



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, June 24, 2009**
Meeting Time: **7:00pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PROCLAMATIONS**
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. **REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – FISCAL YEAR 2010
TOLEND ROAD STREET IMPROVEMENTS CIP PROJECT TO GENERAL STREETS
IMPROVEMENTS CIP PROJECT
SPONSORED BY MAYOR MYERS**

8. **CITY MANAGER'S REPORT**

9. **MINUTES**

- A. **June 3, 2009 – Workshop**
- B. **June 3, 2009 – Special Meeting**
- C. **June 10, 2008 – Regular Meeting**

10. **MAYOR'S REPORT**

11. **UNFINISHED BUSINESS**

- A. **ORDINANCES IN THE 2ND READING – None**
- B. **RESOLUTIONS**

1. **RESOLUTION: SUPPLEMENTAL GENERAL FUND CIP APPROPRIATION FOR
ENERGY EFFICIENCY PROJECTS AND AUTHORIZATION FOR BONDING
SPONSORED BY COUNCILOR WESTON**



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2. **FISCAL YEAR 2009 TRANSFER OF APPROPRIATION – GENERAL STREETS CAPITAL OUTLAY – GENERAL FUND OPERATING BUDGET**
SPONSORED BY MAYOR MYERS
3. **REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – FISCAL YEAR 2010 TOLEND ROAD STREET IMPROVEMENTS CIP PROJECT TO GENERAL STREETS IMPROVEMENTS CIP PROJECT**
SPONSORED BY MAYOR MYERS

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Forever Young Club/Cochecho Park P.A.L.P.**
2. **RESOLUTION: B09070 CRACK SEALING SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST
3. **RESOLUTION: B09071 DOVER TRASH BAGS**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **RESOLUTION: B09073 CATCH BASIN CLEANING SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST
5. **RESOLUTION: B09077 BITUMINOUS CONCRETE/ASPHALT TO BE PICKED UP**
SPONSORED BY MAYOR MYERS BY REQUEST
6. **RESOLUTION: B09081 CHEMICALS FOR RECREATION AND COMMUNITY SERVICES DEPARTMENTS**
SPONSORED BY MAYOR MYERS BY REQUEST
7. **RESOLUTION: B09095 SIDEWALK IMPROVEMENTS**
SPONSORED BY MAYOR MYERS BY REQUEST
8. **RESOLUTION: MISCELLANEOUS HARDWARE SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
9. **RESOLUTION: MUNICIPAL LEGAL SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST
10. **RESOLUTION: PURCHASE OF ROOT CONTROL SERVICES**
SPONSORED BY MAYOR MYERS BY REQUEST



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11. RESOLUTION: CHANGE ORDER I FOR B09042 2008 INFILTRATION AND INFLOW REDUCTION CONTRUCTION

SPONSORED BY MAYOR MYERS BY REQUEST

12. RESOLUTION: AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH CASA AT THE MCCONNELL CENTER.

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

C. ORDINANCES IN 1ST READING

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

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CITY MANAGER'S REPORT

June 24, 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: April 2009

- Assistance to the Community Services Department for subdivision completion negotiations and review of a grant contract;
- Assistance to the Police Department regarding subpoenas, damage claim and security cameras;
- Assistance to the Planning Department on subdivision issue and a road discontinuance. Assistance/attended Executive Session for Planning Board, landscaping license, and variance request;
- Assistance to the City Council on annual budget presentation, along with drafting of resolutions and ordinances revisions;
- Provided assistance to the Finance Department on a propane RFP, along with the review and drafting of various contracts;
- Assistance to the City Manager on a personnel matter;
- Negotiations and drafting of the Land Disposition Agreement for the Waterfront parcel and presentation to CWDAC;
- Processing of two (2) RSA 91-A requests; Middle Road matters

- Outside legal counsel expense for FY'09 is (\$96,883.78) excluding environmental (\$17,280.34) as of 5.31.09

Economic Development Update May - June

1. Sector Review:

Retail: Discernable improvement in the last month except for some boutique retailers, possibly due to stimulus monies stabilizing local employment and warmer weather.

Restaurants: Fast food sales are up slightly. Breakfast and lunch sales are stabilizing at slightly reduced levels. Dinner sales at higher end restaurants remain significantly down. Dover Dines Week activity was moderate.

Hotels/Motels: Sales activity is highly location sensitive, but off markedly. Weekend sales remain in decline with some improvement anticipated as the weather improves and selected discount packages are offered.

Services: Financial services, travel, cleaners, cleaning services sales remain off, but not worsening.

Construction: Some minor residential construction improvement, but very spotty. Commercial activity exists, particularly in building rehab, but continues to be down overall.

Manufacturing: Some leveling off of the decline as inventories are depleted. Electronic assembly is experiencing an uptick with rush delivery requests common. Automotive related parts production for new cars is dead, but used car replacement parts production is increasing.

Healthcare: Still in a growth mode, but uninsured unemployed patients are mitigating that growth. Medicare/ Medicaid payment uncertainty may delay some expansion.

Commercial Real Estate Space: A large office space inventory continues to drive prices downward. Lower cost mill space is doing better than higher cost mill office space currently. The WDH Exit 9 Medical Practice Building is now being occupied, releasing office leased space near the WDH main campus.

2. Local Business Retention Contacts:

Real Estate Agents: Commercial agents contacted all have high inventories, few sales, and expect that commercial real estate is still early in its decline cycle, following residential real estate by about 18 months on average. Recent flurry of interest in our Enterprise Park parcels by two local firms.

Developers/Builders: A lot of rehab of leasable office space, manufacturing, and warehouse space is underway, including the Goss Building, Moore Building, and others. Not a lot of new office leases being sold at this time but industrial space is being leased at reduced prices.

Downtown: Four spaces are open currently, but with several small businesses selling discretionary rather than necessary products and services at risk due to the unavailability of credit. I am working with SEDC and DRED to explore the possibilities to help these businesses, and am also reviewing their business models with them to uncover opportunities for increased revenues and/or reduced expenses. ARC loans being launched June 15th could help to bridge this economic decline and credit crunch being experienced by several downtown small businesses.

3. Unemployment:

Dover: Currently at 5.2% and projected to rise to 7.3% by the end of 2010.

Rochester: 7.7%

Somersworth: 6.9%

New Hampshire: 6.4%

New England: 7.9%

U.S.: Currently at 9.4% and projected to rise to 10.1% by the end of 2010.

4. Incentive Activity:

ERZ Districts (3) Progress: Districts proposals were endorsed by the DBIDA Board of Directors at the May 7, 2009 meeting, by the Planning Board at the May 12, 2009 meeting. Pre-apps were sent to DRED for comment and review. Proposals made at the May 27, 2009 City Council were unanimously approved and finalized applications forwarded for NH State approval June 9, 2009.

5. Outreach/Attraction:

Enterprise Park: Preliminary interest in Enterprise Park land for a distribution hub is being followed up. A tour of the property with the principals has been done.

Preliminary interest in Enterprise Park land for a 30,000 sq. ft. building for a NH company has been followed up by a visit to the company on May14th.

Preliminary interest in Enterprise Park land for a 70,000 sq. ft. building for a warehouse and showroom is being followed. A tour of the property with the principals has been done.

Preliminaries are underway to form an Enterprise Park Tenants Association to handle future public area maintenance and other Park issues and governance. Legal Dept. is completing a set of draft by-laws and association agreement to facilitate this.

Taos Electronics: 8,000 Sq. Ft. in Washington Mills. Lease signed.

6. Public Activities:

ERZ presentation to City Council.

Chamber Government Affairs Committee meeting.

Meeting with George Bald, NH DRED Commissioner.
Meeting with Events Calendar Coordination Committee.

7. Intern Programs:

Volunteer Tourism Project Intern: Devin Merullo, NHU Junior, Business Major, is now onboard as a volunteer in the DBIDA office. A project is underway, task PERT Charts being produced.

Volunteer Intern Candidate: Economic Development/Planning Dept. "ROADMAP" manual development, background checks underway. Starting in Planning Dept. shortly.

Submitted by:

Dan Barufaldi
Economic Development Director
DBIDA



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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.

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Callaghan led the Pledge of Allegiance.

3. GENERAL BUDGET DISCUSSION

Mayor Myers went over the schedule for the Workshop and the Special Meeting.

Councilor Scott asked for a point of order.

Mayor Myers acknowledged Councilor Scott.

Councilor Scott said there were a lot of people present that would like to speak, and he asked for a change of rules to have the Citizen's Forum before the General Budget Discussion; seconded by Councilor Cheney.

Mayor Myers said it would take a 2/3 vote to suspend the rules. He asked for a Roll Call Vote. Roll Call Vote: 3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Mayor Myers referred to the several handouts from some of the Councilors and himself that have been put on everyone's desks. He thanked the public for coming to the meetings, and for those who spoke of their thoughts and concerns. He also wanted to thank the City Manager and the Finance Director for their diligent work in putting the Budget together. He thanked all of the Department Heads for their presentations. He thanked the entire City staff not only for their assistance in the budget, but for the pay cuts and pay freezes. He thanked everyone for their efforts in getting the Council here tonight, and hopefully adopting the Fiscal Year 2010 Budget. He went over his two handouts with the Council, which are related to the Budget. The first one deals specifically with what the Council will be adopting tonight. He said they were budget changes he would like, and a lot of them tie into the reduction in health insurance savings that the City Manager identified across all the departments, in the amount of \$181,362. He went over the first handout, which were his suggestions for Budget changes with the Council. He went over the second handout, which discussed the Budget-related resolutions that will appear on the June 10, 2009 Council Agenda. He said he has heard nothing about the State votes, but felt the City will be shortchanged from revenue sharing from Concord.

Councilor DeDe referred to the amount of money that was anticipated that was going to remain unspent in the current year budget, and asked if there was enough to move \$200,000 of it and spend it as part of the Fiscal Year 2009 Budget, without having any impact on the taxes, and noted that would help the City to put more money into streets and sidewalks.

Mayor Myers said that was correct. He said he used a very conservative number, but it hasn't been finalized yet.

Councilor DeDe referred to the Mayor's suggestions for changes to the CIP. He said taking out the \$2.5 million for Tolend would enable the City to retire the proper amount of debt.



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Mayor Myers said if the Council chose.

Councilor DeDe asked if that would be a 6/3 vote.

Mayor Myers said if would be a 6/3 vote to reprogram the funds, which would be the CIP resolution, and only a 5-person vote could capture the funds before they roll into Fund Balance, prior to June 30, 2009. He said this is for informational purposes right now, and will be voted on next week. He said he wasn't looking to make any additions to the street budget tonight, but he felt it was appropriate to bring up what he planned with the upcoming resolutions, which will help take care of some of the street needs. He said they were completely separate from the Budget Resolution that the Council will be voting on tonight. He just wanted people to know that he was looking to get an extra \$600,000 that the Council has appropriated elsewhere, capture and redirect it for General Streets and Sidewalks Improvements.

