn't feel that the City could take the experience that Mr. Peschel has and replace him with the salary he is receiving today.

Councilor Scott made a motion to table this Resolution; seconded by Deputy Mayor Trefethen. Vote: 7/1; Passed. Councilor DeDe was opposed.

### 11. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>nd</sup> READING

**1. ORDINANCE: CHAPTER 3, ARTICLE 73, ADMINISTRATIVE CODE,  
MCCONNELL CENTER ADVISORY COMMITTEE  
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe. Mayor Myers referred to the State Statute where a Planning Board member can only serve on a very limited number of committees. He said this was just a housekeeping measure to remove the Planning Board member from this committee. Roll Call Vote: 8/0.

**2. ORDINANCE: CHAPTER 131, OFFENSES  
SPONSORED BY COUNCILOR CHENEY**

Councilor Cheney moved for its adoption; seconded by Councilor Weston. Councilor Cheney said there was a new copy of this Ordinance on the Councilors' desks. She made a motion to substitute as a whole; seconded by Councilor Weston. Vote: 8/0.

Councilor Cheney went over the changes. She said she was approached by members of Youth to Youth. She said she brought this forward to stop smoking at the City's fields. She said kids tend to emulate what they see. She asked the Council for support. Deputy Mayor Trefethen said he was also approached by members of Youth to Youth. He went over the whole Ordinance and all it covered. He said he agreed that maybe we should do some of these ourselves, but he couldn't see a child going to an adult to tell them they are littering. He said he would be supporting this Ordinance. Councilor Callaghan agreed with the Deputy Mayor that the world had changed. He said he wasn't sure a child could go to an adult and tell them they are doing something wrong, or that even an adult could go to an adult. He said regulations are necessary. He said he would support this Ordinance. Roll Call Vote: 8/0.

**3. ORDINANCE: CHAPTER 166-56, VEHICLES & TRAFFIC, SCHEDULE I, NO  
PARKING AT ANY TIME ON WASHINGTON STREET  
SPONSORED BY COUNCILOR WESTON**

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



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Councilor Weston said this was reviewed by the Police Department and the Transportation Advisory Committee. She said this was a very dangerous intersection, because of the curvature of the road.

Councilor Carrier said he travels that road a lot and agrees that it is very dangerous.

Councilor Cheney said she would be supporting this Ordinance.

Roll Call Vote: 8/0.

### **B. RESOLUTIONS**

#### **1. RESOLUTION: SUPPLEMENTAL APPROPRIATION FOR LIBRARY ROOF REPAIRS AND AUTHORIZATION FOR BONDING**

SPONSORED BY COUNCILORS CALLAGHAN AND WESTON

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

Councilor Callaghan said the Council has debated this Resolution for a while and made a motion to vote; seconded by Councilor Cheney.

Roll Call Vote: 8/0.

#### **2. RESOLUTION: AMENDMENT TO COUNCIL RULES – RULE 2 CITIZEN'S FORUM DURING WORKSHOP SESSIONS**

SPONSORED BY COUNCILOR CHENEY

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

Councilor Cheney said there were several reasons for this Resolution. She said the Council is supposed to receive instruction from our constituents. She said the citizens know the Council meets almost every Wednesday. They come to speak to the Council, but if it's a workshop session they are not allowed to speak. She said if the citizens felt it was important enough to come to the meeting, then they should be heard by the Council. She said this Resolution would allow for a Citizen's Forum before and after a workshop session. She said she needed a 2/3 vote to pass this Resolution, and she asked the Council for their support.

Councilor DeDe read an email the Council received from a constituent. It asked the Council to vote no on this Resolution.

Councilor Cheney said the email was not received by the entire Council. She said this is not an earth shattering change, but it could be changed back if it is.

Councilor Callaghan said he didn't receive the email. He felt the Council should be more open and public. The Council can determine the value and weight of a person speaking.

Councilor Carrier said he supported the Resolution.

Councilor Scott said he welcomed the public.

Councilor Weston said the Council was elected to represent the citizens.

Deputy Mayor Trefethen said this Resolution is being portrayed that certain members of the Council don't want others to speak. He said the Resolution has no provision to limit the subject matter. He said some people do not respect current rules, and he gave the example from the February 25, 2009 meeting. He said a Citizen's Forum is not the only



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way to communicate with the Council. He said people just want to be on television. He said the Council wants to listen to the citizens, and the Council wants to do its job. Mayor Myers said he agreed with the Deputy Mayor. He mentioned his Coffee with the Mayor sessions as a way to communicate with the citizens. He said he responds to signed emails, calls, and letters. He said a workshop is for the Council to receive information or roundtable discussion. He said there is no vote during a workshop and the citizens have an adequate amount of time to contact the Councilors. He said he would not support the Resolution as written. He said the Citizen's Forum discussion could derail a workshop. He said he would support the Citizen's Forum at the end of the workshop, and only on that workshop topic.

Councilor Cheney asked the Council to try it.

Councilor Scott said this was a way to open up government to more people. He said it was worth a try.

Councilor Callaghan said there are always people you like and people you don't like. He said he had no problem listening to those who come to the meeting. He said the Council might have one good idea come forward. He said he could agree to a topic-specific citizen's forum at the end of a workshop, but wanted the citizen's forum at the beginning of the meeting to be about anything. He said the Council needs to treat everyone equally.

Councilor Weston asked to make a friendly amendment.

Mayor Myers said it couldn't be amended at this time.

Councilor Weston asked the Council to consider a citizen's forum at the beginning of a workshop for any topic, and at the end of a meeting, on the workshop topic.

Roll Call Vote: 5/3; Failed. (2/3 vote required) Councilors Callaghan, Carrier, Cheney, Scott and Weston voted in favor.

## 12. NEW BUSINESS

### A. CONSENT CALENDAR

1. **TAG - Strafford County Stars**
2. **TAG - Dover Youth Football**
3. **PARADE - Rochester Runners Club**
4. **PARADE – Alzheimer's Association Memory Walk 2009**
  
5. **RESOLUTION: RFP B07044 MOWING/MAINTENANCE ATHLETIC FIELDS**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
6. **RESOLUTION: NORTH END PRESSURE AND WATER MAIN DESIGN**  
**AMENDMENT #4**  
SPONSORED BY MAYOR MYERS BY REQUEST
  
7. **RESOLUTION: ACCEPTANCE OF NYE LANE**  
SPONSORED BY MAYOR MYERS BY REQUEST



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### COMMITTEE REPORTS

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

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.  
 Roll Call Vote: 7/0. Councilor Callaghan was absent from Council Chambers.

### B. RESOLUTIONS

**1. RESOLUTION: COLLECTIVE BARGAINING AGREEMENT AFSME LOCAL #572  
 SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe.  
 Deputy Mayor Trefethen congratulated the union on coming to an agreement with a minor cost of living adjustment. He said because of legislation it would cost the City a significant amount of money if the Council was to pass this Resolution.  
 Councilor Scott said he would be voting no on this Resolution, because of the difficult times.

Roll Call Vote: 1/7; Failed. Councilor Callaghan voted in favor.

**2. RESOLUTION: HORNE STREET SCHOOL JOINT BUILDING COMMITTEE  
 APPOINTMENTS  
 SPONSORED BY MAYOR MYERS**

Mayor Myers moved for its adoption; seconded by Deputy Mayor Trefethen.  
 Mayor Myers said this Resolution was on the agenda two weeks ago. He said he wanted to give people and Councilors an opportunity to express an interest in serving on the Joint Building Committee (JBC). He read Councilor McCusker's statement to the Council.

Councilor Callaghan made a motion to add the names of Raymond Bardwell, Catherine Cheney, and Karen Weston to the Resolution as appointees; seconded by Deputy Mayor Trefethen.

Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

Mayor Myers asked for a vote on the amended Resolution.

Vote: 8/0.

**3. RESOLUTION: DEPUTY DIRECTOR OF COMMUNITY SERVICES EMPLOYMENT  
 AGREEMENT WITH DEAN PESCHEL  
 SPONSORED BY MAYOR MYERS BY REQUEST**



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Moved to after Mayor's Report on Agenda.

### **C. ORDINANCES IN 1ST READING**

**1. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, YOUNG STREET NO PARKING (TO BE REFERRED TO PUBLIC HEARING APRIL 8, 2009)  
SPONSORED BY COUNCILOR WESTON**

Deputy Mayor Trefethen moved to refer to Public Hearing on April 8, 2009; seconded by Councilor Weston.

Vote: 8/0.

**2. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC, DURHAM ROAD NO PARKING (TO BE REFERRED TO PUBLIC HEARING APRIL 8, 2009)  
SPONSORED BY COUNCILOR WESTON**

Deputy Mayor Trefethen moved to refer to Public Hearing on April 8, 2009; seconded by Councilor Weston.

Vote: 8/0.

### **D. COUNCIL CORRESPONDENCE**

#### **13. COUNCIL MATTERS OF INTEREST**

Councilor DeDe spoke on his legislative report. He said he will be sending it to the Senator, District Representatives, and all the Mayors in New Hampshire. He spoke on the Resolution regarding Citizen's Forum. He said he welcomes positive suggestions and intelligent criticisms. He said he is anxious to serve the public. He said some citizens come misinformed and speak over and over on an issue. He said some people are tired of long meetings.

#### **14. ADJOURN**

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



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

**Agenda Item#: 11.A.1.**

Ordinance Number: **O – 2009.03.11 – 6**  
Ordinance Title: Young Street parking  
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

**1. PURPOSE**

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” by adding a new location 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:**

**Young Street**

**LOCATION:**

**Southerly side, from the intersection of Main Street easterly to the Cochecho River, between December 1 and April 1**

**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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

**Agenda Item#: 11.A.1.**

Ordinance Number: **O – 2009.03.11 – 6**  
Ordinance Title: Young Street parking  
Chapter: Chapter 166, Vehicles and Traffic

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor 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#: 11.A.1.**

Ordinance Number: **O – 2009.03.11 – 6**  
Ordinance Title: Young Street parking  
Chapter: Chapter 166, Vehicles and Traffic

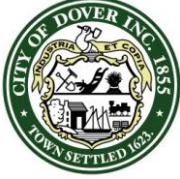
### **ORDINANCE BACKGROUND MATERIAL:**

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

Young Street is a relatively narrow, short street extending from the intersection of Main and Portland to end at the Cochecho River. Parking is presently restricted on the north side and is not restricted on the south side.

Young Street intersects with the former Water Street near the Cochecho River, which was conveyed by the City in 2008 to a private property owner. With the onset of snow in the 2008-2009 winter season, it became apparent that the Water Street parcel would not necessarily be maintained for public travel. Young Street effectively became a dead-end street. Concern has been expressed about the difficulty of delivery trucks entering and exiting the rear of 7-11 Main Street (Smiley's Beverage, etc.), becoming stuck on the Young Street grade or driving on the property at #14 Young Street in negotiating turns. Additional concerns were expressed about the ability of waste and recycling trucks to service properties on Young Street.

The residents of Young Street petitioned the Transportation Advisory Commission to further restrict on street parking. The TAC has acknowledged the value of Young Street, which has up to six on street spaces on its southerly side, in the City's downtown parking inventory. A seasonal parking restriction, which is similar to what is currently in place on Nelson Street, should enhance safety during the winter months (when snow banks reduce the road width) while still maintaining some available parking for eight months of the year. The TAC has also acknowledged that downtown parking will be subject to further review by the newly formed Parking Commission and that future waterfront development may necessitate further improvements or adjustments to Young Street.



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

**Agenda Item#: 11.A.2.**

Ordinance Number: **O – 2009.03.11 – 7**  
Ordinance Title: Durham Road parking  
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

**1. PURPOSE**

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” by adding amending a location in 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 and repealing language in Section 166-56, “Schedule I: No Parking at Any Time” as follows:

**a. The following is added:**

**Durham Road**

**Both sides, from the intersection of Back River Road to the intersection of Mast Road**

**3. TAKES EFFECT**

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

### AUTHORIZATION

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

Sponsored by: Councilor Karen Weston

Recorded by: Karen Lavertu  
City Clerk

### DOCUMENT HISTORY:

First Reading Date:  
Approved Date:

Public Hearing Date:  
Effective Date:



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.2.