Councilor Callaghan asked if the Resolutions will reduce the CIP for Fiscal Year 2010 below the debt being retired.

Mayor Myers said it would take the \$400,000 the Council has already appropriated towards Year 1 of Tolend Road and Watson Road, and reprogram it for General Streets and Sidewalks Improvements, making it a neutral transaction.

Councilor Callaghan said the City will still exceed retired debt under the new CIP.

Mayor Myers said the dollar amount does not change what the Council voted on when the CIP was adopted in December.

Councilor Cheney said the Council could devote a workshop on this issue. She said when they were voting on the energy contract that her calculations were that the CIP will go over the Council's guidelines in 2014, and now it could be next year.

Mayor Myers wanted to correct Councilor Cheney. He said it had nothing to do with the Council's self-imposed debt limit on bonding. He said the Council consensus was to issue new debt in the amount that was being retired. He said this was truly neutral on what is on the CIP that has been passed, and it's completely neutral on capturing the dollars before they flow into Fund Balance. It has no impact on the tax levy, tax rate, or taxpayers.

Councilor Cheney asked if the Council could use the \$200,000 instead of the \$181,000 saved from health insurance, allowing that to be taken out of the Budget.

Mayor Myers said that would be using Fund Balance for a very different reason than what his resolutions would be doing.

Councilor Cheney said the \$181,000 is something that can be discussed.

Councilor Weston referred to her list of changes to the proposed budget, and wanted to draw some parallels to the Mayor's list of changes. She went over her handout of budget changes with the Council.

Mayor Myers said they were fairly close with their proposals, and he said he would be willing to work with her and the Council if there was a direction to do that.

Councilor Weston suggested the Council go over the items one by one.

Councilor Scott said he would withhold his comments for now and will discuss his points at the Special Meeting, out of respect for the people that have come to this meeting to speak.

Councilor Callaghan referred to his handout entitled: Budget Deliberations. He said he had a different perspective on what to do with the \$181,000. He felt it should be subtracted from the City Manager's proposed budget on Page 43. He said it was money the City didn't anticipate, and should be taken out of the taxpayers' bill. He went over the items that he recommended be funded. He added \$7,000 to Dover Main Street program, and suggested that be taken from



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Page 134 in the General Fund Subsidy. He again referred to Page 134, and wanted the numbers clarified. He referred to Other Expenses, 4835, where it shows Dover Main Street at \$12,000, previous year \$15,000, and it shows they requested \$22,000, with a City Manager reduction of \$7,000. He said those numbers don't seem to work for him, and he wanted to know if they were talking about the right number that was reduced.

City Manager Joyal said the Dover Main Street program is currently receiving \$15,000, and the proposal for next year was \$12,000 although they requested \$22,500. He said the additional reduction of \$7,000 by the City Manager brings it down to \$5,000.

Mayor Myers said if this Budget gets passed as proposed, Dover Main Street program will receive \$5,000.

City Manager Joyal said that was correct.

Councilor Cheney said in order to exist, the Dover Main Street program needs to get some taxpayers money to fund the operations.

Mayor Myers said the way a Main Street program is structured is they have to get 1/3 of their money from the host municipality, 1/3 that is fundraised, and a 1/3 from the businesses that participate.

Councilor Cheney asked why the Dover Main Street Program asked for \$22,500.

Mayor Myers said he couldn't speak for them, but it was probably their own proposed budget.

Councilor Callaghan said he wanted to increase the amount of \$7,000 on his handout to \$10,000, and still take it out of General Fund Subsidy.

Councilor Weston asked if the \$22,500 – the added expense -- was to cover Dover Main Street moving to the train station.

City Manager Joyal said the City currently maintains the building, and provides utilities, and the City will continue to do that. He said that was his justification for the \$7,000 reduction.

Councilor Weston asked if Dover Main Street presently pay their utilities where they are now located.

City Manager Joyal said he didn't know if they pay utilities, but he did know they currently receive their office space for free.

Councilor DeDe said raising it to \$15,000 put them into the position to have a functioning Main Street Program. He said to give them anything less than \$15,000 will make it very difficult for them to operate. He said the program brings a lot of volunteers to Dover. He said they also get a lot of matched grants for the things that they do,

Councilor Carrier agreed with Councilor DeDe's concern, and agreed to raising it \$10,000.

Councilor Callaghan continued with his discussion on his proposed changes to the budget with the Council. He wanted to add \$10,000 for the indoor pool, to be taken from Page 335, 3381 McConnell Center.

City Manager Joyal said this was a separate fund, and any reductions would not have an impact on the General Fund. However, he said if there is a reduction in expenses in the McConnell Center, you can make a reduction in the subsidies in the General Fund, and that would free up money.

Mayor Myers said the Council approved the contracts for the tenants of the McConnell Center. He said he didn't support reducing something that will have to be paid anyway.

Councilor Callaghan continued with his handout. He referred to Page 269, and said he would get the \$10,000 needed for Fireworks from General Government Buildings.



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Mayor Myers asked Councilor Callaghan if he meant to take it from somewhere in the Community Services/Public Works General Fund for Government Buildings at the City Manager's discretion.

Councilor Callaghan said that was correct.

Mayor Myers asked the City Manager to explain that account and what it covers.

City Manager Joyal said that account was primarily the maintenance and utilities for buildings that have not been assigned or cared for by a specific department, City Hall being one of them. He said there are two part-time custodial personnel, \$68,000 with benefits. He said it included utilities expenses and maintenance work for \$13,000. He said the train station costs and insurance are included. He said it included \$5,000 for supplies. He said it included electricity and heating oil. He said there was \$15,000 that was a reduction from the original \$150,000 that was anticipated for major repairs to the stairs and sidewalks around City Hall. He said even though he didn't feel comfortable about it, that would be where he would take the \$10,000 for Fireworks because he didn't believe the City should be sacrificing the custodians or other costs that might affect changes in operations to the building.

Mayor Myers asked if the City Manager meant interior stairs or the front steps to the City Hall.

City Manager Joyal said he was referring to the front and side steps.

Councilor DeDe said he agreed that the Fireworks should be increased to \$10,000, and hoped that the City can find \$5,000 public support, or combine with another entity to put on a fireworks show. He said he didn't agree with the presumption to not use the \$181,362. He said when he listened to each of the Department Heads' presentations he heard that they felt the need for more in virtually every instance. He said the \$181,362 is something that the Council should be starting with to add these items back in, and the other suggestions are not making a lot of sense to him.

Councilor Cheney said she supported that the Council may put the \$10,000 back in. She didn't feel that the Council had to spend the \$181,362.

Councilor Callaghan said that line item is \$266,000, and he felt it was helpful to the City Manager to give him a specific line item to use. He said the City has to squeeze somewhere, because the money just isn't there. He said it's not an easy thing to hold back some funds, but he felt this was a small percentage out of a variety of areas. He said the City could work harder on getting prices on doing these things. He continued with his discussion on his handout with Library hours.

Mayor Myers interrupted Councilor Callaghan and asked him if he wanted to add \$40,000 to the Library's budget.

Councilor Callaghan said no, he wanted to add \$10,000. He said it was similar to Councilor Weston's suggestion of staying closed on Sundays, and being open from 12:00 into the evening on Wednesdays. He referred to his spreadsheet on the Library, which showed his two options for where the reduction could come from.

Mayor Myers asked if the personnel services reduction was within the Library.

Councilor Callaghan said that was correct. He said his third option was to leave the Library's budget as originally proposed and get the \$30,000 from Page 265, 1000, Total General Fund.

Mayor Myers asked Councilor Callaghan if he wanted to get the \$30,000 from Community Services and restore the budget for the Library.

Councilor Callaghan said that was correct.



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Deputy Mayor Trefethen said the analysis that the costs per hour increased with fewer hours was very interesting. He said it suggested to him that it reflects the fact that regardless of how many hours the Library is open, what we're looking at is fixed costs; i.e. health insurance, workman's compensation, retirement benefits. He said the only way to reduce that line item is to reduce people, and the Library Director told the Council that the employees at the Library are working straight out already and getting more so because people are using the Library more in these economic times. He said citizens of Dover have told this Council that it needs to figure out what are wants, desires, or needs. He said the City doesn't need a Library, a Recreation Department, and the City doesn't have to have a Police Department, Fire Department, and a Public Works Garage. He said they are all wants and desires. He said people who don't use the Library think it is a want, and people who use the Library think it is a need. He said the same statement can be used for any Department. He said moving money from one department to another is just a matter of what your priorities are in terms of what you think are needs and wants, which has nothing to do with what anybody else thinks are needs and wants. He said he doesn't want to take things out of Community Services, because we already know the City's roads are in terrible shape, plowing and potholes have to be taken care of, brush clearing, and guardrails and signs needing replacement because of rust. He said he also didn't want to take things out of the Library.

Councilor DeDe said he wanted the \$10,000 back into the Library's budget. He said the Council did have \$181,362 to use. He said he didn't believe there was anybody else in the room that would be more qualified to come up with exactly how to use that additional \$10,000 than the Library Director.

Mayor Myers referred to retirement costs, and stated that benefits for continued health insurance for employees who qualify for health insurance after they retired is charged to the department where they worked. He also said laying people off is not a dollar for dollar savings, because the City would be required to pay the unemployment for them.

Councilor Callaghan responded to the Deputy Mayor's comments. He said the Deputy Mayor in part presented his argument. He said there is a fairly large percentage of personnel services budgeted as salaried employees, and that is what motivated him to do this. He said \$30,000 is not a lot of money to keep the Library open on Saturdays, Sundays, and Wednesday nights. He said the City is wasting valuable staff if they are not utilized to their full potential. He referred to the comments about haves and wants, and felt that a City the size of Dover has an obligation to have the safety services available, or the City will end up with some kind of liability.

Deputy Mayor Trefethen asked that his comments not be taken as meaning that he wanted to reduce anything in the Police and Fire Departments. He said he didn't say that, and everyone in this room knows he didn't say that. He said his point was that there wasn't a statute that said the City had to have these things, but virtually everybody in the community wants to have these things.

Councilor Callaghan continued with his handout with Compensated Absences, and said it should come from Page 267, Total from Department.

Mayor Myers asked if Councilor Callaghan again wanted the funds to come from Community Services budget.

Councilor Callaghan said that was correct. He said it was not a huge amount and could be squeezed from the budget.



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Mayor Myers referred to the recommendations for Compensated Absences, and asked the City Manager what he offered as a solution.