Ordinance Number: **O – 2009.03.11 – 7**  
Ordinance Title: Durham Road parking  
Chapter: Chapter 166, Vehicles and Traffic

### 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#: 11.A.2.**

Ordinance Number: **O – 2009.03.11 – 7**  
Ordinance Title: Durham Road parking  
Chapter: Chapter 166, Vehicles and Traffic

### **ORDINANCE BACKGROUND MATERIAL:**

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

In 2003, the Dover High School adopted a paid parking permit program to help manage student parking on school grounds. Since then, student parking has increased on neighborhood streets near the high school. A certain percentage of the student population will choose not to pay for a permit or will not be eligible for one, even though in practice it appears that school parking lots are underutilized during school hours. The school department has claimed that it cannot control the parking behaviors of its students who park off site.

Neighborhood parking by DHS students brings a number of associated public safety hazards. Residents have expressed concerns regarding littering, excessive noise, and excessive speed. There are imminent public safety concerns associated with increased student pedestrian traffic on Route 108 (Durham Road). This increases the potential for collisions when drivers stop suddenly for pedestrians walking along the road.

The City Council recently adopted parking restrictions on many of the neighborhood streets within proximity to the high school. This improved the situation in the neighborhoods, but predictably the off-campus student parking migrated to other non-posted areas. At the start of the 2008 school year, a few students began parking on Durham Road to the west of the high school and as more and more students followed suit, safety concerns increased.

To the immediate south of Alumni Drive is the Garrison City Early Childcare Center. With parked cars along Durham Road blocking the view of approaching vehicles, parents and staff of the daycare center have experienced more and more difficulty in safely entering traffic. Durham Road residents have complained about partially obstructed driveways and postal delivery interruptions due to mailboxes being blocked. Following a series of winter storms that increased the size of snow banks, the Chief of Police imposed a temporary parking restriction under authority of Chapter 166-3.

At the request of several Durham Road property owners and other Dover residents, the Transportation Advisory Commission has attempted to find a more permanent solution.

Representatives of the Planning and Engineering Departments have determined that Durham Road, which was originally constructed by the NH Department of Transportation, was not designed with the appropriate base course materials along its shoulders to accommodate long term parking. Research of the existing Durham Road ordinances in Chapter 166 shows that parking restrictions in the vicinity of the high school date back many years. Additionally there is some ambiguity in the present language, which references only utility pole numbers. The Police Department has determined that at least one of these utility poles no longer exists, which makes the proper posting of the existing ordinance impossible.

It is noted that aside from the DHS student parking, there is little demand for Durham Road parking except for the occasional large-scale event such as DHS graduation, Fireworks, or political rallies occurring at the high school. Accordingly, there should not be a need to post a large number of no parking signs. Committee members have expressed the hope that as off-campus parking options for DHS students are eliminated, more pressure will be put on the school department to make more efficient utilization of school parking lots.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

WHEREAS: Dean Peschel has been appointed as Deputy Director of Community Services of the City of Dover by the City Manager; and

WHEREAS: It is the desire of the City Manager to ensure the commitment and full productivity of the Employee in providing service to the City as Deputy Director of Community Services; and

WHEREAS: Mr. Peschel has agreed to accept employment as the Deputy Director of Community Services of said City subject to certain terms and conditions intended to be memorialized in an Employment Agreement; and

WHEREAS: In accordance with the Merit Plan, Dover City Charter and Laws of the State of New Hampshire, compensation, benefits, and other working conditions for the employment of Mr. Peschel may be established in the form of an Employment Agreement; and

WHEREAS: No additional appropriations beyond those presented in the annual budgets and subsequently adopted by the City Council are necessary for funding the costs associated with such an Employment Agreement.

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

The City Manager is hereby authorized to enter into the attached Employment Agreement.

### 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#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

### 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**

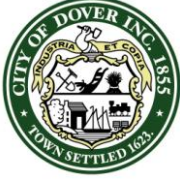
## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL

### **RESOLUTION BACKGROUND MATERIAL:**

This resolution shall ratify the employment agreement related to the employment of Dean Peschel as the Deputy Director of Community Services of the City of Dover. This agreement outlines wages, benefits and other conditions of employment and is as follows:



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

### **EMPLOYMENT AGREEMENT BETWEEN THE CITY OF DOVER, NH AND DEAN PESCHEL**

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009 by and between the CITY OF DOVER, a municipal corporation within the County of Strafford and the State of New Hampshire (hereinafter called the “CITY”), as party of the first part and DEAN PESCHEL., of the Town of York, County of York, and State of Maine (hereinafter called “EMPLOYEE”), as party of the second part;

#### WITNESETH:

WHEREAS, the City desires to employ the services of the Employee as Deputy Director of Community Services of the City of Dover.

WHEREAS, it is the desire of the City Manager, in accordance with the Dover City Charter and the Laws of the State of New Hampshire, to establish compensation, benefits, and other working conditions for the employment of the Employee; and

WHEREAS, it is the desire of the City Manager to ensure the commitment and full productivity of the Employee in providing service to the City as Deputy Director of Community Services; and

WHEREAS, it is the desire of the City Manager to provide inducement for the Employee to remain in service to the City while also ensuring a just means for the termination of employment at such time as may be required; and

WHEREAS, Employee agrees to accept employment as Deputy Director of Community Services of said City.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties agree as follows:

#### SECTION 1 – DUTIES AND AUTHORITY OF THE DIRECTOR OF COMMUNITY SERVICES

City hereby agrees to employ DEAN PESCHEL as Deputy Director of Community Services of said City. Employee accepts such employment and agrees to perform the functions and duties specified in the City Ordinances, and the Laws of the State of New Hampshire, and to perform such other legally permissible and proper duties, and reasonable functions as the Director of Community Services shall from time-to-time assign.

#### SECTION 2 – TERM



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

This Agreement shall remain in full force and effect from \_\_\_\_\_ until employment is terminated by the City or Employee as provided in Section 3 of this Agreement. Solely for the purposes of merit review and benefit eligibility, Employee's anniversary date of employment with the City shall remain as February 27, 1989.

### SECTION 3 – TERMINATION OF EMPLOYMENT AND SEVERANCE

- A. The Director of Community Services, at any time, may terminate the employment of the Employee for cause after thirty (30) days written notice of the basis for the termination.
- B. In the event the Employee is terminated by the Director of Community Services with cause, the City agrees that it shall pay to the Employee all unused, accrued vacation leave said amount to be paid to the Employee on or before the effective date of termination of his employment.
- C. In the event the City in any fiscal year intentionally reduces the base salary, compensation or any other financial benefit of the Employee in a percentage greater than is applied in an across the board reduction in the same fiscal year applicable to all other employees of the City, or in the event that the City refuses, following a thirty (30) day period after receipt of written notice delivered to the City Manager, to comply with any of the financial provisions benefiting the Employee set forth herein, or if the City abolishes the position of Deputy Director of Community Services without establishment of the position under a different title with substantially similar duties and responsibilities or similar action, the Employee may, at his option, deem himself to have been terminated without cause as of the date of such reduction or refusal to comply with the provision herein claimed to have been violated.
- D. In the event the Employee is terminated without cause, the City agrees that it shall pay to the Employee all unused, accrued vacation leave, together with a lump sum severance payment equal to one (1) month aggregate salary for each year of completed service as Deputy Director of Community Services, not to exceed six (6) months total, said amount to be paid to the Employee on or before the effective date of termination of his employment.
- E. In the event the Employee voluntarily resigns his position with the City, the Employee shall give the City thirty (30) days written notice in advance, unless the parties agree otherwise. Such notice of resignation shall be directed to the Director of Community Services. If the Employee voluntarily resigns, he shall not be entitled to salary after the date of resignation or to the severance benefits specified in this Section except he shall be paid for all unused, accrued vacation leave not to exceed thirty (30) days.

### SECTION 4 – SALARY

- A. The City agrees to pay the Employee for services rendered under this Agreement, an annual base salary of \$83,320, subject to applicable withholdings and deductions, payable in installments at the same time as other employees in the City are paid.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

- B. Effective the first full pay period following Employee's anniversary date and each year thereafter, the City agrees the Employee shall be eligible for a merit increase following completion of an evaluation of his performance as specified by Section 5 of this Agreement. Such increase is only to be applied to the Employee's base salary up to the maximum amount specified in the Class and Pay Plans attached to the City's Merit Plan. The amount of any merit increase shall be determined by the Director of Community Services at his sole discretion, but shall not be more than 5% per annum subject to a satisfactory performance review.

### SECTION 5 – DEPUTY DIRECTOR OF COMMUNITY SERVICES PERFORMANCE EVALUATION

- A. The Director of Community Services shall review and evaluate the Employee's performance as Deputy Director of Community Services at least once every year, provided, at a minimum, one performance evaluation occurs within forty-five (45) days of the Employee's anniversary date each year. Said review and evaluation shall be based on the goals and objectives developed by the Director of Community Services and the Employee in accordance with paragraph B of this Section. Upon completing the evaluation, the Director of Community Services shall provide the Employee with a written copy of his remarks. There shall be an adequate opportunity for the Employee to discuss the evaluation with the Director of Community Services.
- B. Annually during the month of July, or such other month as may be mutually agreed upon, the Director of Community Services and the Employee shall define goals and objectives which they determine necessary for the proper operation of the City and the attainment of the Director of Community Services policy objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the City and the events that have occurred during the year.

### SECTION 6 – HOURS OF WORK

- A. The Employee will devote full time and attention to the business of the City and will not engage in any other business during office hours, except with the approval of the Director of Community Services.
- B. It is recognized that the Employee must devote a great deal of time outside the normal office hours to the business of the City, and to that end the Employee will be allowed to have flexibility in scheduling his time.

### SECTION 7 – PAID LEAVE AND HOLIDAYS

- A. The Employee shall accrue twenty (20) days paid vacation leave per year which shall be awarded annually on the Employee's anniversary date. To limit excessive accruals, up to twenty (20) days of accrued unused vacation leave may be carried over from year to year. All annual leave and grandfathered sick leave accruals accumulated prior to appointment as Deputy Director of



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

Community Services are eliminated as a result of this agreement.

- B. The Employee will be eligible for ten (10) sick days per fiscal year prorated in the first year from the Employee's anniversary date to the end of the fiscal year. Sick days are only available to be utilized in the fiscal year awarded and shall not accrue or otherwise accumulate from year to year.
- C. The Employee shall be responsible for accurately recording leave usage which shall be verified and approved by the Director of Community Services.
- D. The Employee is entitled to time off for the holidays currently recognized by the City on the day they are observed.

### SECTION 8 – INSURANCE BENEFITS

Insurance benefits, including health, dental, life and disability insurances provided to City employees as part of its Flexible Benefits Program will be made available to the Employee and paid by the City excepting the Employee shall pay twenty percent (20%) and the City will pay eighty percent (80%) of the applicable premiums for the Employee's chosen health insurance plan and, further, the City shall pay an amount upto and not exceeding the cost for two (2) person base dental coverage with Employee paying the difference for any higher cost plan and/or coverage levels. The Employee health contribution may be subject to change as applicable to other City Employees. The employee shall receive a buy back for health and/or dental insurance coverages not selected equal to forty percent (40%) of the City's avoided costs provided Employee presents evidence of satisfactory coverage from another source.

### SECTION 9 – RETIREMENT BENEFITS

- A. The Employee shall be allowed to continue participation in the NH Retirement System per the requirements established by State of New Hampshire Retirement System.
- B. The Employee may enroll in the City's 457 Deferred Compensation Plan.
- C. The Employee shall remain eligible for the group retiree health benefit he was afforded in his prior position with the City. Upon his retirement with at least twenty (20) years employment with the City, the City shall provide at no cost to the Employee, the group health insurance benefit plan available to City employees. In the event no group health insurance is available to City employees, the City's sole obligation is to tender to the Employee an amount equal to the premium paid by the City when coverage was available.

### SECTION 10 – CITY BUSINESS RELATED EXPENSES

- A. The Employee shall be reimbursed for all reasonable business-related expenses incurred in the performance of his duties as approved by the Director of Community Services



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

### SECTION 11 – PROFESSIONAL DEVELOPMENT

- A. The City shall pay for the Employee's individual membership dues and assessments by the New England Water Environment Association and the American Public Works Association.
- B. The City agrees to purchase subscriptions, books, training materials, course tuition and other professional association memberships for the Employee dependent upon budget availability.