City Manager Joyal said he budgeted the position originally with the employment contract he brought to the Council at \$84,415. He said upon the retirement of that employee he intends to fill that position. Since he doesn't have to worry about negotiating the accrued leave issue, the \$84,000 could be lowered by \$5,000 or \$8,000.

Mayor Myers asked if the request could be lowered to \$17,000 or 18,000 to fund Compensated Absences.

City Manager Joyal said that was correct.

Councilor Callaghan continued with his handout discussing that Street Improvements is to be announced, and he was not funding the Sewer Pump Station.

Mayor Myers clarified that the \$75,178 for Street Improvements is not operating dollars, but is going to fund what was passed in the CIP for General Street Improvements. He said it went to a ½ year's interest on a \$1.2 million to \$1.3 million bond for Street Improvements.

Councilor Cheney said she would support the Sewer Pump Station not being funded, because she felt the money could be found in the budget.

Mayor Myers said it was human error that that didn't get into the budget, and it was an existing item that needed to be in the budget.

Councilor Cheney referred to Page 377, which stated that 50% of the salary, \$46,000, for the Deputy Community Services Director was funded with CIP money.

City Manager Joyal said the City has a separate capital project set up for Tolend Landfill, and a portion of the existing Environmental Projects Manager position, and will continue with the Deputy Director of Community Services, who will be charged against that project, because that is a significant amount of their effort. The funds that make up that project come from a variety of sources, the responsible parties, and the City has a share in that.

Councilor Cheney said she didn't understand borrowing money in the CIP to pay for these positions.

City Manager Joyal said it was not all bonded or debt money, but is the cost of the capital project. He said all the potential responsible parties share in putting money into that fund. He said the City has chosen to put its share in debt. He said he didn't know how the other entities financed their debt, but essentially they write a check to the City, and it is cash to the City that goes into the fund.

Councilor Cheney asked why the current Environmental Projects Manager is paid under Public Works, and the new Deputy Director of Community Services position is not. She felt whoever filled that position would not have the knowledge of Tolend Landfill.

Mayor Myers said the Environmental Projects Manager was the person intended for filling the new position, and he would be wearing two hats.

Councilor Cheney said that is not the person the Council is talking about; correct?

Mayor Myers said it may be.

Councilor Cheney said that would make a significant difference.

Councilor Weston asked if the budget has been reduced by 50%, since 50% comes from the PRPs.

City Manager Joyal said that is what was done. He referred to Page 277, and explained it to the Council.



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Councilor Weston asked how the City Manager will decide what to pay this person once the position is filled.

City Manager Joyal said the pay scale was based on the market data, and the top was \$89,000, and the beginning was in the \$70,000 range.

Councilor Cheney said she wanted to comment on the indoor pool, and referred the Council to Page 253. She said last year the Council took \$15,000 out of the budget and decreased the summer hours. She said this year there is a further reduction of \$10,000, which concerned her because there will be further reductions in pool hours.

City Manager Joyal asked Recreation Director Gary Bannon to speak on pool hours.

Mr. Bannon said the \$10,000 reduction would impact the September to June hours, and not the summer hours. He said they had to reduce about 1,000 man hours of pool time to get \$10,000 savings, which equates to 500 hours of pool time. He said they will be closing at 7:00 pm instead of 9:00 pm, opening later, and closing for the month of August while the outdoor pool is still open.

Councilor Cheney said she was also concerned with increased rates, and that was a lot of money. She also wanted to look into a family rate being instituted. She would like to see the rate stay at \$60.00 per adult.

Councilor Scott said he had some general and specific comments. He said the year 2010 is going to be a very grim economic year. He said the country is in a deep recession and we're having great difficulty floating our bonds with the Arabs and Chinese, and there will be a cash crisis. He said interest rates will be increasing, which will dampen any recovery, which will increase layoffs, which will be followed by foreclosures. He said if this was a normal year he said he would probably approve this budget. He said he probably will anyways because it comes in within the Council's spending cap, but there were things he felt the Council should take a good look at. He said the City should expect a turnover of 10 to 15 people each year, and he would like to see a hiring freeze. He said there was an enormous increase in spending for DoverNet, which has almost doubled in three years. He said purchase services has gone up 19% in two years, and he felt there should be more attention placed on that to see what could be squeezed out of it. He said a minor item was Central Stores which has gone up from \$63,000 to \$106,000. He said workmen's compensation has gone up 40% in two years. He said the debt service has gone up from \$9.1 million to \$9.9 million, a 10% increase over two years. He said that adds to the cost to the taxpayers, and since the Council works for the taxpayers he felt they should see what could be compressed and squeezed out of the budget. Mayor Myers asked Councilor Scott if he had any specifics.

Councilor Scott said it probably needed a resolution, but he wanted to see a hiring freeze.

Mayor Myers asked the City Manager to talk about having a hiring freeze.

City Manager Joyal said he has had a hiring freeze in effect since December of 2008. He said the only positions that have been hired are positions where the Department Heads made a case that they were essential for their operations. He said this budget reduces staffing from current year 293 down to 285 full-time equivalents, which continued the trend of reducing staff from a high of 304 positions. He said to put a hiring freeze on all positions will directly impact services that the citizens will notice.

Mayor Myers referred to the comment about DoverNet, and asked the City Manager to explain how it includes the cable franchise fee that the City now collects, and how DoverNet is now funding camera operators, media access coordinators, and that type of stuff.



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City Manager Joyal said that was correct; DoverNet has increased because included in that fund is the collection of the cable franchise fee, which is paid by customers who receive cable services. He said the intent was that those funds would be collected and reinvested back into the service that is provided on Channel 22. He said once the budget is completed he intends to pursue having the School Department take over the cable channel. For now he has part-time camera operators, a full-time person to coordinate the scheduling and maintenance of all the equipment, and a part-time website person who has made the initial steps in revamping the City's website. He said the continuing investment with the website will be getting the video meeting records on the website. He said the \$225,000 increase in cable franchise fees revenues pays for the operation of Channel 22. He said there is an additional \$25,000 grant from Comcast, which funds the wireless networks in the City buildings and Downtown. He said that explained the majority of the increase over the past few years.

Councilor Callaghan said he was looking at fees. He said overall the revenue from fees has gone up 40% for Recreation. He proposed leaving the fee schedule out of the final vote on the budget, and to schedule a meeting to go through it.

City Manager Joyal said the budget cannot be passed with the fee schedule, but fees can be amended later with a 2/3 vote.

Councilor Callaghan asked if the Council could adopt the budget with the previous fee schedule. City Manager Joyal said revenues would not be supported by the fee structure.

Mayor Myers said a majority of the Recreation programs are self-supporting, trying to lessen the impact on taxpayers.

Councilor Scott referred to Page 134, stating that the cost of the City Council has gone up about 72% in two years. He said it appears that \$130,000 is for subsidies charged to the City Council for the McConnell Center. He didn't remember any discussion on this, and didn't think it was appropriate.

City Manager Joyal said there was a proposed \$700,000 expense for running the McConnell Center for next year. He said that expense is covered by revenues generated from lease payments from non-profit tenants, as well as the School and City departments. He said previously they dealt with this by determining the amount of funds that was needed to run the McConnell Center, and divide that amongst the various tenants. He said some tenants receive subsidies in accordance with their agreements, and don't pay the full rental rate. He said that needed to be made up somehow in the budget. He said in the current year budget those extra funds were basically added into each of the departments that had space over there on a pro-rated basis. He said the recommendation of the McConnell Advisory Committee and Councilors was that the true rental costs be reflected in the budget, and spelling out who and how much was being paid out in subsidies. He said he chose to put it in the City Council's budget, because that is where grants and subsidies are recorded. He said it could be put in any budget the Council wants it in.

Councilor Scott asked why the Adult Learning Center's \$22,000, Dover Children's Center's \$8,000, the Health Family Resources of \$7,000, the School Administration of \$23,000, or the General Fund Subsidy of \$68,000, was put into the City Council's budget.

City Manager Joyal said that was the total amount of subsidies being made. He said these organizations are not paying the full rent charge.

Councilor Scott said it should go in the Executive Account.

City Manager Joyal the Council can tell him to move it there if they wanted him to.



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Councilor Carrier discussed the fee schedule for the Recreation Department. He said he was on the Recreation Advisory Board for many years, and it was known that the City of Dover was the best bargain around. He said they are not making enough revenue to support some of the programs. He said he is afraid of the increases to the pool, because he doesn't want to lose people going to the pool. He said some of the fees had to be increased to support the program, but some of them can be looked at.

Councilor Cheney said she wanted to see the Council give the City Manager the direction to come up with a family plan for at least the pool.

Councilor DeDe referred to the comments regarding reductions in revenues, he said there would need to be a further reduction in the staffing hours that would be available. He said there is resistance to reducing hours, and there is resistance for raising fees. He said he doesn't use the pool, and would categorize it as a want, not a need. He said the cost for the Dover pool is probably substantially less than joining a private pool. He said \$30 per year for a non-resident for the Senior Center, which included access to the gym's exercise equipment, is a bargain. He said he was in favor of passing the budget with the current fee schedule.

Councilor McCusker said the \$181,362 is found money. He said has heard from the citizens regarding their support for Dover Main Street, Cochecho Arts Festival, Fireworks and Library hours. He agreed that the \$25,000 for the Compensated Absences had to be put back in, since the Council didn't approve the promotion for the Deputy Director of Community Services. He said thank goodness for the \$181,000, because we had to find that money somewhere. He agreed with adding to snow removal, because the last five years the City has gone over budget. The big ticket of \$75,000 is being able to pay six months of interest to bond \$1.2 million for streets. He said this is the City's number one priority. He didn't think the Council would ever tell the Recreation Director what to charge for a pool pass. He said Recreation is a bonus, and felt it was more important to increase the fee instead of eliminating the program completely. He said he would have liked to see more money go towards the Library, but he generally supported Mayor Myers breakdown for the use of the \$181,000.

Deputy Mayor Trefethen said he has heard general consensus on several things: Dover Main Street Program, Cochecho Arts Festival, Fireworks, Library, Compensated Absences, and the indoor pool. He said there was less consensus on snow removal and restoring the money for the debt service in the CIP to get the road dollars. He said all of that money is coming from the \$181,000, as opposed to looking somewhere else for it.

Councilor Callaghan said he had a few other things he wanted to suggest. He was concerned about funding for the Deputy Director of Community Services position. He said in the back of the budget book that position is noted as being filled. He didn't understand how that can state that when the Council hasn't approved for money yet. He said he wanted to make sure the City makes up for the \$300,000 per year expense from the energy project, which makes the amount of bonded debt exceed the retired debt. He said he will have a hard time approving the budget. He wanted clarification in the change of hours from 40 to 35 for the City Manager. He thought he understood that it was just a bookkeeping change.