### SECTION 12 – INDEMNIFICATION/THIRD PARTY CLAIMS

- A. The City agrees to indemnify and hold harmless the Employee from any and all losses, including Employee's reasonable attorney's fees and other expenses of defense, in connection with any claim, demand, action, or suit, or judgment arising out of any act or omission of the Employee if at the time of the act or omission, the Employee was acting within the scope of his employment and without malice or bad faith.
- B. The City agrees to provide liability coverage for the Employee against third party claims through the City's public employee insurance coverage.

### SECTION 13 – BONDING

The City shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

### SECTION 14 – OTHER TERMS AND CONDITIONS

The City Manager may fix such other reasonable terms and conditions of employment, as he/she may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Merit Plan, the City Charter, or any other Federal or State law.

### SECTION 15 – SEVERABILITY

If any provisions, or provision thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable and shall not be affected and shall remain in full force and effect.

### SECTION 16 – MERGER

The text of this written Agreement and any amendments approved and executed by the City Manager and the Employee constitute the entire understanding between the parties with respect to the employment of DEAN PESCHEL as the Deputy Director of Community Services of the City of Dover.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

**Agenda Item#: 11.B.1.**

Resolution Number: **R – 2009.03.11 – 35**  
Resolution Re: **DEPUTY DIRECTOR OF COMMUNITY SERVICES  
EMPLOYMENT AGREEMENT WITH DEAN  
PESCHEL**

### SECTION 17 – NOTICES

Notices pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

City: The City Manager  
City of Dover, NH  
288 Central Avenue  
Dover, NH 03820

Employee: DEAN PESCHEL, Deputy Director of Community Services  
City of Dover, NH  
288 Central Avenue  
Dover, NH 03820

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

### SECTION 18 – GENERAL PROVISIONS

- A. This Agreement shall be binding upon the City and Employee, as well as their heirs, assigns, executors, personal representatives and successors in interest.
- B. This Agreement shall become effective upon execution.

IN WITNESS WHEREOF, the City of Dover has caused this Agreement to be signed and executed in its behalf by the City Manager, and the Employee has signed and executed this Agreement, all in duplicate, as of the day and year first above written.

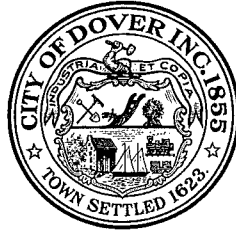
Dated: \_\_\_\_\_

CITY OF DOVER, NEW HAMPSHIRE

By: \_\_\_\_\_  
City Manager, J. Michael Joyal, Jr.

EMPLOYEE

By: \_\_\_\_\_  
Dean Peschel



APPLICATION  
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Portsmouth Christian Academy - Upper School  
Federal Tax ID number for Organization: 02-0465448  
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Scott Young Day Time Telephone: 603-742-3617 ext. 103

Address: 20 Seabrook Drive Email Address syoung@pcaschool.org

Purpose of Permit: Annual parade route requested for our "McGuinness Walk"

Date of Event: 04/10/09 Specific Time: 9:00 am (start time) - 10:30 am (end time)

Location of Event: Begins at PCA campus and ends at campus (map attached)

\*\*\*\*\*  
(Raffle Permit only)  
Prize (s) To Be Awarded: \_\_\_\_\_

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

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

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

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

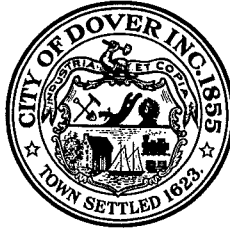
\*\*\*NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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

Signature: Scott Young Date: 03/04/09

Licensing Board approval [Signature] Date: 3/6/2009  
Revised 03/17/08  
(Police Department)





09 MAR 11 PM 3:40

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Great Bay Figure Skating Club

Federal Tax ID number for Organization: 23-7430844

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

Contact Person: Coeli Hoover Day Time Telephone: 603-781-5677

Address: 110 Portland Ave Dover Email Address coelih@yahoo.com

Purpose of Permit: 50/50 Raffle-Fundraiser for club

Date of Event: April 5 2009 Specific Time: 2-4pm

Location of Event: Dover Arena

(Raffle Permit only)

Prize (s) To Be Awarded: 1/2 of money collected

Amount of Donation: \$1/ticket Date of Drawing: April 5 2009 Specific Time: 2-4pm

Place of Drawing: Dover Arena

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

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

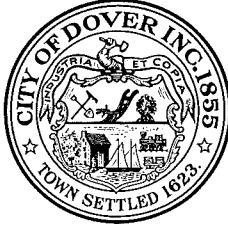
\*\*\*NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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

Signature: Coeli Hoover Date: 10 March 09

Licensing Board approval [Signature] Date: 3/12/09 Revised 03/17/08

OK w/ funds NOT TAX de deductible



**APPLICATION  
CITY OF DOVER, NEW HAMPSHIRE**

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

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

Organization Name: Seymour Osman Community Center

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

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

Contact Person: Thad Mandsager Day Time Telephone: 749-66092

Address: 40 Hampshire Circle Dover Email Address thad@doverhousingauthority.org

Purpose of Permit: 50/50 raffle

Date of Event: 4-25-09 Specific Time: 10-2

Location of Event: Dover High School

\*\*\*\*\*

(Raffle Permit only)

Prize (s) To Be Awarded: money

Amount of Donation: 20% of money raised Date of Drawing: 4/25/09 Specific Time: 2pm

Place of Drawing: Dover High School

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

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

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

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

Signature: Thad Mandsager Date: 3-4-09

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

[Handwritten signature]



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4

Resolution Number: **R – 2009.03.25 - 36**  
Resolution Re: **Identity Theft Prevention Program**

- WHEREAS: The Federal Trade Commission (FTC) enacted Section 114 of the Fair and Accurate Credit Transactions Act of 2003; 16 C.F.R. §681.2 by adopting Red Flags Rules applicable to identity theft protection and requiring institutions to establish Identity Theft Prevention Programs; and
- WHEREAS: The FTC Red Flags Rules are applicable to continuing credit based relationships such as utility accounts; and
- WHEREAS: The City of Dover owns and operates Water and Sewer Utilities, to include billing customers through utility accounts, and therefore must comply with the FTC Red Flags Rules; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT: The City Council hereby adopts the City of Dover Identity Theft Prevention Program. Copy of the City's Identity Theft Prevention Program is part of this resolution.

Resolution- Sponsored by Mayor Meyers by request

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, 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 – 2009.03.25 - 36**  
Resolution Re: **Identity Theft Prevention Program**

### RESOLUTION BACKGROUND MATERIAL:

In November 2007 the Federal Trade Commission (FTC) enacted Section 114 of the Fair and Accurate Credit Transactions Act of 2003; 16 C.F.R. §681.2 by adopting Red Flags Rules applicable to identity theft protection and requiring institutions to establish Identity Theft Prevention Programs. The prevailing thought at that time was that these FTC regulations applied to corporate business entities. The FTC clarified that these regulations applied to all continuing credit based relationships to include governmental utilities. Therefore municipal utilities had to comply with the regulations and develop, adopt, and implement an Identity Theft Prevention Program. The FTC extended the deadline to May 1, 2009 for institutions to have a Program adopted and implemented.

The City of Dover operates a water and sewer utility. The City bills customers in arrears for water and sewer usage through established utility accounts. This process establishes a credit-type relationship with customers and therefore the City must comply with the FTC Red Flags Rules.

The Finance Director and Water/Sewer Billing Bookkeeper attended a seminar in January 2009 regarding the FTC Red Flags Rules. Upon returning from the seminar the City Manager was informed of the requirements that the City must comply with for Red Flags Rules. A committee approach was deemed the most appropriate manner to establish a written program and upon approval of the Dover Utility Commission (DUC) and the City Council, the City's Identity Theft Prevention Program would be implemented.

A committee of City personnel was convened in February. The committee consists of the Finance Director, Senior Accountant, Water/Sewer Billing Bookkeeper, Information Technology Director, Assistant City Assessor, City Clerk/Tax Collector, Community Services Director, and Utility System Supervisor. A draft Identity Theft Prevention Program document was created. In early March the Committee performed a risk assessment in concert with a final review of the draft Identity Theft Prevention Program.

The final draft of the Identity Theft Prevention Program was presented to the DUC and adopted by the Commission at their March 16, 2009 meeting.

A failure on the part of the City to adopt and implement an Identity Theft Prevention Program by May 1, 2009 will result in a "material weakness" being reported in the City's FY09 Audit report. The material weakness will be reported for failure to comply with a federal regulation and the potential liability it could create for the City. The reporting of a material weakness, such as non-compliance with a federal regulation, could result in the City being ineligible to receive Federal grants.

# City of Dover, NH

## Identity Theft Prevention Program



## Identity Theft Prevention Program

City of Dover  
288 Central Ave  
Dover, NH 03820

This Program is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

### **Contact Information:**

- The Senior Management Persons responsible for this program are:

Name:	Doug Steele or Designee	Daniel R. Lynch or Designee
Title:	Community Services Director	Finance Director
Phone number:	603-516-6450	603-516-6030

- The Members of the Dover Utility Commission (D.U.C.) are:

1. Martin Coyle	6. Otis Perry
2. Mike Earley	7. Edward Spuler
3. Gary Green	8. Doug Steele (non-voting)
4. Mark Moeller	9. Jay Stephens
5. Ted Mortner	

- The Members of the Dover City Council are:

	Mayor: Scott Myers	
Ward 1: Robert Carrier		Ward 5: Catherine Cheney
Ward 2: Douglas Dede		Ward 6: Richard P. Callaghan
Ward 3: David Scott		At Large: Steven McCusker
Ward 4: Dean Trefethen		At Large: Karen Weston

### **I. PROGRAM ADOPTION**

The City of Dover developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commissions Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003.16 C.F.R. § 681.2. This program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the City of Dover’s operations and account

systems, and the nature and scope of the City of Dover's activities, the City Council determined that this Program was appropriate for the City of Dover, and therefore approved this Program on \_\_\_\_\_ 2009.

## **II. PROGRAM PURPOSE AND DEFINITIONS**

### **A. Fulfilling requirements of the Red Flags Rule**

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

### **B. Red Flags Rule definitions used in this program**

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft." According to the Rule, the City of Dover is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors." All the City of Dover accounts that are City of Dover Water and Sewer service accounts held by customers of the City of Dover whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the City of Dover offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the City of Dover offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City of Dover from Identity Theft. "Identifying information" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

## **III. RISK ASSESSMENT**

The City of Dover, NH Water and Sewer Utility has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being

manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information.

- New accounts should be opened In Person or by a Person mailing to the Utility Billing Office a completed form provided by the City.
- Account information accessed In Person
- Account information accessed via Telephone (Person)

#### **IV. DETECTION (RED FLAGS)**

The City of Dover, NH City Council adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary.

- Fraud or active duty alerts included with consumer reports
- Other information is inconsistent with information provided by applicant
- Personal information provided by applicant does not match other sources of Information
- Customer fails to provide all information requested
- Personal information provided is inconsistent with information on file for a customer
- Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet
- Identity theft is reported or discovered

#### **V. RESPONDING TO RED FLAGS**

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

- Ask applicant for additional documentation
- Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customer's identity must notify the Community Services Director or the Finance Director.
- Do not open the account
- Determine if the account should be closed
- Do not attempt to collect against the account but notify authorities

#### **VI. PREVENTING AND MITIGATING IDENTITY THEFT PROCEDURES:**

The City of Dover, NH City Council adopts the following security procedures:

1. Paper documents, files, and electronic media containing secure information will be stored in locking file cabinets or will be stored in a locked room.
2. Only specially identified employees with a legitimate need will have keys to the room and/or cabinets.

3. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
4. Employees store files when leaving their work areas
5. Employees log off their computers when leaving their work areas
6. Access to offsite storage facilities is limited to employees with a legitimate business need.
7. Any sensitive information shipped will be shipped using a shipping service that allows tracking of the delivery of this information.
8. Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the utility.
9. No visitor will be given any entry codes or allowed unescorted access to the office.
10. Access to sensitive information will be controlled using “strong” passwords. Employees will choose passwords with a mix of letters, numbers, and characters. Computer passwords will be required.
11. Passwords will be changed on a regular basis.
12. Passwords will not be shared or posted near workstations.
13. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
14. When installing new software, immediately change vendor-supplied default passwords to a more secure strong password.
15. Any sensitive consumer data stored on any computer will be protected by a firewall.
16. Sensitive information that is stored on computer network will be encrypted. Sensitive information will not be stored on portable storage devices.
17. Anti-virus and anti-spyware programs will be installed, active, and current updates on individual computers and on servers daily.
18. When sensitive data is received or transmitted outside the protected municipal network, secure connections will be used.
19. User names and passwords will be different.
20. Laptops are stored in a secure place.
21. Laptops will not contain sensitive data. Sensitive data can be accessed on municipal network or through secured remote connection that is password protected.
22. Employees never leave a laptop visible in a car, at a hotel luggage stand, packed in checked luggage, or unattended while traveling.
23. The computer network will have a firewall where the network connects to the Internet.
24. Maintain log files of security-related information to monitor activity on the network.
25. Monitor incoming traffic for signs of a data breach.
26. Monitor outgoing traffic for signs of a data breach.
27. Implement a breach response plan.
28. Check references or do background checks before hiring employees who will have access to sensitive data.
29. New employees sign an agreement to follow the city’s acceptable use policy, which provides standards for handling sensitive data and utilizing information systems.
30. Access to customer’s personal identifying information is limited to employees with a “need to know.”

31. Procedures exist for making sure that workers who leave or transfer to another part of the city no longer have access to sensitive information.
32. Implement a regular schedule of employee training.
33. Employees will be alert to attempts at phone phishing.
34. Employees are required to notify a senior management person immediately if there is a potential security breach, such as a lost or stolen laptop.
35. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
36. Service providers notify you of any security incidents they experience, even if the incidents may not have led to an actual compromise of our data.
37. Paper records will be shredded before being placed into the trash.
38. Paper shredders are available for shredding sensitive data.

## **VII. PROGRAM UPDATES**

The Identity Theft Prevention Committee will periodically review and update this Program to reflect changes in risks to customers and the soundness of the City of Dover from Identity Theft. In doing so, the Prevention Committee will consider the City's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods and changes in the City's business arrangements with other entities. After considering these factors, the Prevention Committee will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Prevention Committee will update the Program and present the Dover Utilities Commission and City Council with recommended changes. The DUC and City Council will make a determination of whether to accept, modify or reject those changes to the Program.

## **VIII. PROGRAM ADMINISTRATION**

### *A. Oversight:*

Responsibility for developing, implementing and updating this Program rests with the Identity Theft Prevention Committee for the City of Dover. The Committee is headed by a program administrator who may be the City Manager or his or her designee. The other members of the Committee shall be comprised of members from Utility Operations, Utility Billing, Tax Assessment, City Clerk/Tax Collection, Finance and Accounting, and Information Technology. The Committee will be responsible for program implementation, for ensuring appropriate training of City of Dover employees, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

*B. Staff Training and Reports:*

City of Dover employees responsible for implementing the Program shall be trained either by or under the direction of the Prevention Committee in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. The Prevention Committee will assess on an annual basis the need for training updates for employees. The Prevention Committee may require employees to provide reports on incidents of Identity Theft, compliance with the Program and the effectiveness of the Program.

*C. Service Provider Arrangements:*

In the event the City of Dover engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the City of Dover's Program and report any Red Flags to the City.

**IX. PROGRAM REVIEW AND APPROVAL**

This plan has been reviewed and adopted by the Dover Utility Commission (D.U.C.).

Date: March 16, 2009 Agenda Item: 7-A

This plan has been reviewed and adopted by the Dover City Council.

Date: \_\_\_\_\_ Resolution: \_\_\_\_\_

Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program by the Prevention Committee.

Department: _____	Date _____
Department: _____	Date _____
Department: _____	Date _____
Department: _____	Date _____

with paragraph (d)(1) of this section must provide that the user will furnish the consumer's address that the user has reasonably confirmed is accurate to the consumer reporting agency as part of the information it regularly furnishes for the reporting period in which it establishes a relationship with the consumer.

**§ 681.2 Duties regarding the detection, prevention, and mitigation of identity theft.**

(a) *Scope.* This section applies to financial institutions and creditors that are subject to administrative enforcement of the FCRA by the Federal Trade Commission pursuant to 15 U.S.C. 1681s(a)(1).

(b) *Definitions.* For purposes of this section, and Appendix A, the following definitions apply:

(1) *Account* means a continuing relationship established by a person with a financial institution or creditor to obtain a product or service for personal, family, household or business purposes. Account includes:

- (i) An extension of credit, such as the purchase of property or services involving a deferred payment; and
- (ii) A deposit account.

(2) The term *board of directors* includes:

- (i) In the case of a branch or agency of a foreign bank, the managing official in charge of the branch or agency; and
- (ii) In the case of any other creditor that does not have a board of directors, a designated employee at the level of senior management.

(3) *Covered account* means:

(i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

(ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(4) *Credit* has the same meaning as in 15 U.S.C. 1681a(r)(5).

(5) *Creditor* has the same meaning as in 15 U.S.C. 1681a(r)(5), and includes lenders such as banks, finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies.

(6) *Customer* means a person that has a covered account with a financial institution or creditor.

(7) *Financial institution* has the same meaning as in 15 U.S.C. 1681a(t).

(8) *Identity theft* has the same meaning as in 16 CFR 603.2(a).

(9) *Red Flag* means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(10) *Service provider* means a person that provides a service directly to the financial institution or creditor.

(c) *Periodic Identification of Covered Accounts.* Each financial institution or creditor must periodically determine whether it offers or maintains covered accounts. As a part of this determination, a financial institution or creditor must conduct a risk assessment to determine whether it offers or maintains covered accounts described in paragraph (b)(3)(ii) of this section, taking into consideration:

- (1) The methods it provides to open its accounts;
- (2) The methods it provides to access its accounts; and
- (3) Its previous experiences with identity theft.

(d) *Establishment of an Identity Theft Prevention Program.* (1) *Program requirement.* Each financial institution or creditor that offers or maintains one or more covered accounts must develop and implement a written Identity Theft Prevention Program (Program) that is designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account. The Program must be appropriate to the size and complexity of the financial institution or creditor and the nature and scope of its activities.

(2) *Elements of the Program.* The Program must include reasonable policies and procedures to:

- (i) Identify relevant Red Flags for the covered accounts that the financial institution or creditor offers or maintains, and incorporate those Red Flags into its Program;
- (ii) Detect Red Flags that have been incorporated into the Program of the financial institution or creditor;
- (iii) Respond appropriately to any Red Flags that are detected pursuant to paragraph (d)(2)(i) of this section to prevent and mitigate identity theft; and
- (iv) Ensure the Program (including the Red Flags determined to be relevant) is updated periodically, to reflect changes in risks to customers and to the safety and soundness of the financial institution or creditor from identity theft.

(e) *Administration of the Program.* Each financial institution or creditor

that is required to implement a Program must provide for the continued administration of the Program and must:

(1) Obtain approval of the initial written Program from either its board of directors or an appropriate committee of the board of directors;

(2) Involve the board of directors, an appropriate committee thereof, or a designated employee at the level of senior management in the oversight, development, implementation and administration of the Program;

(3) Train staff, as necessary, to effectively implement the Program; and

(4) Exercise appropriate and effective oversight of service provider arrangements.

(f) *Guidelines.* Each financial institution or creditor that is required to implement a Program must consider the guidelines in Appendix A of this part and include in its Program those guidelines that are appropriate.

**§ 681.3 Duties of card issuers regarding changes of address.**

(a) *Scope.* This section applies to a person described in § 681.2(a) that issues a debit or credit card (card issuer).

(b) *Definitions.* For purposes of this section:

(1) *Cardholder* means a consumer who has been issued a credit or debit card.

(2) *Clear and conspicuous* means reasonably understandable and designed to call attention to the nature and significance of the information presented.

(c) *Address validation requirements.* A card issuer must establish and implement reasonable policies and procedures to assess the validity of a change of address if it receives notification of a change of address for a consumer's debit or credit card account and, within a short period of time afterwards (during at least the first 30 days after it receives such notification), the card issuer receives a request for an additional or replacement card for the same account. Under these circumstances, the card issuer may not issue an additional or replacement card, until, in accordance with its reasonable policies and procedures and for the purpose of assessing the validity of the change of address, the card issuer:

(1)(i) Notifies the cardholder of the request:

(A) At the cardholder's former address; or

(B) By any other means of communication that the card issuer and the cardholder have previously agreed to use; and

(ii) Provides to the cardholder a reasonable means of promptly reporting incorrect address changes; or

(2) Otherwise assesses the validity of the change of address in accordance with the policies and procedures the card issuer has established pursuant to § 681.2 of this part.

(d) *Alternative timing of address validation.* A card issuer may satisfy the requirements of paragraph (c) of this section if it validates an address pursuant to the methods in paragraph (c)(1) or (c)(2) of this section when it receives an address change notification, before it receives a request for an additional or replacement card.

(e) *Form of notice.* Any written or electronic notice that the card issuer provides under this paragraph must be clear and conspicuous and provided separately from its regular correspondence with the cardholder.

#### Appendix A to Part 681—Interagency Guidelines on Identity Theft Detection, Prevention, and Mitigation

Section 681.2 of this part requires each financial institution and creditor that offers or maintains one or more covered accounts, as defined in § 681.2(b)(3) of this part, to develop and provide for the continued administration of a written Program to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account. These guidelines are intended to assist financial institutions and creditors in the formulation and maintenance of a Program that satisfies the requirements of § 681.2 of this part.

##### I. The Program

In designing its Program, a financial institution or creditor may incorporate, as appropriate, its existing policies, procedures, and other arrangements that control reasonably foreseeable risks to customers or to the safety and soundness of the financial institution or creditor from identity theft.

##### II. Identifying Relevant Red Flags

(a) *Risk Factors.* A financial institution or creditor should consider the following factors in identifying relevant Red Flags for covered accounts, as appropriate:

- (1) The types of covered accounts it offers or maintains;
- (2) The methods it provides to open its covered accounts;
- (3) The methods it provides to access its covered accounts; and
- (4) Its previous experiences with identity theft.

(b) *Sources of Red Flags.* Financial institutions and creditors should incorporate relevant Red Flags from sources such as:

- (1) Incidents of identity theft that the financial institution or creditor has experienced;
- (2) Methods of identity theft that the financial institution or creditor has identified that reflect changes in identity theft risks; and

(3) Applicable supervisory guidance.

(c) *Categories of Red Flags.* The Program should include relevant Red Flags from the following categories, as appropriate. Examples of Red Flags from each of these categories are appended as Supplement A to this Appendix A.

(1) Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;

(2) The presentation of suspicious documents;

(3) The presentation of suspicious personal identifying information, such as a suspicious address change;

(4) The unusual use of, or other suspicious activity related to, a covered account; and

(5) Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the financial institution or creditor.

##### III. Detecting Red Flags

The Program's policies and procedures should address the detection of Red Flags in connection with the opening of covered accounts and existing covered accounts, such as by:

(a) Obtaining identifying information about, and verifying the identity of, a person opening a covered account, for example, using the policies and procedures regarding identification and verification set forth in the Customer Identification Program rules implementing 31 U.S.C. 5318(l) (31 CFR 103.121); and

(b) Authenticating customers, monitoring transactions, and verifying the validity of change of address requests, in the case of existing covered accounts.

##### IV. Preventing and Mitigating Identity Theft

The Program's policies and procedures should provide for appropriate responses to the Red Flags the financial institution or creditor has detected that are commensurate with the degree of risk posed. In determining an appropriate response, a financial institution or creditor should consider aggravating factors that may heighten the risk of identity theft, such as a data security incident that results in unauthorized access to a customer's account records held by the financial institution, creditor, or third party, or notice that a customer has provided information related to a covered account held by the financial institution or creditor to someone fraudulently claiming to represent the financial institution or creditor or to a fraudulent website. Appropriate responses may include the following:

- (a) Monitoring a covered account for evidence of identity theft;
- (b) Contacting the customer;
- (c) Changing any passwords, security codes, or other security devices that permit access to a covered account;
- (d) Reopening a covered account with a new account number;
- (e) Not opening a new covered account;
- (f) Closing an existing covered account;
- (g) Not attempting to collect on a covered account or not selling a covered account to a debt collector;
- (h) Notifying law enforcement; or

(i) Determining that no response is warranted under the particular circumstances.

##### V. Updating the Program

Financial institutions and creditors should update the Program (including the Red Flags determined to be relevant) periodically, to reflect changes in risks to customers or to the safety and soundness of the financial institution or creditor from identity theft, based on factors such as:

- (a) The experiences of the financial institution or creditor with identity theft;
- (b) Changes in methods of identity theft;
- (c) Changes in methods to detect, prevent, and mitigate identity theft;

(d) Changes in the types of accounts that the financial institution or creditor offers or maintains; and

(e) Changes in the business arrangements of the financial institution or creditor, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

##### VI. Methods for Administering the Program

(a) *Oversight of Program.* Oversight by the board of directors, an appropriate committee of the board, or a designated employee at the level of senior management should include:

(1) Assigning specific responsibility for the Program's implementation;

(2) Reviewing reports prepared by staff regarding compliance by the financial institution or creditor with § 681.2 of this part; and

(3) Approving material changes to the Program as necessary to address changing identity theft risks.

(b) *Reports.* (1) *In general.* Staff of the financial institution or creditor responsible for development, implementation, and administration of its Program should report to the board of directors, an appropriate committee of the board, or a designated employee at the level of senior management, at least annually, on compliance by the financial institution or creditor with § 681.2 of this part.

(2) *Contents of report.* The report should address material matters related to the Program and evaluate issues such as: The effectiveness of the policies and procedures of the financial institution or creditor in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the Program.

(c) *Oversight of service provider arrangements.* Whenever a financial institution or creditor engages a service provider to perform an activity in connection with one or more covered accounts the financial institution or creditor should take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. For example, a financial institution or creditor could require the service provider by contract to have policies and procedures to detect relevant Red Flags

that may arise in the performance of the service provider's activities, and either report the Red Flags to the financial institution or creditor, or to take appropriate steps to prevent or mitigate identity theft.

#### VII. Other Applicable Legal Requirements

Financial institutions and creditors should be mindful of other related legal requirements that may be applicable, such as:

- (a) For financial institutions and creditors that are subject to 31 U.S.C. 5318(g), filing a Suspicious Activity Report in accordance with applicable law and regulation;
- (b) Implementing any requirements under 15 U.S.C. 1681c-1(h) regarding the circumstances under which credit may be extended when the financial institution or creditor detects a fraud or active duty alert;
- (c) Implementing any requirements for furnishers of information to consumer reporting agencies under 15 U.S.C. 1681s-2, for example, to correct or update inaccurate or incomplete information, and to not report information that the furnisher has reasonable cause to believe is inaccurate; and
- (d) Complying with the prohibitions in 15 U.S.C. 1681m on the sale, transfer, and placement for collection of certain debts resulting from identity theft.

#### Supplement A to Appendix A

In addition to incorporating Red Flags from the sources recommended in section II.b. of the Guidelines in Appendix A of this part, each financial institution or creditor may consider incorporating into its Program, whether singly or in combination, Red Flags from the following illustrative examples in connection with covered accounts:

#### Alerts, Notifications or Warnings from a Consumer Reporting Agency

1. A fraud or active duty alert is included with a consumer report.
2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
3. A consumer reporting agency provides a notice of address discrepancy, as defined in § 681.1(b) of this part.
4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
  - a. A recent and significant increase in the volume of inquiries;
  - b. An unusual number of recently established credit relationships;
  - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
  - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

#### Suspicious Documents

5. Documents provided for identification appear to have been altered or forged.
6. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
7. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

8. Other information on the identification is not consistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check.

9. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

#### Suspicious Personal Identifying Information

10. Personal identifying information provided is inconsistent when compared against external information sources used by the financial institution or creditor. For example:

- a. The address does not match any address in the consumer report; or
  - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
11. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

12. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:

- a. The address on an application is the same as the address provided on a fraudulent application; or
- b. The phone number on an application is the same as the number provided on a fraudulent application.

13. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:

- a. The address on an application is fictitious, a mail drop, or a prison; or
- b. The phone number is invalid, or is associated with a pager or answering service.

14. The SSN provided is the same as that submitted by other persons opening an account or other customers.

15. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.

16. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

17. Personal identifying information provided is not consistent with personal identifying information that is on file with the financial institution or creditor.

18. For financial institutions and creditors that use challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

#### Unusual Use of, or Suspicious Activity Related to, the Covered Account

19. Shortly following the notice of a change of address for a covered account, the institution or creditor receives a request for

a new, additional, or replacement card or a cell phone, or for the addition of authorized users on the account.

20. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

- a. The majority of available credit is used for cash advances or merchandise that is easily convertible to cash (e.g., electronics equipment or jewelry); or
- b. The customer fails to make the first payment or makes an initial payment but no subsequent payments.

21. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- a. Nonpayment when there is no history of late or missed payments;
- b. A material increase in the use of available credit;
- c. A material change in purchasing or spending patterns;
- d. A material change in electronic fund transfer patterns in connection with a deposit account; or
- e. A material change in telephone call patterns in connection with a cellular phone account.

22. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

23. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

24. The financial institution or creditor is notified that the customer is not receiving paper account statements.

25. The financial institution or creditor is notified of unauthorized charges or transactions in connection with a customer's covered account.

#### Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection With Covered Accounts Held by the Financial Institution or Creditor

26. The financial institution or creditor is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

Dated: October 5, 2007.

**John C. Dugan,**  
Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, October 29, 2007.

**Jennifer J. Johnson,**  
Secretary of the Board.

Dated at Washington, DC, this 16th day of October, 2007.

By order of the Board of Directors,  
Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
Executive Secretary.

Dated: October 24, 2007.



**CITY OF DOVER**

# CITY OF DOVER - RESOLUTION

**Agenda Item#: 12.A.5.**

Resolution Number: **R – 2009.03.25 – 37**

Resolution Re: B08102 Columbarium for Pine Hill Cemetery

WHEREAS: Requests for sealed bid B08102 were issued and received for the construction of a columbarium to be located at the Pine Hill Cemetery on June 4, 2008 at 2:00pm; and

WHEREAS: Respondents were asked to submit qualifications proposals and the city received six informational packets that were evaluated by the Cemetery board and was narrowed down to three vendors that would be interviewed. Interviews were conducted with these three vendors. The Cemetery board took an information gathering trip to the State Veterans Cemetery in Boscawen NH to view other columbariums. Specifications were drawn up and forwarded to the three pre-qualified vendors. These specifications indicated that the vendor would construct and install the columbarium while remaining under the allotted \$30,000 appropriation; and

WHEREAS: One vendor submitted a price and two vendors indicated they were unable to submit a bid for a columbarium unit and installation that would be within the allotted budget. Watertown Cremation Products submitted a price of \$29,500.00. References were checked and it is the recommendation of the Cemetery board, that Watertown Cremation Products be awarded the project; and

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

The purchasing agent is hereby authorized to issue a purchase order to Watertown Cremation Products of Whitman MA given the bid amount of 29,500.00. The amount of this authorization shall be limited so as not to exceed available funding.

### Financing

Account	Description	Appropriation	Balance
1000-41951-4741-0000-00-30	Cemetery Equipment	30,000.00	30,000.00

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009.03.25 – 37**

Resolution Re: B08102 Columbarium for Pine Hill Cemetery

### 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 – 2009.03.25 – 37**

Resolution Re: B08102 Columbarium for Pine Hill Cemetery

### RESOLUTION BACKGROUND MATERIAL:

Requests for sealed bid B08102 were issued and received for the construction of a columbarium to be located at the Pine Hill Cemetery on June 4, 2008 at 2:00pm. Respondents were asked to submit qualification proposals and the city received six informational packets that were evaluated by the Cemetery board and was narrowed down to three vendors that would be interviewed. Interviews were conducted with these three vendors. The Cemetery board took an information gathering trip to the State Veterans Cemetery in Boscawen NH to view other columbariums. The Cemetery board then drew up specifications and the purchasing agent forwarded to the three pre-qualified vendors. These specifications indicated that the vendor would construct and install the columbarium while remaining under the allotted \$30,000 appropriation.

One vendor submitted a price and two vendors indicated they were unable to submit a columbarium product and installation that would be within the allotted budget. The two vendors also indicated three issues with the specifications, to include use of concrete materials, hardware listed and fasteners listed were to restrictive. They also indicated that the city did not need the size of niches requested. The purchasing agent followed up with the two non-bidding vendors and asked both if the specifications were changed, to indicate “like quality” on the three issues, would they then be able to submit a price. Upon further analysis, the purchasing agent determined that even if the bid specifications were changed that the two vendors could not submit pricing that would come within the allotted budget. One vendor only utilized granite material, which made their columbarium more than allotted budgeted. The other vendor’s product for size of niches and installation would be more than allotted budget.

Watertown Cremation Products submitted a price of \$29,500.00. References were checked and it is the recommendation of the Cemetery board, that Watertown Cremation Products be awarded the project.

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	19	<b>Number of Responses:</b>	6
<b>Warranty:</b>	1 yr	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	Yes	<b>Contract:</b>	
<b>Prices will hold for:</b>	Until completion	<b>Estimated Delivery:</b>	May2009
<b>Recommended Award to:</b>	Watertown Cremation Products	<b>Fund:</b>	GF
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Highly recommended
<b>Previously Worked for City:</b>	No	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009.03.25 – 37**

Resolution Re: B08102 Columbarium for Pine Hill Cemetery

### Vendor Solicitation List:

Koppenberg Enterprises  
17631 147 St SE  
Space #8  
Monroe, WA 98272

Industries/INDIVIDUAL  
MAUSOLEUM CO. Attn: Chris  
Carson PO Box 1055  
Parsons, KS 67357

LINDSAY CONC. PRODUCTS  
Mike Hoffman  
6845 Erie Ave NW  
Canal Fulton, Ohio 44614

Mickekson & Ray, Inc.  
2419 West Van Buren  
Phoenix, AZ 85009

Exeter Monument Works  
8 Columbus Ave  
Exeter, NH 03833

Mike Colizzi  
North American Heritage  
Services, Inc.  
466 Merrimack Street  
Methuen, MA 01844

Purdy & Son Monument Comp  
655 Central Ave  
Dover, NH 03820

Chris Alex  
Seacoast Memorials  
3168 Lafayette Road  
Portsmouth, NH 03801

Stephen R. Roy Monuments  
57 Summer Street  
Rochester, NH 03867

Lee H. Tasker Sr.  
Tasker Monument Company  
PO Box 126  
Dover, NH 03820

White Mountain Memorials  
65 High Street  
Somersworth, NH 03878

Hardy Doric Inc/Columaria Inc  
Jeff Hardy  
22 Progress Ave  
Chelmsford MA 01824

Watertown Engineering Corp  
1200Auburn st  
Whitman MA 02382

Means Precast  
151 Adams St  
Braintree Ma 02184

Eickhof  
116 W Roberts St  
Crookston MN 56716

Matthews International  
Tom Santillo  
1315 W Liberty Ave  
Pittsburgh PA 15226

Rock of Ages  
560 Graniteville Rd  
Graniteville CT 05654

Oregon Memorials  
PO Box 787  
Hillsboro OR 97123

J & B Granite Works  
212A Pembroke Road  
Concord, NH 03301-5760



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009.03.25 – 37**

Resolution Re: B08102 Columbarium for Pine Hill Cemetery

### Bid Results

Alex J. Knox Collaborative Design Architect 78 Walnut St Needham MA 02492
<b>Paul Eickhof</b> <b>Eickhof Columbaria Inc</b> <b>116 West Robert St</b> <b>Crookston MN 56716</b>
Jeffrey Hardy Hardy Doric Inc New England Trigard Bronze and Niche 22 Progress Ave Chelmsford MA 01824
<b>Michael Colizzi</b> <b>Rock Of Ages</b> <b>No. American Heritage Svs Inc</b> <b>466 Merrimack St</b> <b>Methuen MA 01844</b>
<b>Bruce Delie Chiaie</b> <b>Watertown Cremation Products</b> <b>PO Box 70</b> <b>Whitman MA 02382</b>
Lee Nielson Oregon Memorials 1299 NE 25 <sup>th</sup> Ave Hillsboro OR 97124

Vendor highlighted in **bold** were interviewed & sent final specifications.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.03.25 - 38**

Resolution Re: **Bid B09049 Hand Pavement Markings Short Lines**

WHEREAS: Sealed bid # B09049 was requested and received for Hand Pavement Markings for short line services on March 10, 2009 at 2:30 PM EST.; and

WHEREAS: The normal working hours for these services is between 9:00PM and 6:00AM and is scheduled around weather conditions. For these reasons, timing is crucial and vendors must be able to respond quickly and efficiently in order to minimize the impact on traffic; and

WHEREAS: Eighteen bids were mailed and replies were received from two vendors and a No Bid from another vendor. The price difference between the two vendors that did respond is \$514.25. Due to past performance issues from the vendor with the lowest bid; the bid deemed most advantageous to the city was submitted by Markings Inc of Pembroke MA for a total of \$50,924.25.