Mayor Myers said the City Manager will devote whatever time is needed to do the job, but the 35 hours is used to track vacation time.

Councilor Callaghan said he mentioned several areas where money could come out of the budget. He referred to the section on DoverNet, Page 419, and said he thought the IT Director was going to part-time and the City would realize some savings, but wages have gone up.



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City Manager Joyal said there was a reduction in hours. He said it may be from moving the Media Access Coordinator from hourly to salary. He said he would look at that.

Councilor Weston gave a summary of her tally of changes:

- Dover Main Street \$10,000
- Cochecho Arts Festival \$10,000
- Fireworks \$10,000
- Library \$10,000
- Compensated Absences \$17,000
- General Street Improvements \$75,178
- Indoor Pool \$10,000

She said these items total \$142,178, which leaves a residual of \$39,184 of the total \$181,362, and the consensus was to put that into snow removal.

Mayor Myers asked if the Council was in agreement to move to Citizen's Forum. Councilors agreed.

4. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Ronald Huml, 199 Mast Road: He said the Council represents the City, School, and taxpayers. He said since the additional \$181,000 that was budgeted was for a purpose, and was not used, it should go back to the taxpayers as a reduction to the budget. He said any money the City needs should be taken from other departments. He also discussed the regular salaried employees, regular hourly employees, and temporary employees. He said the prior fiscal year actual expense was \$13,555,817. The current year budget is \$14,154,064, which is a 4.4% increase. He said this year there is a \$375,648 increase, or 2.7%. He said there was an 8 FTE reduction. He said the regular salaried employees increased by \$436,069; the regular hourly employees were reduced by \$258,989; and the part-time employees were up by \$198,568. He said these changes were made to save in overtime, but the overtime budgeted is 3.73% higher than the current year. He said he didn't see the savings.

Kirt Schuman, Executive Director of the Dover Chamber of Commerce: He said he just wanted to reiterate the Chamber of Commerce's request for the Council's support for the Cochecho Arts Festival at the \$10,000 level, in addition to support the Dover Main Street Program at the \$15,000 level. Additionally, they urge support of the fireworks. He said anything that could be done to support the Mounted Patrol would be appreciated.

Mayor Myers, seeing no one else wishing to speak, closed the Citizen's Forum. Mayor Myers took this time to respond to Mr. Huml's comments regarding the salaries. He said the employees from the Arena Fund were rolled into the General Fund and that would explain the salary increase over last year.

City Manager Joyal said the increase in overtime was because he added money for snow removal.



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5. ADJOURN TO SPECIAL MEETING

Deputy Mayor Trefethen made a motion to adjourn to the Special Meeting; seconded by Councilor Carrier.

Vote: 9/0.



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1. ROLL CALL

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

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

2. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the FY 2010 Budget Resolution on this Agenda, in accordance with City Council Rules. Statements shall be limited to five minutes.

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

3. RESOLUTION: FISCAL YEAR 2010 BUDGET APPROPRIATIONS, FEES AND CAPITAL IMPROVEMENTS PROGRAM SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor DeDe.
Deputy Mayor Trefethen made a motion to amend the budget to reduce health insurance across multiple lines in the budget by \$181,362; seconded by Councilor DeDe.
Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to increase funding to Dover Main Street \$10,000; seconded by Councilor Weston.
Mayor Myers said this would bring the total amount in the budget to \$15,000 for Dover Main Street.
Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to restore funding to the Cochecho Arts Festival for \$10,000; seconded by Councilors Weston and Carrier.
Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to add \$10,000 for the 2010 fireworks; seconded by Councilor Carrier.
Deputy Mayor Trefethen commented that he viewed these items not only as consensus of the Council, but from the community as well. He said when an overwhelming majority wants something; it becomes a need in his opinion.
Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to restore \$10,000 to the Library budget for priority hours, which are for Saturday hours; seconded by Councilor Weston.
Deputy Mayor Trefethen said he liked Councilor Weston's suggestion of shifting hours on Wednesday to 12:00 noon to 8:30 pm, because it helps those who work.
Councilor Callaghan said he felt it should be \$30,000 to keep the Library on its current schedule.



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Mayor Myers told Councilor Callaghan that he would have to ask for a friendly amendment, or let the Council vote on the \$10,000 and then he could ask for an additional \$20,000.

Councilor Callaghan asked to make a friendly amendment.

Mayor Myers asked for a vote on adding \$10,000 to the Library budget.

Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to restore \$17,000 to the Compensated Absences Fund; seconded by Councilor DeDe.

Vote: 9/0.

Deputy Mayor Trefethen made a motion to amend the budget to restore \$75,178 to the Debt Service for the Capital Improvements Plan of General Streets, so the Council can borrow the money that it originally planned to borrow; seconded by Councilor Carrier.

Deputy Mayor Trefethen said this is the number one priority of the City, and the City needs to be more diligent.

Councilor Cheney said she didn't like where the debt service was headed.

Vote: 9/0.

Deputy Mayor Trefethen said he started out with a reduction of \$181,362, and added back in \$132,178, leaving \$49,184.

Councilor Weston made a motion to amend the budget to restore \$10,000 to the Indoor Pool hours; seconded by Councilor Callaghan.

Vote: 9/0.

Councilor Weston made a motion to amend the budget to add \$39,184 to the snow removal line item; seconded by Councilor DeDe.

Deputy Mayor Trefethen said he wasn't necessarily opposed to this, but he felt it wasn't the right place to put the money. He said he would prefer that the money go into contingency.

Councilor DeDe said having it in snow removal is just as good as contingency.

Vote: 6/3; Passed. Deputy Mayor Trefethen, Councilors Callaghan and Cheney were opposed.

Councilor Weston said the Council has spent the full \$181,362.

Mayor Myers asked the Council if they had any more amendments.

Councilor Callaghan made a motion to take the \$181,362 out of the bottom line for the Fiscal Year 2010 Budget.

Mayor Myers asked Councilor Callaghan to state where in the budget to direct the City Manager to take the money from.

Councilor Callaghan made a motion to reduce \$10,000 from Page 335, 1000, General Fund Line Item 45121, McConnell Recreation to fund the Cochecho Arts Festival; seconded by Councilor Scott.

Councilor Cheney said the \$181,362 should be out of the budget and returned to the taxpayers. She said she would look for the Council to find reductions to offset what was just added in, or to



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have the City Manager find the funding for these amended items. She said she would support this reduction.

Deputy Mayor Trefethen said this was a 100% philosophical disagreement. He said the City Manager's proposed budget included the \$181,362 in the healthcare line item. He said it is not found money. He said it is in the budget until the Council does something about it. He said it doesn't magically go away because the company lowered their rates. He said when the electric company lowered their rates; the amount that was appropriated by the City was not automatically reduced. He said he didn't believe there was any consideration when you start taking money from these other programs, and the Council doesn't know what the impact would be.

Councilor Weston asked the City Manager what the tax impact would be on \$181,000 if it was returned to the taxpayers.

City Manager Joyal said the tax impact would be \$0.07 per \$1,000.

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

Councilor Cheney made a motion to amend the fee schedule for the Outdoor Pool and freeze the rates at last year's rates.

Mayor Myers asked if she was reducing the corresponding revenue line item.

Councilor Cheney said she was not.

Mayor Myers asked for a second to Councilor Cheney's motion.

Councilor Scott seconded the motion.

Councilor Cheney said rates were raised last year on pool fees. She said it was going up quite a bit this year. She felt keeping the rates lower would increase participation, and that might increase the revenue.

City Manager Joyal said there would be an impact on projections he has for revenue, but he would have to look and see what that impact would be.

Deputy Mayor Trefethen asked to make a friendly amendment to freeze just the resident rates.

Councilor Cheney said that would be fine.

Mayor Myers asked for a vote to accept the friendly amendment.

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

Mayor Myers said it was not unanimous, so the friendly amendment failed.

Councilor Cheney said the Council can increase rates later.

Mayor Myers said he would support this amendment, but felt the Council was charting into dangerous territories without the revenues.

Councilor DeDe asked Recreation Director Gary Bannon if the rates have already been published.

Mr. Bannon said they have been published.

Councilor DeDe said he wouldn't support this.

Councilor Weston asked if it was too late to do a family rate.

Councilor Cheney said that wasn't the motion.

City Manager Joyal said a family rate can be implemented, but he will have to calculate the adjustments to revenue.

Councilor Cheney said even though the rates have been published, it is not set until the Council passes the budget.

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



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Councilor Cheney made a motion that the City Manager set some family rates for the outdoor pool; seconded by Councilor Weston.

Mayor Myers said he wouldn't support that amendment.

Vote: 6/3; Passed. Mayor Myers, Councilors DeDe, and McCusker were opposed.

Councilor DeDe made a motion to adopt the budget as amended.

This motion was not seconded.

Councilor Callaghan made a motion to freeze the resident pool fees until they can be reviewed by the Council; seconded by Councilor Cheney.

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

Councilor Callaghan made a motion to direct the City Manager to reduce the operating budget by \$300,000 to cover the added expense of the energy contract; seconded by Councilor Scott. Councilor Callaghan said the energy contract is an added burden to the taxpayers of about \$300,000 per year. He said it exceeds what the Council agreed to for our debt finance for capital improvements. He said there are too many citizens that don't want to spend this money. He said the Council needs to give some tax relief to the citizens.

Mayor Myers said he wasn't going to support this, because he disagreed with Councilor Callaghan's logic that this is a \$300,000 expense. He said the cash flow analysis showed that this was a positive cash flow, a savings of energy tied to the bonded expense.

Councilor Callaghan said it may be a positive cash flow, but today it is a tax burden and will be added to the tax bill. He said it was roughly \$30 per year for an average household.

Mayor Myers said he strongly disagreed. He told Councilor Callaghan that he was talking only about the bonding debt side of it, and completely ignoring the savings side of it. He also said there was an overwhelming majority who spoke in favor of it.

Councilor Cheney said she would not support a \$300,000 reduction, because she didn't know what would be cut. She said she did agree with the added burden to the taxpayers, because they won't realize the savings.

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

Deputy Mayor Trefethen made a motion to amend the Fee Schedule, Page 31, Senior Center Non-Resident rate, to a \$5 increase, instead of \$10, and the corresponding reduction of \$2,400 in estimated revenue, Page 81, Line 3443; seconded by Councilor Callaghan.

Deputy Mayor Trefethen said he was just responding to Citizen's Forum comments.

Councilor Callaghan said he felt this is a good approach to do a little at a time.

Vote: 7/2; Passed. Mayor Myers and Councilor DeDe opposed.

Councilor McCusker made a motion to reduce Page 54, Line 3220, Motor Vehicle Registrations, by \$50,000; and Line 3700, Schools, by \$200,000; seconded by Councilor Carrier.

Councilor McCusker said the Council is trying to decide this budget on projected revenues. He said projected revenues weren't realized last year, and with the economy the way it is, it is possible that they will not be realized this year.



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Councilor Scott said that was very interesting analysis and asked Councilor McCusker if he also looked at property taxes.

Councilor McCusker said he did not, because the collection rate is decent enough.

Councilor Scott asked the City Manager his opinion on the collections of the property taxes.

City Manager Joyal said with the due date of June 1st, he wouldn't be able to tell the Council that information until the end of the month. He said in December the collection rate had improved over the prior year. He said he was hopeful about the June collection, but he was not willing to make any projections.

Councilor Callaghan asked how this would affect the School Department's budget.

City Manager Joyal said if revenue is adjusted it doesn't affect the expenditure side unless you make a corresponding change on the expenditure side. He said the funds have to be raised somehow, and the State will make up the difference when setting the tax rate.

Councilor Callaghan asked if taking out the \$200,000 would change the School's Budget, because the Council thinks revenues will be less than predicted.

City Manager Joyal said that was correct. He said there are two components to the budget, revenues and expenditures. He said the Council will be reducing nontaxed revenues. He said at the same time the Council will be expecting to raise tax revenues by the same amount. He said there would be no change on the expense side.

Councilor Callaghan asked if the tax levy would be increased to make up for the reduced revenues.

City Manager Joyal said that was correct.

Councilor Callaghan asked if the School would adjust their tax levy calculations.

City Manager Joyal said the State does the tax levy calculations in September or October.

Councilor Callaghan said he was leery about taking a calculated guess. He said the School has prepared their budget based on these numbers, and he presumed they reviewed these numbers and made their determinations. He said he was a little uncomfortable with making the determinations for them. He does agree with the first part of the motion, to reduce \$50,000 for motor vehicle permits. He said he wouldn't support the education reduction.

Councilor Cheney said she wouldn't support levying further taxes to offset unrealized revenues that we don't know about yet. She said she wouldn't support that change.

Mayor Myers asked Councilor McCusker if he wanted to split the motion, or if he was comfortable leaving it the way it is.

Councilor McCusker said he was comfortable leaving it the way it is.

Councilor McCusker made a motion to suspend the rules to continue the Special Meeting past 10:30 pm; seconded by Councilor Weston.

Roll Call Vote: 9/0.

Mayor Myers asked for a vote on the motion to amend the budget: two reductions in revenue; one on Page 54, Line 3220, for \$50,000; the other one on Page 66, Line 3700, for \$200,000.

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

Councilor Callaghan made a motion to direct the City Manager to find \$20,000 more from somewhere in the budget to restore the current Library budget; seconded by Councilor Cheney.

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



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Councilor Carrier said he wanted to mention portable toilets for recreational areas. He said it has been told to him that they are no longer provided at places like Garrison School, Horne Street School, Woodman Park School, and Sullivan Park. He said the Dover Chamber of Commerce provides portable toilets at Henry Law Park during the Cochecho Arts Festival. Mayor Myers asked Councilor Carrier for a motion.

Councilor Carrier made a motion to direct the City Manager to find \$1,500 within the Budget to fund portable toilets in five locations: Garrison School, Horne Street School, Woodman Park School, Sullivan Park, and Henry Law Park; seconded by Councilor DeDe.

Councilor Carrier said he felt the \$1,500 would cover July through October. He said a typical portable toilet is about \$50 per month. He felt the public would appreciate it.

Vote: 8/1. Deputy Mayor Trefethen was opposed.

Councilor Callaghan made a motion to release the City Attorney Letter dated June 1, 2009.

Mayor Myers said the Council would have to suspend the rules to address this motion, because the Council is in the middle of the motion to amend the budget.

City Attorney Krans said the rules can be suspended to release the opinion, and then you go back to where you were in the motion to amend the budget. He said it would be cleaner to wait until the motion to amend the budget is completed.

Councilor Callaghan withdrew his motion.

Deputy Mayor Trefethen made a motion to amend the Sewer Enterprise Fund to include the \$75,000 for Pump Station Maintenance; seconded by Councilor DeDe.

Councilor Cheney asked if this is a yearly expense.

City Manager Joyal asked Community Services Director Doug Steele to answer this question.

Mr. Steele said this was a line item for the maintenance of all of the 20 wastewater pump stations in the City.

Mayor Myers said this was just an omission in the budget.

Mr. Steele said that was correct.

Vote: 9/0.

Councilor Cheney made a motion to amend the budget to remove from Page 277, Line Item 4110, the 50% to be funded through Capital Improvements Program. She said she would like that to be funded somewhere else, because she felt this set a bad precedent. Councilor Scott seconded the motion.

Councilor Cheney asked why this position was 50% funded through a loan.

Councilor DeDe asked for a point of order. He said this proposal was in violation of Charter, because it relates to a specific item out of payroll. He said that was the City Manager's prerogative.

City Manager Joyal said Councilor Cheney needed to rephrase the motion, because he felt her intent was something the Council could do. He said she should phrase it that the Council doesn't want to use a Capital Improvements Project to fund this position.



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Councilor Cheney said she wasn't debating that this position was in the Merit Plan and in the Budget, but just the policy decision to use the Capital Improvements Project to fund \$42,000 for this position.

City Manager Joyal said the rationale for this began in the early 1990s. He said the City had a line item for the City's PRP portion that was for the Tolend Road Landfill. He said the City starting using debt service to fund the Tolend Road Landfill Project. He said it was the project itself that paid 50% of the salary.

Councilor Cheney said she was concerned that other staff positions could be financed with Capital Improvements Program, and would set a precedent. She said she wanted to see where someone's position was funded through the CIP in the past.

City Manager Joyal said expenses are charged against a project, and the Council chose to finance these projects using debt service.

Councilor Cheney said she wanted the funds found somewhere else, because she didn't think the City had to hire someone by taking out a loan.

City Manager Joyal said he would suggest that her amendment be to find another funding source.

Councilor Cheney made a motion to amend the budget to not fund the \$42,000 through the CIP, and to direct the City Manager to find the \$42,000 somewhere else within in the budget.

City Manager Joyal said Finance Director Daniel Lynch had something to add.

Mr. Lynch said Councilor Cheney was only addressing the wage component, \$42,000. He said she also had to consider FICA, Medicare, New Hampshire Retirement System, Health Insurance, and Dental Insurance which has also been allocated based on that position. He said the amount that needs to be found somewhere else is actually \$57,000.

Councilor Cheney made a motion amend the budget to not fund the 50% cost for the position through the CIP, and to direct the City Manager to find the 50% cost for the position somewhere else within in the budget; seconded by Councilor Scott.

City Attorney Krans requested that the Council take Line Item 4110 out of the motion, and move it to Page 267, Personnel Services, so the Council doesn't run into a Charter problem, but will still address Councilor Cheney's concern. He said the motion should be: to restrict the funding sources for personnel services to exclude the CIP.

Councilor Cheney said she would agree to that.

Mayor Myers included: "and to find an alternate funding source."

Councilor Cheney said that was correct.

City Attorney Krans said this would also address Mr. Lynch's concern that we're not just talking about wages, but other benefits.

Mayor Myers asked Councilor Scott if he still wanted to second that motion.

Councilor Scott said he did.

Councilor DeDe referred to the City Manager's analogy that there are City employees on the payroll who perform specific services. He said as a policy it has existed for some time, and this motion would set a policy going forward with future CIP. He didn't feel it was a responsible direction of the Council.

Councilor Scott asked the City Manager if this was the first time this has happened.

City Manager Joyal said no, last year's budget had it for the Environmental Project Manager position. He said 50% of the funds are allocated for the position to work on that project. He said there are different sources of funds that feed that project. He said one source is the charge



CITY OF DOVER

CITY COUNCIL - MINUTES

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Meeting Time: **To follow Workshop Session**

the City makes to each of the PRPs. He said the City is one of the PRPs, and the City has chosen to finance that charge with debt financing.

Mayor Myers asked if it was possible to have funds allocated to the project, and the money coming in through the PRPs be accounted as a revenue source to pay for this salary, so it is not being paid for with debt service.

City Manager Joyal said the bottom line is if the Council wants \$57,000 from somewhere in the budget to flow into that project fund, or if the Council want to continue to let the debt financing flow in, and a portion is used to pay for this salary.

Mayor Myers said the motion was for the City Manager to make a corresponding cut for \$57,000 somewhere in the budget.

Councilor Callaghan asked if the documents surrounding this project say you may use funds for having the staff manage the project.

City Manager Joyal said he couldn't tell the Councilor the specific details, because agreements have been forged over the last 20 years. He said in concurrence with the EPA it has been worked out that the parties work together to resolve the Tolend Road Landfill issue. He said the City has taken the position that it is the primary coordinator for this project since the Landfill is in the City, and as a result the City has a staff person who deals with all these issues. He said the City has an obligation with the EPA and other PRPs to manage this project. He said the City is using debt financing to fund the whole project, and there are a whole host of expenses that are related to that project. He said there is interest accruing for this project, and not just this person's salary. He said that was the policy question; how does the City want to pay for this project?

Councilor DeDe said the CIP was development, bonding accomplished, and money set aside for this project. He said that money cannot be transferred into the General Fund, and there could be a situation where money is left over that would have to be spent on some other CIP project. He said he felt this would cause unnecessary problems, and he wouldn't be supporting this amendment.

Mayor Myers said he agreed that this is not the best way to do this, and there should be Council policy going forward. He doesn't agree to find a \$57,000 cut to something that was committed to in the past.

Councilor Cheney said this was a new position in a new budget, and didn't think this was the way to go.

Mayor Myers asked for a vote on the motion to amend the budget to not fund 50% of this position through the CIP, and make a \$57,000 reduction somewhere in the budget.

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

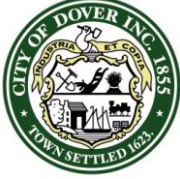
Councilor DeDe made a motion to accept the budget as amended; seconded by Councilor McCusker.

Roll Call Vote: 9/0.

Councilor Callaghan made a motion to release the City Attorney's Letter dated June 1, 2009.

Mayor Myers said Councilor Callaghan needed to make a motion to suspend the rules, because it is not an Agenda item, which would require a 2/3 vote.

Councilor Callaghan made a motion to suspend the rules to add an Agenda item; seconded by Councilor Scott.