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

The purchasing agent is hereby authorized to issue a Purchase order to Markings Inc of Pembroke Ma given the bid amount of \$50,924.25 and corresponding rates provided 03/10/09. The amount of this authorization shall be limited so as not to exceed available funding.

### Financing

Account	Description	Appropriation	Balance
1000-43121-4432-0000-00-30	street Maintenance Imp/ot bld	\$134,000.00	\$107,364.38

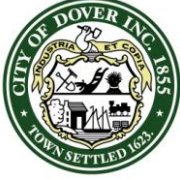
### AUTHORIZATION

Approved as to Funding: Daniel R Lynch  
Interim Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.03.25 – 38**

Resolution Re: **Bid B09049 Hand Pavement Markings Short Lines**

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

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



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.03.25 – 38**

Resolution Re: **Bid B09049 Hand Pavement Markings Short Lines**

### RESOLUTION BACKGROUND MATERIAL:

In 2003 the city retained Hi-Way Safety Systems Inc for line stripping services and had many performance issues ranging from time delays to allocations of insufficient crews and trucks. In 2007 this vendor responded to the annual bid again and city representatives called them in to discuss past performance issues. Hi-Way Safety promised complete satisfaction as they had hired a projected manager and he would make sure we had no problems. Problems did occur but the project manager did his due diligent to get them resolved. It has come to our attention that this program manager no longer works for Hi-Way Safety and city representatives feel without proper management the past problems will re-emerge. Therefore, the response deemed most advantageous to the City of Dover comes from Markings Inc in the amount of \$50,924.25

There are numerous locations and 20 parking lots with varying spaces throughout the city where pavement marking services are required. The project is carefully monitored by and work is verified by a representative of the Dover Engineering Division. The project is divided into two phases. The first phase represents the initial application of all specified markings as described in the “Specifications of Pavement Markings” outline in bid #B09049 and shall be completed no later than May 22, 2009. The second phase is compromised of a second application to the cross walks and stop bars scheduled to be undertaken between September 1, 2009 and December 1, 2009.

### Bid Information:

Sealed bid # B09049 was requested and received for hand pavement markings on March 10, 2009 at 2:30 PM EST.

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	18	<b>Number of Responses:</b>	2 and 1 NB
<b>Warranty:</b>	Per manufacturer	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	Yes. Performance and payment bonds	<b>Contract:</b>	no
<b>Prices will hold for:</b>	2009 construction season	<b>Estimated Delivery:</b>	As needed
<b>Recommended Award to:</b>	Markings Inc	<b>Fund:</b>	GF Streets
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.03.25 – 38**

Resolution Re: **Bid B09049 Hand Pavement Markings Short Lines**

### Vendor Solicitation List:

Marking's Inc.  
30 Riverside Drive  
Pembroke, MA 02359

Pine State Safety Lines  
P. O. Box 261  
Topsham, ME 04086

L & D Safety Marking  
115 Industrial Lane-Berlin  
Barre, VT 05641

Kaz's Fine Lines  
P. O. Box 1013  
Dover, NH 03820

D & M Striping  
58 Louis Street  
Manchester, NH 03102

Top Line Pavement Markings  
P. OL. Box 497  
Fairhaven, MA 02719

Hi-Way Safety Systems, Inc.  
9 Rockview Way  
Rockland MA 02370

N. E. Traffic Safety Lines  
219 North Lowell Street  
Methuen, MA 01844

Seal-Tec Asphalt Coatings  
3 Sanborn Road  
Londonderry, NH 03053

N.E. Traffic Safety Lines  
219 N. Lowell Street  
Methuen, MA 01844

Quality Striping  
P. O. Box 565  
North Reading, MA 01864

Exeter Line & Marking  
P. O. Box 1093  
Exeter, NH 03833

Traffic Markings Inc.  
4 Master Drive  
Franklin, MA 02038

Mark A Lot, Inc.  
299 Centre Street  
Holbrook MA 02343

J.J. Royal Striping Co.  
22 Sterling Avenue  
Providence RI 02909

Tri State Striping  
276 Portsmouth Ave.  
P. O. Box 194  
Greenland, NH 03840

Brite Line Paint Co.  
74 South Street  
Somerset MA 02726

Stripes Pavement Markings  
112 Falmouth Street  
Westbrook, ME 04092



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.03.25 – 38**

Resolution Re: **Bid B09049 Hand Pavement Markings Short Lines**

### Results #B09050

### REFLECTORIZED PAVEMENT LINE SERVICES

<i>Vendor</i>	<i>Total \$</i>
Highway Safety Systems Inc 285 Circuit St Hanover MA 02339	\$50,410.00
Markings Inc 30 Riverside Dr Pembroke NMA 02359	\$50,924.25
Mark A Lot 299 Centre St Holbrook MA	No Bid



**CITY OF DOVER**

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.03.25 – 39**  
Resolution Re: **Bid B09050 Pavement Markings Long Line ReflectORIZED**

WHEREAS: Sealed bid # B09050 was requested and received for ReflectORIZED Pavement Long Line Services on March 10, 2009 at 2:00 PM EST.; and

WHEREAS: The normal working hours for these services is between 9:00PM and 6:00AM and is scheduled around weather conditions. For these reasons, timing is crucial and vendors must be able to respond quickly and efficiently in order to minimize the impact on traffic; and

WHEREAS: Eighteen bids were mailed and replies were received from two vendors and a No Bid from another vendor. The price difference between the two vendors that did respond is \$658.00. Due to past performance issues from the vendor with the lowest bid; the bid deemed most advantageous to the city was submitted by Markings Inc of Pembroke MA for a total of \$30,550.00.

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

The purchasing agent is hereby authorized to issue a Purchase order to Markings Inc of Pembroke Ma given the bid amount of \$30,550.00 and corresponding rates provided 03/10/09. The amount of this authorization shall be limited so as not to exceed available funding.

## Financing

Account	Description	Appropriation	Balance
1000-43121-4432-0000-00-30	street Maintenance Imp/ot bld	\$134,000.00	\$56,440.13

## AUTHORIZATION

Approved as to Funding: Daniel R Lynch  
Interim Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.03.25 – 39**  
Resolution Re: **Bid B09050 Pavement Markings Long Line ReflectORIZED**

### 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.7.

Resolution Number: **R - 2009.03.25 – 39**  
Resolution Re: **Bid B09050 Pavement Markings Long Line ReflectORIZED**

### RESOLUTION BACKGROUND MATERIAL:

In 2003 the city retained Hi-Way Safety Systems Inc for line stripping services and had many performance issues ranging from time delays to allocations of insufficient crews and trucks. In 2007 this vendor responded to the annual bid again and city representatives called them in to discuss past performance issues. Hi-Way Safety promised complete satisfaction as they had hired a projected manager and he would make sure we had no problems. Problems did occur but the project manager did his due diligent to get them resolved. It has come to our attention that this program manager no longer works for Hi-Way Safety and city representatives feel without proper management the past problems will re-emerge. Therefore, the response deemed most advantageous to the City of Dover comes from Markings Inc in the amount of \$30,550.00

Estimated linear footage throughout the city where center line, reflectORIZED, pavement marking services are required is approximately 940,000 linear feet. The project is divided into two phases. The first phase represents the interim completion date for the majority of the 840,000 linear feet services and shall be completed no later than May 22, 2009. The second phase is compromised of the balance of the services to be completed no later than December 31, 2009

### Bid Information:

Sealed bid # B09050 was requested and received for ReflectORIZED pavement line on March 10, 2009 at 2:00 PM EST.

### Award Information:

A purchase order will be issued to authorize future expenditures.

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	18	<b>Number of Responses:</b>	2 and 1 NB
<b>Warranty:</b>	Per manufacturer	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	Yes. Performance and payment bonds	<b>Contract:</b>	no
<b>Prices will hold for:</b>	2009 construction season	<b>Estimated Delivery:</b>	As needed
<b>Recommended Award to:</b>	Markings Inc	<b>Fund:</b>	GF Streets
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.03.25 - 39**

Resolution Re: **Bid B09050 Pavement Markings Long Line  
Reflectorized**

### Vendor Solicitation List:

Marking's Inc.  
30 Riverside Drive  
Pembroke, MA 02359

Pine State Safety Lines  
P. O. Box 261  
Topsham, ME 04086

L & D Safety Marking  
115 Industrial Lane-Berlin  
Barre, VT 05641

Kaz's Fine Lines  
P. O. Box 1013  
Dover, NH 03820

D & M Striping  
58 Louis Street  
Manchester, NH 03102

Top Line Pavement Markings  
P. O. Box 497  
Fairhaven, MA 02719

Hi-Way Safety Systems, Inc.  
9 Rockview Way  
Rockland MA 02370

N. E. Traffic Safety Lines  
219 North Lowell Street  
Methuen, MA 01844

Seal-Tec Asphalt Coatings  
3 Sanborn Road  
Londonderry, NH 03053

N.E. Traffic Safety Lines  
219 N. Lowell Street  
Methuen, MA 01844

Quality Striping  
P. O. Box 565  
North Reading, MA 01864

Exeter Line & Marking  
P. O. Box 1093  
Exeter, NH 03833

Traffic Markings Inc.  
4 Master Drive  
Franklin, MA 02038

Mark A Lot, Inc.  
299 Centre Street  
Holbrook MA 02343

J.J. Royal Striping Co.  
22 Sterling Avenue  
Providence RI 02909

Tri State Striping  
276 Portsmouth Ave.  
P. O. Box 194  
Greenland, NH 03840

Brite Line Paint Co.  
74 South Street  
Somerset MA 02726

Stripes Pavement Markings  
112 Falmouth Street  
Westbrook, ME 04092



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.03.25 - 39**

Resolution Re: **Bid B09050 Pavement Markings Long Line  
Reflectorized**

### Results #B09050

### REFLECTORIZED PAVEMENT LINE SERVICES

<i>Vendor</i>	<i>Total \$</i>
Highway Safety Systems Inc 285 Circuit St Hanover MA 02339 Franklin Paint	\$29,892.00
Markings Inc 30 Riverside DR Pembroke MA 02359	\$30,550.00
Mark A Lot 299 Centre St Holbrook MA	NB



**CITY OF DOVER**

## CITY OF DOVER – RESOLUTION

Agenda Item#: 12.A.8.

Bid Number: **R -2009.03.25 – 40**  
Bid Description: Senior Center Trip to Taj Mahal/Atlantic City 3/29-4/1/09

WHEREAS: The Senior Center travel supervisor obtained pricing information for a trip to Taj Mahal, Atlantic City scheduled for March 29 through April 1, 2009; and

WHEREAS: Revenue has been collected and deposited into the special revenue account and the Senior Center and Recreation Department is requesting payment to Fox Tours for this trip in the amount of \$10,270.45.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY MANAGER THAT:

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Fox Tours for travel services in the amount of \$10,270.00 and corresponding rates provided 3/11/09 and charged to following account. The amount of this authorization shall be limited so as not to exceed available funding.