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Mayor Myers asked for a Roll Call Vote on suspending the rules.
Roll Call Vote: 7/2; Passed. Councilors DeDe and McCusker were opposed.
Councilor Callaghan made a motion to release the City Attorney's Letter dated June 1, 2009;
seconded by Councilor Cheney.
Roll Call Vote: 8/1; Passed. Councilor McCusker was opposed.

4. ADJOURN

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



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1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Scott led the Pledge of Allegiance.

3. ROLL CALL

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

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

4. PROCLAMATIONS

Mayor Myers issued a proclamation to Thomas Hindle.

5. APPROVAL OF AGENDA

Councilor Weston made a motion to approve the Agenda; seconded by Councilor DeDe.

Vote: 9/0.

6. CITIZEN'S FORUM

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

Donald Cichon, 250 Locust Street, Member of Trustees of the Trust Funds: He said he was present with Mr. Earle Goodwin to answer questions for Items 7.A. and 11.A. on the Agenda.

David Montenegro, 55 Union Street: He spoke about the City saving money by using open source software.

Aviva Grasso, 1 Pebble Hill Drive, Member of Good for Dover: She spoke of the work being done on the Community Trail. She said the old railroad bridge could now be crossed on foot, and progress was being made on Silver Street. She reminded the citizens that this project was being done with Federal funds and some car registration fees. She said the waterfront land development agreement has been signed.

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



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7. PUBLIC HEARINGS

A. ORDINANCE: CHAPTER 3, ADMINISTRATIVE RULES
SPONSORED BY MAYOR MYERS BY REQUEST

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

B. ORDINANCE: CHAPTER 58, ALARMS AND SECURITY
SPONSORED BY MAYOR MYERS BY REQUEST

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

C. RESOLUTION: B09069 PURCHASE OF AMBULANCE
SPONSORED BY MAYOR MYERS BY REQUEST

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

D. RESOLUTION: SUPPLEMENTAL GENERAL FUND CIP APPROPRIATION FOR ENERGY EFFICIENCY PROJECTS AND AUTHORIZATION FOR BONDING (TO BE VOTED JUNE 24, 2009)
SPONSORED BY COUNCILOR WESTON

William Garrison, 4 West Concord Street: He said he supported the Energy Efficiency Contract, and that the majority of the citizens have supported this project. He gave kudos to Councilor Weston for obtaining the surety bond, and felt it was an added benefit. He hoped the Council will support it.

Aviva Grasso, 1 Pebble Hill Drive, Member of Good for Dover: She said a lot of the members were in favor the Energy Efficiency Project. She hoped the Council will support it.

Gary Green, 18 Footbridge Lane: He said he was really pleased that the Council brought this Resolution back. He did agree that this Resolution was better than the previous one, but he had supported the Energy Contract since the very beginning.

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

8. CITY MANAGER'S REPORT

City Manager Joyal said he would answer questions on his City Manager's Report. He just wanted to remind the citizens that the City of Dover will be hosting the Soap Box Derby on Sunday. He said a portion of Central Avenue will be closed from early in the morning to later in the afternoon.

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

Vote: 9/0.



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9. MINUTES

- A. May 20, 2009
- B. May 27, 2009

Deputy Mayor Trefethen moved to approve the Minutes; seconded by Councilor Carrier.
Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers thanked the Willand Pond workshop participants. He said he attended the kickoff for Dover Dines Week at the Dover Brickhouse. He spoke of the exhibition at the Woodman Institute about President Lincoln's visit to Dover in the 1860's. He said Mr. Hindle and his volunteers did a fantastic job. He spoke of the Dover Business and Industrial Development Authority (DBIDA) meetings and the economy in Dover, which continues to perform in a down economy.

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

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. CHAPTER 3, ADMINISTRATIVE RULES

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
Mayor Myers said this Ordinance dealt with the Board of Trustee membership, changing it from 3 to 5 members.
Roll Call Vote: 9/0.

2. CHAPTER 58, ALARMS AND SECURITY

SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor DeDe.
Mayor Myers said this Ordinance change involved raising the service charge for false alarms to \$75.00 when it was in excess of three false alarms. He said the final change was a service charge amount that was changed to \$30.00.
Roll Call Vote: 9/0.



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B. RESOLUTIONS

1. RESOLUTION: B09069 PURCHASE OF AMBULANCE SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Carrier.
Roll Call Vote: 9/0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **BLOCK PARTY – Dover Chamber of Commerce**
2. **RAFFLE – Dover Chamber of Commerce**
3. **TAG – Dover Little Green Cheerleading**
4. **RESOLUTION: B08093 AWARD OF SHORT PAPER FIBER
SPONSORED BY MAYOR MYERS BY REQUEST**
5. **RESOLUTION: DOG WARRANT
SPONSORED BY MAYOR MYERS BY REQUEST**
6. **RESOLUTION: B09020 CHANGE ORDER TO PO 30-254818 CONSTRUCTION
OF NHDOT BRIDGE 136-123 WASHINGTON STREET OVER COCHECHO RIVER
SPONSORED BY MAYOR MYERS BY REQUEST**
7. **RESOLUTION: TRANSFER OF APPROPRIATION – GENERAL FUND
SPONSORED BY MAYOR MYERS BY REQUEST**

COMMITTEE REPORTS

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

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by Councilor DeDe.

Mayor Myers asked the Councilors if they had any items they would like to remove from the Consent Calendar for further discussion.

Councilor Callaghan asked to remove Item 12.A.7.



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Councilor Weston asked to remove Item 12.A.1.
Deputy Mayor Trefethen asked to remove Item 12.A.4.
Councilor Cheney asked to remove Item 12.A.6.
Mayor Myers asked for a vote on the remaining items of the Consent Calendar.
Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.1.; seconded by Councilor Weston.
Councilor Weston wanted to clarify that the dates were from July 3rd through August 14th.
Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.4.; seconded by Councilor Carrier.
Deputy Mayor Trefethen asked the Community Services Director, Doug Steele, what the change did to the quality or usability of the compost.
Mr. Steele said it would have no effect on the final product of the compost. He said the reason this was being done was because the price and availability of sawdust is so costly and difficult to get. He said it would still be a fine usable product
Deputy Mayor Trefethen asked if it meant there would be no sawdust in the compost.
Mr. Steele said that was correct. He said there may be a small amount of wood chips, but they were planning on eliminating sawdust.
Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.6.; seconded by Councilor DeDe.
Councilor Cheney asked for clarification on the contingency funds and the dates on the paperwork. She also asked why it wasn't foreseen by Engineering.
City Manager Joyal said this was the Washington Street Bridge project, which extends lower Washington Street to the River Street parcel. He said when the Council approved the purchase order to begin the construction, there was an amendment to reduce the contingency amount that was in the contract. He said in the process of completing the design work for the Washington Street Bridge, there was a series of borings that were done where the abutments need to go. He said the abutments were designed based on the findings of those borings. He said when the contractors began to start work on the project they discovered the ledge was more substantial or more variable in its height than was anticipated in the original design specifications, which caused some complications. He said the contractors need to deal with real conditions. He said they actually negotiated a price that is less than originally presented. He said it has been shown to the State, and it has been confirmed that they will cover 80% of the costs.
Councilor Cheney asked if there would be additional costs for the time delay.
City Manager Joyal said no. He said the project has been proceeding on schedule.
Councilor DeDe thanked Engineer Dave White for his background information on this project.
Councilor Callaghan said it was troubling that the engineering firm did not find this earlier and asked if there was any liability for them.
City Manager Joyal said it was not an oversight. He said it was designed from field samples.
He said this was a common occurrence in this part of the State.
Roll Call Vote: 9/0.



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Deputy Mayor Trefethen moved for the approval of Item 12.A.7.; seconded by Councilor Callaghan.

Councilor Callaghan said he remembered last year that funds couldn't be moved until the audit was completed. He said he found it troubling that it was possible this year to do it now, and that the amount is known before the year is completed. He said if these funds were really available that they should go back to the taxpayer.

City Manager Joyal said he felt Councilor Callaghan was confusing this Resolution with another one on the Agenda. He said this Resolution dealt with projections for year end. He spoke of the ice storm, fire department personnel, and increased snow removal costs. He said department heads made adjustments and reduced expenditures in operations at his request. He said this Resolution was routine to balance books.

Mayor Myers asked the City Manager where money was saved.

City Manager Joyal said it was from delaying the hiring of personnel and of purchases, which add up.

Councilor Cheney said she wanted the specific account numbers that were over. She also asked if these amounts show up in the Actual on next year's budget.

City Manager Joyal said the amount actually spent is what shows up as an Actual.

Councilor Cheney said she was also having difficulty with this, and felt it should be returned to the taxpayers.

Councilor Scott said this raises questions on how the City interacts with the Department of Revenue, who sets the tax rate. He said the City is not reporting all the revenues, which could have lowered the tax rate. He referred to the City Manager's Report and asked why services were almost doubled.

City Manager Joyal said he felt there was some confusion with this Resolution. He said he felt Councilor Callaghan was addressing the wrong Resolution. He said this Resolution was an authorization to address unanticipated expenses in some accounts that would be made up with savings the departments had adjusted for. He said this was not about returning funds, but covering already incurred expenses with intentionally held back revenue. He referred to Councilor Scott's question about services, and said the difference was because the original budget that was adopted by the Council did not include the Ice Arena. He referred to the Table on Page 38, which showed the revenue associated with the Arena.

Councilor DeDe said this Resolution was responsible city management and makes appropriate adjustments. He asked the Council to support it.

Councilor Cheney said it seemed like housekeeping and ordinary, but she wanted to know where money was saved. She said it would be helpful to have details, amounts and account numbers.

Councilor Callaghan said he wanted to know where the money was coming from. He said during the budget process he suggested money be taken out of the budget to cover the additional items being put back in, and was told there was no money, but apparently there was. He said he wouldn't be supporting this Resolution.

Councilor Scott said he didn't support the Resolution, because he felt the Council needed to know more details.

City Manager Joyal said all of this information is available to the Council and citizens in financial statements that are compiled every month. He said once the books are closed he will provide to the Council a line-by-line description of where the money came from and where it was



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transferred. He said the Council received that last year, and the year before that, and the Council will receive it this year.

Councilor Scott referred to Page 36 of the City Manager's Report, Recreation Budget, which showed the original budget was \$1.3 million, and the adjusted budget is \$2.9 million, \$1.6 million more than the original budget, and the debt service transfer was about \$1 million.

City Manager Joyal referred to Page 38, which separated out the Arena expenses. He said it excluded debt service, because debt service is not charged to Recreation.

Councilor Scott asked about the Community Services Department where the original budget was \$5.4 million, and the adjusted budget was \$5.9 million.

City Manager Joyal said the City had encumbrances that carry over from year to year, capital projects and capital outlay, which do not expire at the end of the year. He said those funds carry over into the following year so they are available to the projects for which they were originally budgeted. He said they were commitments made in the prior year, but the bill may not have been paid yet.

Deputy Mayor Trefethen said he had heard several times a request to give the money back to the taxpayers. He said there were only two times the Council can do this. First: during the budget process, which the Council just finalized, by having a resolution or amendment to take money from fund balance and basically use it as revenue against next year's taxes, and therefore lower the money that would have to be raised for taxes. Second: the Council can put in a resolution at any time of the year to use fund balance, but it requires six votes. He said that was not giving money or rebates back to anybody.

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

B. RESOLUTIONS

- 1. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS – FISCAL YEAR 2010
TOLEND ROAD STREET IMPROVEMENTS CIP PROJECT TO GENERAL
STREETS IMPROVEMENTS CIP PROJECT
(TO BE REFERRED TO A PUBLIC HEARING ON JUNE 24, 2009)
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer this Resolution to a Public Hearing on June 24, 2009; seconded by Councilor DeDe.

Vote: 9/0.

- 2. FISCAL YEAR 2009 TRANSFER OF APPROPRIATION – GENERAL STREETS
CAPITAL OUTLAY – GENERAL FUND OPERATING BUDGET
(TO BE REFERRED TO JUNE 24, 2009 COUNCIL MEETING FOR VOTE)**

Deputy Mayor Trefethen moved to refer this Resolution to a June 24, 2009 vote; seconded by Councilor DeDe.

Vote: 9/0.



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B. ORDINANCES IN 1ST READING – None

C. COUNCIL CORRESPONDENCE – None

13. COUNCIL MATTERS OF INTEREST

Deputy Mayor Trefethen made a motion to suspend the rules. He asked to release the legal opinion from the City Attorney dated June 9, 2009. Councilor Weston seconded the motion to suspend the rules.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen made a motion to release the City Attorney's legal opinion dated June 9, 2009, and place on file for public inspection; seconded by Councilor Weston.

Mayor Myers said this would require a 2/3 vote, because it wasn't properly placed on the Agenda. Councilor Callaghan said he didn't see where it had to be posted, and felt the Council didn't have to suspend the rules. He said it could be brought up during Council Matters of Interest.

Mayor Myers said items can be discussed during Council Matters of Interest. He said for an item that requires a vote and is not on the Agenda, we certainly need to suspend the rules to bring something forward. He said it takes the additional step of a 2/3 votes because there was no public notice that it was going to be on the Agenda.

Councilor Callaghan asked where that was in the Council Rules, Robert's Rules, or in RSA 91-A. He said it merely says that the Council must post an Agenda. He said he was going to vote to release the legal opinion, but he questioned the suspension of the rules.

Mayor Myers said that was his interpretation, and as the Chair for this Body it was part of his job to determine that. He said the Council can object, and if there is a second to that objection, then the Council can vote to overrule his determination of the interpretation of the rules.

Mayor Myers asked for a vote on releasing the City Attorney's legal opinion dated June 9, 2009. He said again that it was his determination that it required 6 votes.

Councilor Cheney said she supported this motion.

Roll Call Vote: 9/0.

Councilor Callaghan requested that the City Attorney provide an opinion on the Mayor's opinion of Council rules, on whether an item has to be posted on the agenda in order to be acted upon.

Mayor Myers said his interpretation was that the rules had to be suspended in order to act on it.

Councilor Callaghan said the Mayor was pushing it to six votes and he felt that wasn't required.

Mayor Myers asked the City Attorney if he felt it was his place to comment on Council Rules and Robert's Rule, and if so, if he would like to do so.

City Attorney Krans said the best approach was to research it, and he'll come back to the Council with an answer.

Councilor Callaghan asked for confirmation that the City Attorney will do this.

Mayor Myers asked for a vote that it was the will of the Council that the City Attorney research this issue.

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



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Councilor Callaghan said he went to the Dover Mounted Police open house, and said it was a terrific event. He also asked if there could be discussion on items that are going to be referred to a new date.

Mayor Myers said it could be discussed during Council Matters of Interest.

City Manager Joyal said he would research it to be sure, but felt it could be discussed during Council Matters of Interest.

Councilor Callaghan referred to 12.B.1., he would like to see a column for fiscal year 2010 and what effect this has on the budget that was passed.

Mayor Myers said the final three sentences of the background information answers your question: "This Resolution will have no impact on either fiscal year 2009 or 2010 tax levies. This Resolution is not a budget amendment for C-66, because there is no appropriation being made that results in an increase in the fiscal year 2009 budget."

Councilor Callaghan said he saw that. He said he sees Tolend Road being moved to fiscal year 2011, and asked how that affected what was in Tolend Road for fiscal year 2010.

Mayor Myers said the proposal was to move the \$400,000 to General Street Funds, as opposed to using it for the first year on a specific street project.

Council Callaghan asked if the CIP needed to be amended to show the \$400,000 for the first year for Tolend Road in fiscal year 2011.

Mayor Myers said it would need to be amended, but reprogramming fiscal year 2010 does not require that at this time. He said for planning purposes he would recommend the Council amend the out-years for the CIP.

Councilor Cheney discussed Items 12.B.1. and 12.B.2., and said they troubled her. She also discussed the motion to suspend the rules. She said she believes in a strong Chair, as the Mayor is, and he has to run the meetings a certain way. She said she didn't believe that it needed a supermajority or suspending the rules to bring up a motion to release a legal opinion. She said Robert's Rule is not law. She said RSA 91-A is a law, and it says: "We are publicly convened at intervals -- and notice will be given." She said in Council Rules it says: "in the form of an Agenda." She said that was the form the Council chose to give the public notice that the Council will convene. She said there are certain decisions the Council can make extemporaneously because the Council is convened, in a noticed meeting, and is still in session. She said RSA 91-A also mentions if the Council happens to meet somewhere else that it's not against the law. She said if the Council talks about City business, and it was disclosed at the next scheduled meeting, that it was obeying the spirit of the law. She also asked about the City website and the button mentioning "All City Councilors," and asked if Councilors from Ward 3 and 6 are on it.

City Manager Joyal said the Council passed a policy that all Councilors will be provided with an email account. He said whether or not they choose to do so is their decision.

Councilor Cheney said the website should have a disclaimer on it.

City Manager Joyal said the Council established a policy and the City is following it. He said he would be more than happy to accommodate the Council if they wanted to change it.

Councilor Scott referred to the last Council meeting and a motion that was made to eliminate revenue from some accounts, where he voted with the majority. He realized afterwards that eliminating some revenues would trigger a tax increase. He said he would like to reconsider his vote and vote no on that.

Mayor Myers asked Councilor Scott if he was just stating that for the record, or making a formal motion to reconsider that vote.



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Councilor Scott said he was making a formal motion.

Mayor Myers said the item would have to be brought back forward, and a new vote taken. He said his understanding is that he can't just change his vote.

Councilor Scott asked how that could be done.

Mayor Myers asked Councilor Scott if he wanted to revisit the budget.

Councilor Scott said it was just on the vote for the reduction of revenues, because he felt it implies higher taxes.

Mayor Myers said that was an amendment to the budget, and in order to change your vote the budget would need to be brought forward again.

Councilor Scott asked if it could be done tonight.

Mayor Myers said he could do it. He said there would be a motion to rescind the budget vote that happened on June 3, 2009, and that would have to be seconded. He said there would be a motion to suspend the rules, and that would have to be seconded. He said it was not an item that was posted on the Agenda, and it would take six votes to suspend the rules. He said it would be rescinding the budget, and not rescinding just the vote on the amendment.

Councilor Scott said that sounds much too complicated, and he felt it would not pass. He just wanted to go on record saying that removing revenue from the budget would cause an increase in taxes, and he felt that was wrong.

Councilor DeDe referred to Items 12.B.1. and 12.B.2., and said the Mayor discussed this in detail at the beginning of the June 3rd meeting.

Councilor Callaghan said the website's "All Councilors" button is deceptive and should be fixed.

Councilor Cheney asked that the information that was passed out by Fire Chief Plummer be added to the record.

Councilor Weston referred to 12.B.1. and asked citizens to contact the Council to deliver their opinions.

14. ADJOURN

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

Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2009.05.27 - 75**
Resolution Re: Supplemental General Fund 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 project is appropriated with estimated useful lives in excess of the length indicated:

Description	Appropriation	Life/Years	Department	Fund
Energy Efficiency Projects	1,836,765		10 General Government	General Fund
Total	<u>1,836,765</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. Resolution to be referred to public hearing for June 10, 2009.

AUTHORIZATION

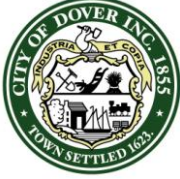
Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston
At Large Councilor

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

Recorded by: Karen Lavertu
City Clerk

Document Created by: Finance Department
2009.05.20_gf_cipsupplemental_appropriation_for_energy_efficiency_projects_1_
Document Posted on: June 19, 2009
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2009.05.27 - 75**

Resolution Re: Supplemental General Fund 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.		

Document Created by: Finance
 Department
 Document Posted on: June 19,
 2009

2009.05.20_gf_cipsupplemental_appropriation_for_energy_efficiency_projects_1_

Page 2 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2009.05.27 - 75**
 Resolution Re: Supplemental General Fund 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:

Excluding any resulting cost savings anticipated from the project, 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

	Yr1	Yr2	Yr3
Property Tax	7.60	25.56	24.83

LEGAL DEBT LIMITS:

The following table summarizes the amount of debt outstanding and authorized-unissued, as of April 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	0	1,921,979
Grand Total	42,143,648	31,258,664	11,813,000	595,000	3,823,436	26,909,786	116,543,534
Legal Debt Limit	91,218,523	212,843,221	304,061,744	4,000,000	NA	NA	
Unused Capacity	49,074,875	181,584,557	292,248,744	3,405,000			
Percent Unused	53.8%	85.3%	96.1%	85.1%			
City Council Policy Limit:							
Percent of Statutory Limit	65%	15%	5%	NA	NA	NA	
Policy Debt Limit	59,292,040	31,926,483	15,203,087				
Unused Capacity	17,148,392	667,819	3,390,087				
Percent Unused	28.9%	2.1%	22.3%				



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2008.06.10 - 81**
Resolution Re: FY09 Transfer of Appropriation – General Streets Capital
Outlay – General Fund Operating Budget

WHEREAS: The City Council adopted the FY09 CIP on March 12, 2008 with an amount of \$1,000,000 for General Street Improvements to be funded through the FY09 operating budget; and

WHEREAS: The City Council adopted the FY09 Budget on June 4, 2008 with an amount of \$670,000 for General Street Improvements, \$330,000 less than adopted in the FY09 CIP; and

WHEREAS: Unspent appropriations may exist within some FY09 General Fund budget accounts; and

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

Pursuant to C6-8 of the City Charter, the City Manager is authorized to transfer unspent FY09 appropriations from non-school departments within the General Fund in an amount up to \$200,000 into Community Services Streets (Function 43121) Capital Outlay – General Street Improvements.