### Financing

Account	Description	Appropriation	Balance
3410-45126-4443-0000-00-35	McConnell Senior Programs	\$170,000.00	\$18,318.26

### 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.8.

Bid Number: **R -2009.03.25 – 40**  
Bid Description: Senior Center Trip to Taj Mahal/Atlantic City 3/29-4/1/09

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

<b>VOTING RECORD</b>		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, 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.8.

Bid Number: **R -2009.03.25 – 40**  
Bid Description: Senior Center Trip to Taj Mahal/Atlantic City 3/29-4/1/09

### BACKGROUND MATERIAL:

The Senior Center travel supervisor obtained pricing information for a trip to the Taj Mahal in Atlantic City scheduled for March 29 through April 1, 2009. Revenue has been collected and deposited into special revenue account and the Senior Center Travel Supervisor and the Recreation Department is requesting payment to Fox Tours in the amount of \$10,270.45.

### Purchasing Information:

<b>Type:</b>	Purchase order	<b>Advertised:</b>	na
<b>Invitations Mailed:</b>	None	<b>Number of Responses:</b>	
<b>Warranty:</b>	na	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	No	<b>Contract:</b>	No
<b>Prices will hold for:</b>	End of trip	<b>Estimated Delivery:</b>	Mar-Apr
<b>Recommended Award to:</b>	Fox Tours	<b>Fund:</b>	3410
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes	<b>Reason for City Manager Approval:</b>	Waive bidding procedure



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.03.25 - 41**  
Resolution Re: **B09047 Construction Equipment Rental**

- WHEREAS: Sealed bids # B09047 were requested and received for Construction Equipment Rental Rates on March 12, 2009 at 2:00 PM EST.; and
- WHEREAS: Rental Rates will hold for the 2009 construction season and vendors will be utilized, as needed, depending upon their different types of equipment, it's availability and the need for timely assistance on various city projects; and
- WHEREAS: The bids meeting specifications were submitted for both different and similar types of Construction equipment with varying hourly rates by numerous vendors, as listed in background section.

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 each of the vendors identified in the background section for Construction Equipment Rental Services, as needed, given the rates provided 03/12/09. The amount of this authorization shall be limited so as not to exceed available funding.

### Financing

Account	Description	Appropriation	Balance
xxxx-xxxxx-4443-xxxx-xx-xx	Equipment Rental	308,177.00	152,822.00

### AUTHORIZATION

Approved as to Funding: Daniel R Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.03.25 - 41**  
Resolution Re: **B09047 Construction Equipment Rental**

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

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



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.03.25 – 41**

Resolution Re: **B09047 Construction Equipment Rental**

### RESOLUTION BACKGROUND MATERIAL:

The bids meeting specifications were submitted for both different and similar types of Construction Equipment with varying hourly rates by numerous vendors, as listed below.

<b>Bell &amp; Flynn Inc, Statham</b>	<b>Dale R Sprague Construction Co Inc, Dover</b>
<b>JP Towle Construction, Dover</b>	<b>SUR Construction, Rochester</b>
<b>Robert Sherwood, Dover</b>	<b>Brian Turgeon Excavating, Somersworth</b>
<b>Gove Construction, Portsmouth</b>	<b>LCG Limited, Barrington</b>
<b>Vincent Hall Excavation, Dover</b>	<b>DE Ayer Industrial, Dover</b>
<b>Durrell Paving Inc, Dover</b>	<b>Norman Gagnon Construction, Rollinsford</b>
<b>Barron Brothers Development, Farmington</b>	<b>Sunbelt Rentals, North Hampton</b>

During the 2008 construction season the city expended approximately \$85,000 on construction equipment rental services.

### Purchasing Information:

<b>Type:</b>	Purchase Order	<b>Advertised:</b>	Yes
<b>Invitations Mailed:</b>	28	<b>Number of Responses:</b>	14
<b>Warranty:</b>	Per manufacturer	<b>Terms:</b>	Net 30, FOB Dover
<b>Work Bonded:</b>	No	<b>Contract:</b>	no
<b>Prices will hold for:</b>	2009 construction season	<b>Estimated Delivery:</b>	As needed
<b>Recommended Award to:</b>	Various	<b>Fund:</b>	Various
<b>Other Approvals Required:</b>	No	<b>References Checked:</b>	Satisfactory
<b>Previously Worked for City:</b>	Yes most	<b>Reason for Council Approval:</b>	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.03.25 - 41**

Resolution Re: **B09047 Construction Equipment Rental**

### Vendor Solicitation List:

George Dowaliby  
Dowaliby Trucking  
Cold Springs Road  
Dover, NH 03820

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

LCG Limited  
P.O. Box 587  
Barrington NH 03825

Vincent Hall Excavation  
160 Henry Law Ave.  
Dover NH 03820

Al Laskey, Sr.  
376 Scruton Pond Road  
Barrington NH 03825

Tom Sevigney  
142 Central Ave  
Dover NH 03820

Bob Sherwood Landscaping  
55 Knox Marsh Road  
Dover NH 03820

Philip J. Guptill Crushing  
P.O. Box 325  
Barrington NH 03825

Tom McKenna  
236 Littleworth Road  
Dover NH 03820

JP Towle Construction  
P.O. Box 1708  
Dover NH 03821

Gove Construction  
Mike LaPoint  
P.O. Box 6606  
Portsmouth NH 03802

J.P. Overby  
175 Mt. Vernon Street  
Dover NH 03820

RAM General Contractor  
25 Huckins Road  
Madbury NH 03820

S.U.R. Construction  
233 Chestnut Hill road  
PO Box 720  
Rochester NH 03866

Turgeon's Construction  
39 Indigo Hill Road  
Somersworth, NH 03878

Severino Trucking  
PO Box 202  
Candia NH 03034

M.P. Flynn, Inc  
69 Bunker Hill Road  
Stratham, NH 03885

D. E. Ayer Industrial Service  
PO Box 1679  
Dover NH 03821-1679

William Bernard Trucking, Inc.  
119 Knight's Pond Road  
S. Berwick, ME 03908

Barron Bros. Develop  
RR1, Box 91, Ridge Rd.  
Farmington, NH 03835

Brian Turgeon Excavating  
237 Green St  
Somersworth NH 03878

Lebanon Sand & Gravel  
Rte 202  
Lebanon, ME 04027

Durell Paving Inc.  
508 Sixth St.  
Dover, NH 03820

Norman Gagnon Construction  
126 Goodwin Road  
Rollinsford, NH 03869

Southern Maine Tool &  
Equipment  
1389 Carl Broggi Hwy  
Lebanon ME 04027

Mick Construction  
PO box 160  
Rollinsford NH 03869

Dale R. Sprague  
Construction Co. Inc.  
PO Box 582  
Dover, NH 03820



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.03.25 - 41**

Resolution Re: **B09047 Construction Equipment Rental**

NES Rentals  
Jennifer Benton  
82 Priscilla Lane  
Auburn, NH 03032

Bid Results under separate attachment.

B09047	LCG Limited 644-9341	DE Ayer Industrial 534-1682	Bell-Flynn 778-8511	Vincent Hall 742-3764	Durell Paving 742-3401	Dale Sprague 396-3478	JP Towle 743-0899	Barron Brothers 755-9071	Bob Sherwood 742-0463	Brian Turgeon Exc 817-0186	Sunbelt Rental 396-2337	Norm Gagnon 742-4317	Gove Const 431-8200	SUR Const 332-4554	
backhoe 1/3 yd								2005 volvo55 track-rubber \$75 hr \$75 mblz							
backhoe 7/8 yd		1996 cat410 rubber \$85 hr mblz 0					2006 cat303.5 track \$80 hr mblz 0							321BL cat track \$155 rmbz \$450	
backhoe 3/4 yd							2007 cat308 track \$105 hr mblz 0	2003 volv150 track \$120 hr w/hammer \$ 250 \$120 mblz			2007 JD 3320 lvtrack wheeled \$195day/\$595wk /\$1350mo. \$50 mblz		cat 416 \$105 per hr w/broom \$110 per hr	321BL cat track \$155 rmbz \$450	
backhoe 5/8 yd		jd 310with hammon rubber \$95 hr mblz 0					2002 cat315 track \$115 hr mblz 0	2004 volvo140 track \$105 hr \$105 mblz		2005 volvo ex160 digging 36"/60"grading bucket tracks \$100 hr \$100 mblz				311 cu cat tracks \$135 hr mblz \$300	
backhoe 1/2 yd						2001 case 580sm \$95 hr	2005 kom 228 track \$125 hr \$300 mblz				2005 case 580 lvtrack wheeled \$250day/\$750wk/\$1800mo. \$50 mblz			416 cit cat rubber \$110 hr OR 420 dit cat rubber \$110 hr mblz \$450	
backhoe 1 yd	2007 jd16ck track \$80 per hr \$80 mblz												JD 410E \$105 per hr		
backhoe 1 1/4 yd		2000 pc60 15000# track \$85 hr \$75 mblz		1994 case 9020 tracks \$125 hr \$100 mblz 2 hr min		2000 cat 315b track \$60 hr \$100 mblz per move		2007 volvo 210 track \$150 hr w/hammer \$250 \$600 mblz						330 cat track \$165 hr mblz \$450	
backhoe 1 1/2 yd	2002 jd270 lc track \$100 hr \$100 mblz							2007 volvo 210 track \$150 hr \$600 mblz						345B cat tracks \$195 hr mblz \$450	
Fuel Charges if any							add \$5 per hr on dump truck rate if gas goes above \$3.00 a gallon		if gas goes over \$2.25 gal. Bob will negotiate % increase					fuel adjustment rate applies base=\$1.9262 10%over or under adj	
loader	2006 3.5 yd 660e volvo \$80 hr rubber \$80 mblz		CAT 4 yd 950-966 \$120 hr \$250 mblz				2000 cat 924 rubber \$100 hr mblz 0	1996 volvo 120 4.5 yd rubber \$130 hr \$130 mblz	JD 344 2yd rubber \$95 hr	2005 volvo ex380 digging 42"/60"/87"grading bucket tracks \$130 hr \$175 mblz		2000 hynd750tm w/3.5yd bucket & forks \$110 hr	cat 940 \$100hr mblz \$100 per move	938 cat rubber \$125 hr mblz \$250	
loader	2004 jd649m 4.75 yd rubber \$90 hr \$90 mblz						2002 cat924 rubber \$100 hr mblz 0	2002 volvo 90 3.5 yd rubber \$95 hr \$95 mblz	JD 304 1.5 yd rubber \$95 hr				cat 950 \$152 hr mblx \$100 per move	it28g cat B rubber \$125 hr mblz \$250	
loader								VolvoL30 \$75 hr					JD544 \$119 hr mblz \$100 per move	950G cat \$160 hr mblz \$100 per move	
loader													JD 624 \$129 mblz \$100 per move	966G cat rubber \$170 hr mblz \$340	
excavator									JD35 track&rubber \$85 hr			2003 linkbelt 290lx w/1 7/8yd bucket, 72"grading bucket or demo grapple \$200hr mblz fee if less than 8 hrs=\$250	hitachi 50 \$81hr mblz \$175 per move	303.5 \$105 hr	
excavator												2005 linkbelt 160lx w/rototilt coupler and 7/8yd bucket or 66"grading bucket \$150hr mblz fee if less than 8 hrs =\$250	JD160 \$147hr/ wtiltbucket \$167hr/ w3000#hammer\$250hr mblz \$175 per move	ec460blc volvo \$195 hr	
excavator													JD200 \$157hr/ w densifier \$200hr/ w 6000#hammer\$275hr mblz \$175 per move		
excavator													hitachi 370 \$185 hr mblz \$300 per move		
bulldozer	1984 catd8k track 70000# \$125 hr \$250 mblz		1994 dresser td8h track \$90hr \$250 mblz	1990 case 550 \$85 hr \$100 mblz 2 hr min		2001 JD 55H tracks \$50 hr \$100 mblz per move	1995 cat d5h track \$115 hr mblz 0	1999 JD650 track \$85 hr \$85 mblz			2005 case 850 track \$500day/\$1695wk/ \$2850mo. \$100 mblz		2000 cat d5c \$90hr mblz fee if less than 8 hrs=\$250	cat d3 \$95 hr mblz \$100 per move	d5 gxl cat rubber \$135 hr mblz \$300
bulldozer	2003 jd550h6t track 18000# \$75 hr \$75 mblz		1994 cat d6h track \$130 hr \$250 mblz				1995 komd37e track \$90hr mblz 0	2005 JD450 track \$75 hr \$75 mblz						JD 650 \$128 hr mblz \$100 per move	d7ril cat rubber \$180 hr mblz \$450
bulldozer								1986 catd6m track \$125 hr \$125 mblz						Komatsu d31 \$95hr mblz \$100 per move	
bulldozer														Komatsu d65 \$175hr mblz \$100 per move	
B09047	LCG Limited 644-9341	DE Ayer Industrial 534-1682	Bell-Flynn 778-8511	Vincent Hall 742-3764	Durell Paving 742-3401	Dale Sprague 396-3478	JP Towle 743-0899	Barron Brothers 755-9071	Bob Sherwood 742-0463	Brian Turgeon Exc 817-0186	Sunbelt Rental 396-2337	Norm Gagnon 742-4317	Gove Const 431-8200	SUR Const 332-4554	

dump truck	2005 kw 16c19 rubber \$60 hr	2000 pete 20yrd rubber \$75 hr mblz 0	mack rd686 sx 10wheel \$70 hr		1988 6 wheel inter \$70 hr		2000 int \$65 hr	2003 inter.harv.10 wheel 16 yd rubber \$65 hr /\$65 mblz	1H 4900 8 yd \$55 hr	2005 western star tri-axle rubber \$75hr		10 wheel dump trucks w/15yd bodies \$65hr	10wheel w/driver \$76/w driver & tag along\$90 hr	mack tri-axle \$85 hr
dump truck	2005 int 16614 rubber \$60 hr		mack tri-axle \$75 hr					2005 inter.harv.10 wheel 16 yd rubber \$65 hr /\$65 mblz	chev 3500 3 yd \$45 hr				tri-axle w/driver \$81 hr/w driver &tag along \$100	
dump truck													tractor trailer dump w/driver \$100hr	
graders	1982 jd570 rubber \$80 hr \$80 mblz		cat 140 rear mounted scarifier \$130 hr \$130 mblz					JD570 rubber \$125 hr \$125 mblz	grader with power equip \$45 hr					8g lay mar \$85 hr 143 cat rubber \$180 hr mblz\$360
grade all			cat m318 rubber tire excavator \$130 hr \$250 mblz											M318 cat backhoe rubber \$145.00hr mblz \$290
skidsteer		2000 226 skid steer \$75hr					2006 skidsteer 287 \$85 hr	JD540 Skidder \$65hr						226 cat #1 \$75hr
skidsteer														257B cat track \$85 hr
skidsteer														287 cat track \$90 hr
Bobcat								2003 A300 3/4yd rubber \$75 hr \$75 mblz	bobcat3/4" 773 @ \$55 hr					
trenchbox	8'x20' \$8 hr \$75 mblz						\$150 day	efficiency 8 x 16 \$125 day				8x16 \$100 per day	\$175 day	\$12 per hr/\$100 day/\$450 wk
Steel plates			3'x3'x1/4" \$50ea(deposit) \$40 refundable											road plates \$50 ea
Lull		1987 6000# 35' reach rubber \$75 hr \$75mblz												
sweeper	2005 I60 volvo rubber \$100 hr \$80 mblz													
stone box							\$100 day					\$75 per day		
laborers	\$35 per hr	\$25 per hr laborer \$45 per hr carpenter w/tools	\$40 hr		\$30 per hr	\$30 per hr	\$30 per hr	\$35 per hr	\$35 per hr			\$39hr	super\$86 hr/foreman -layout 81hr/ laborer \$41hr	super \$90 hr/foreman \$85 hr operator \$53hr/laborer \$43 hr flagger \$35hr/layout w/equip \$135hr
screen plant							\$650 day \$2500 week							
roller			10 ton steel roller w/operator \$100 hr									2000 hypac 850 w/84" smoothdrum \$60hr mblz fee if less than 8 hrs=\$250	ingersoll SD25 \$80hr ingersoll SD100D \$100hr	dynapac vib \$85 hr
low bed svcs			Low bed svcs \$100 hr inc operator and fuel	50 ton kimbal lowbed svcs \$100 hr 2 hr min			20 ton towing trailer \$15 per hr.						tractor/trailer w/driver \$114hr	big lowbed axl \$120 hr/ sml lowbed sur \$95 hr
water truck			10 wheel water truck \$75 hr										Int truck w/driver \$90 hr	\$95 hr
			hammer mill \$200 hr 22" x 4" steel hammers installed \$300 hr					2000 Ingersole Sd 40 & SD40D \$65 hr each	JD tractor mower \$55 hr nyoroseeder \$1000 per unit				1983 new Hol Pipe trailer \$75 day	hoe ram attachment \$150 hr
								1983 boom truck \$45 hr	truck w/chipper & 2 laborers \$110 hr				reed screen CV90D \$90 hr	cs433 cat compactor \$85 hr
								1987 cat rock truck \$125 hr					trommel screen,retech 513 \$125hr	cs323 cat compactor \$85 hr
													reversible plate compact \$195 day	115 ingersol compactor \$105 hr
													plate compactor \$95 day	cs563d cat compactor \$105 hr
													IR 185 compressor \$150 day	erin 165t screener \$95 hr
													IR 185 compressor w/hammer&hose \$200 day	astec kolberg 710kds screener \$95 hr
													demo saw \$80 day	ford tractor 1715 &att \$65 hr
													3"mudsucker \$85 day	735 end dump \$180 hr
													2" elect pump \$65 day	massey ferguson tractor & att \$80 hr
													rotating lazer \$55 day	message board \$300 day/\$1200 wk
													chain saw \$75 day	arrow board \$150 day/ \$600 wk
													pipesaw \$80 day	overtime = 1.5 times labor rate
													hand power broom \$80 day	night shift differential = 1.3 times applicable rate
													transit \$45 day	
													stone boat \$175 day	



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.03.25 – 42**  
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 2 C  
COUNCIL MEETINGS**

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 and advance notice at a Regular Meeting pursuant to Council Rules.**

### 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 – 2009.03.25 – 42**  
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 2 C  
COUNCIL MEETINGS**

### 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 – 2009.03.25 – 42**  
Resolution Re: **AMENDMENT TO COUNCIL RULES – RULE 2 C  
COUNCIL MEETINGS**

### RESOLUTION BACKGROUND MATERIAL:

Rule 2 C.

. The Council may meet for informational workshop sessions on the 1<sup>st</sup> 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 end of each workshop session addressing the subject matter(s) of the workshop as officially noticed in the public notice of the meeting. The time limits of Rule 12 (F) shall apply.**



**CITY OF DOVER**

# CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R - 2009.03.25 - 43**  
Resolution Re: CDBG Easter Seals Block Grant for Second Floor  
Renovation Work at McConnell Center

WHEREAS: Easter Seals was awarded a FFY08 Community Development (CDBG) Block Grant under the auspices of the Housing and Urban Development (HUD) Department in the amount of \$183,288 for second floor renovation work at the McConnell Center; and

WHEREAS: Easter Seals is not able to spend the funds in a timely manner to meet the federal regulations and requirements of HUD; and

WHEREAS: Cross Roads House is in the process of rebuilding their facility which serves many Dover residents and is seeking funding from Dover to help complete the work; and

WHEREAS: The recommended disbursements of funds have been reviewed for compliance with HUD statutory requirements and for meeting national objectives; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:  
The attached FFY08 Action Plan Modification is adopted and the City Manager is authorized to expend the funds on the Cross Roads House construction and the Finance Director is hereby authorized to transfer appropriations as follows:

<b>Financing</b>				
<b>Account</b>	<b>Description</b>	<b>Appropriation</b>	<b>Amend</b>	<b>Revised</b>
<b>From:</b>				
2100-46341-4835-6301-09-18	Easter Seals	157,422	-157,422	0
2100-46341-4725-6388-08-18	Easter Seals	25,866	-25,866	0
<b>Total Transfers From:</b>			-183,288	
<b>To:</b>				
2100-46341-4835-6377-09-18	Cross Roads House		157,422	157,422
2100-46341-4835-6377-08-18	Cross Roads House		25,866	25,866
<b>Total Transfers To:</b>			183,288	

## \* PUBLIC HEARING IS REQUIRED

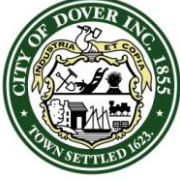
### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Mayor Scott Myers  
By request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

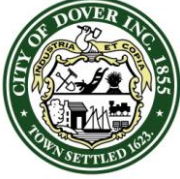
Resolution Number: **R - 2009.03.25 - 43**  
Resolution Re: CDBG Easter Seals Block Grant for Second Floor  
Renovation Work at McConnell Center

### 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 - 2009.03.25 - 43**  
Resolution Re: CDBG Easter Seals Block Grant for Second Floor  
Renovation Work at McConnell Center

### **RESOLUTION BACKGROUND MATERIAL:**

Easter Seals was awarded a grant of \$183,288 from the CDBG program in FFY08 and FFY07. The funds were to be used for renovating space at the McConnell Center, for Easter Seals adult day care.

This has caused a problem in the timing of the projected expenditure of the Easter Seals monies. The CDBG monies allocated to Easter Seals must be spent in a “timely” manner (this fiscal year). Due to the economy, Easter Seals has decided to put off their estimated \$500,000 renovations that were to take place in the McConnell Center. They will not be able to expend the monies this year because Easter Seals will have to wait until the larger rehab project for the entire building is underway.

Easter Seals has agreed to release the City from the funding obligation. This now allows the funds to be utilized for other CDBG eligible activities that can be completed this fiscal year.

Cross Roads House is currently undergoing major improvements and a capital campaign for completing their new facility, which, on average, serves 55 Dover low income residents.



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R - 2008.03.25 - 44**  
Resolution Re: Supplemental CIP Appropriation for Energy Efficiency  
Projects and Authorization for Bonding

WHEREAS: On July 23, 2008 the Dover City Council authorized the City to enter into an Energy Saving Performance Contracting arrangement with Johnson Controls, Inc.; and

WHEREAS: The City Council desires to make public improvements for energy efficiency 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
Energy Efficiency Projects	1,921,979		10 General Government	General Fund
Energy Efficiency Projects	501,506		10 Sewer Department	Sewer Fund
<b>Total</b>	<u>2,423,485</u>			

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: Mayor Scott Myers  
By Request

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

Recorded by: Karen Lavertu  
City Clerk



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R - 2008.03.25 - 44**  
Resolution Re: Supplemental CIP Appropriation for Energy Efficiency  
Projects and Authorization for Bonding

### DOCUMENT HISTORY:

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

### DOCUMENT ACTIONS:

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



**CITY OF DOVER**

## CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R - 2008.03.25 - 44**  
Resolution Re: Supplemental CIP Appropriation for Energy Efficiency  
Projects and Authorization for Bonding

### RESOLUTION BACKGROUND MATERIAL:

On July 23, 2008 the Dover City Council authorized the City to enter into an Energy Saving Performance Contracting arrangement with Johnson Controls, Inc. (JCI). JCI proceeded to conduct a full detailed energy audit for City facilities. On March 18, 2009 JCI presented the energy audit and its related findings to the City Council.

The City Council desires to enter into a performance contract with JCI to make public improvements for energy efficiency based on the energy audit and to finance these improvements with the sale of general obligation bonds.

### RATE IMPACTS:

The following table summarizes the impact of this authorization on the Property Tax Rate by year for a period of 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

	<b>Yr1</b>	<b>Yr2</b>	<b>Yr3</b>
Property Tax	9.66	30.32	29.42

### 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	1,921,979	0	0	0	0	501,506	2,423,485
Grand Total	42,143,648	31,258,664	11,813,000	595,000	3,823,436	27,411,292	117,045,040
Legal Debt Limit	91,808,810	214,220,556	306,029,366	4,000,000	NA	NA	
Unused Capacity	49,665,162	182,961,892	294,216,366	3,405,000			
Percent Unused	54.1%	85.4%	96.1%	85.1%			