Resolution is to be referred to June 24, 2009 City Council meeting for vote.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2008.06.10 - 81**
Resolution Re: FY09 Transfer of Appropriation – General Streets Capital
Outlay – General Fund Operating Budget

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.2.

Resolution Number: **R – 2008.06.10 - 81**

Resolution Re: FY09 Transfer of Appropriation – General Streets Capital
Outlay – General Fund Operating Budget

RESOLUTION BACKGROUND MATERIAL:

The City Council adopted the FY09 CIP on March 12, 2008 with an amount of \$1,000,000 for General Street Improvements to be funded through the FY09 operating budget.

When the City Council adopted the FY09 Budget on June 4, 2008 with an amount of \$670,000 for General Street Improvements this was \$330,000 less than adopted in the FY09 CIP.

Unspent appropriations may exist within some FY09 General Fund budget accounts and the intent of this resolution is to capture any unexpended appropriations, up to an amount of \$200,000, before the funds lapse at fiscal year-end into fund balance. These funds will partially restore the \$330,000 in General Streets Improvements – Capital Outlay that were removed in the FY09 budget.

In accordance with C6-10, the General Street Improvements Capital Outlay appropriations shall continue in force until the purpose for which it was made had been accomplished or for a period of three years.

This resolution will have no impact on either the FY09 or FY10 tax levies.

This resolution is not a budget amendment per C6-6 as there is no appropriation being made that results in an increase in the FY09 adopted budget.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.06.10 - 80**
Resolution Re: Reprogramming of Unexpended Bond Proceeds – FY10
Tolend Rd Street Improvements CIP Project to General
Streets Improvements CIP Project

WHEREAS: Annually the City Council desires to make public improvements and finance these improvements with the sale of general obligation bonds and limit the issue of new CIP debt to an amount equal to, or less than, the amount being retired; and

WHEREAS: There is an identified capital improvements need for general street improvements and improvements to Tolend Road and Watson Road; and

WHEREAS: The Tolend/Watson Road Street Improvements project is a multi-year project with significant expenditures projected for years 2 and 3 of the project; and

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

The City Council approves reprogramming bond proceeds of \$400,000.00 from the Tolend/Watson Road Street Improvements project to the General Streets Improvements project as follows:

Account	Description	Original Budget	Available Balance	Adjustment	Adjusted Budget
4010-43121-4751-3142-10-30	Tolend/Watson Road Street Improvements	400,000.00	400,000.00	(400,000.00)	-
4010-43121-4751-3121-10-30	General Streets & Sidewalk Improvements	1,159,000.00	1,159,000.00	400,000.00	1,559,000.00
		<u>1,559,000.00</u>	<u>1,559,000.00</u>	<u>-</u>	<u>1,559,000.00</u>

In accordance with the NH Municipal Finance Act, RSA 33 and City Charter provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution and must be approved by a 2/3 majority vote of the City Council. To be referred to Public Hearing and vote on June 24, 2009.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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

Recorded by: Karen Lavertu
City Clerk

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Department	2009.06.10_reprogramming_bond_proceeds_fy10_tolend_rd_imprv_to_general_street_improvements
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.06.10 - 80**
Resolution Re: Reprogramming of Unexpended Bond Proceeds – FY10
Tolend Rd Street Improvements CIP Project to General
Streets Improvements CIP Project

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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

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June 19, 2009	



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.06.10 - 80**
 Resolution Re: Reprogramming of Unexpended Bond Proceeds – FY10
 Tolend Rd Street Improvements CIP Project to General
 Streets Improvements CIP Project

RESOLUTION BACKGROUND MATERIAL:

Annually, in accordance with City Charter, the City Manager shall prepare and submit for approval to the City Council a six-year capital improvements program (CIP). Annually the City Council has approved the CIP and an Authorization for Bonding to finance certain projects contained within the CIP. The City Council has previously discussed keeping the authorization for bonding for new CIP debt to an amount equal to, or less than, the amount of debt being retired in the current year.

The recommendation is to take the funds allocated for Year 1 of the Tolend/Watson Road street reconstruction project (\$400,000 debt financed) and reprogram these funds to General Street Improvements. This would fully restore funding to the level requested in the City Manager’s proposed FY10 CIP for General Street Improvements.

The projected costs for Year 2 and Year 3 of the Tolend/Watson Road Street reconstruction project is estimated at \$2,500,000 in Year 2 and \$2,000,000 in Year 3. Since the Tolend/Watson Road project has such large expenditures in Year 2 and Year 3, this combined with other proposed projects in the FY11 and FY12 Debt Financed portion of the CIP results in proposed projects above the amount of debt being retired by the City in each year.

FY11 Proposed DF City Projects:

General Street Improvements	800,000
Whittier Street Bridge – 20%	600,000
Pineview & Pearson Reconstruct	400,000
Broadway Reconstruct –year 1	200,000
Applevale Reconstruct – year 2	1,000,000
Mast/Spruce Strt/Sdwalk –year 1	100,000
Tolend/Watson Street – year 2	<u>2,500,000</u>
	5,600,000

Approx. City Debt being retired **3,900,000**

Council consensus over budget (1,700,000)

FY12 Proposed DF City Projects:

General Streets	600,000
Tolend Rd. Landfill	2,000,000
Atlantic Recon. -year 1	100,000
Richardson Recon. –year 1	75,000
Oak/Ham Recon.- year 1	1,600,000
Mast/Spruce - year 2	825,000
Tolend/Watson – year 3	<u>2,000,000</u>
	7,200,000

Approx. City Debt Retired **4,100,000**

Council consensus over (3,100,000)

The FY11 Proposed Debt Finance CIP projects total \$5,600,000. The approximate amount of City Debt being retired is \$3,900,000. The difference of \$1.7 million would be

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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.06.10 - 80**
Resolution Re: Reprogramming of Unexpended Bond Proceeds – FY10
Tolend Rd Street Improvements CIP Project to General
Streets Improvements CIP Project

addressed by pushing back the Tolend/Watson Road project. The FY12 Proposed Debt Finance CIP projects total \$7,200,000. The approximate amount of City Debt being retired is

\$4,100,000. The difference of \$3.1 million would be reduced by pushing back the Tolend/Watson Road project. Since the project would be moved back to at least FY13 it would make sense to not complete Year 1 at this time and reprogram these funds to general street improvements. In the event the Tolend/Watson Road project Year 2 and Year 3 costs were not pushed back, every other specific street project proposed for FY11 and FY12 would need to be removed from the CIP and even then, the amount proposed for debt financing would be over the City Council suggested limit of authorizing new debt only to the level of debt being retired by the City.

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June 19, 2009

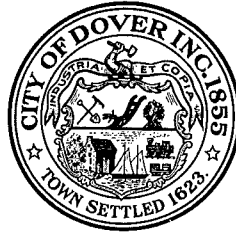
MB

MB MANAGEMENT COMPANY

40 Chestnut Street
Dover, NH 03820

Anasira Madden
Resident Services
Coordinator
anasiram@mbmanagement.com
www.mbmanagement.com

603-742-1325
Fax: 603-742-7838



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: FOREVER Young Club/COCHECO PARK P.A.L.P.
Federal Tax ID number for Organization: 41-2250353
Nature of Organization: Religious, (Educational) Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: ANASTRA MADDEN Day Time Telephone: 742-1325

Address: 40 CHESTNUT STREET Email Address ANASTRAMADDEN@HOTMAIL.COM

Purpose of Permit: FOR RAFFLE - PROCEEDS TO SENIORS/FOREVER Young Club

Date of Event: July 18, 2009 Specific Time: 10 AM - 2 PM

Location of Event: COCHECO PARK COMMUNITY ROOM 40 CHESTNUT ST.

(Raffle Permit only)
Prize (s) To Be Awarded: GIFT CERTIFICATE FROM LOCAL BUSINESSES + QUILT

Amount of Donation: _____ Date of Drawing: 7-18-09 Specific Time: 2 PM

Place of Drawing: COCHECO PARK COMMUNITY ROOM 40 CHESTNUT ST.

* 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: Anastra Madden Date: 6-3-09

Licensing Board approval [Signature] Date: 6/5/09
Revised 03/17/08

OK
[Signature]



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R - 2009.06.24 - 82**
Resolution Re: B09070 Crack Sealing Services

WHEREAS: Request for sealed bids B09070 was solicited and received for crack sealing services on May 25, 2009 @2:00 pm; and

WHEREAS: Low bid meeting specifications was received from Nicom Coating Inc of Barre VT in the amount of \$15.00 per gallon of Crafcro Roadsaver 221.

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 Nicom Coating Corp of Barre VT given the bid amount of \$15.00 per gallon of Crafcro Roadsaver 221. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance as of 6/8/09
4009-43121-4751-3121-09-30	Streets Improvements	1,400,000.00	923,925.71
4010-43121-4751-3121-10-30	Streets Improvements	1,159,000.00	1,159,000.00

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.2.

Resolution Number: **R - 2009.06.24 - 82**
Resolution Re: B09070 Crack Sealing Services

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.2.

Resolution Number: **R - 2009.06.24 - 82**
Resolution Re: B09070 Crack Sealing Services

RESOLUTION BACKGROUND MATERIAL:

Low bid meeting specifications was submitted by Nicom Coating Corporation of Barre VT in the amount of \$15.00 per gallon for night work, non-rout method using crafcro roadsaver 221

Bid Information:

Seal bid solicitation was received May 25, 2009 at 2:00pm.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	10	Number of Responses:	3
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Nicom Coating Corp	Fund:	CIP Streets
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R - 2009.06.24 - 82**
Resolution Re: B09070 Crack Sealing Services

Vendor Solicitation List:

BFC, Inc.
867 Route 12
Westmoreland, NH 03467

Sealcoating, Inc.
120 Industrial Park Road
Hingham, MA 02043

Sealex, Inc.
314 Presumpscot Road
Portland, ME 04103

Crack Sealing, Inc.
P. O. Box 700
Raynham, MA 02767

Nicom Coatings Corp.
PO Box 727
Barre, VT 05641

NH Blacktop Sealers
58 Priscilla Lane
Auburn, NH 03032

East Coast Sealcoating, Inc.
P. O. Box 455
Abington, MA 02351

RCH Pavement
Maintenance
P. O. Box 554
Dover, NH 03821-0554

Dixon Paving Corp.
PO Box 342
York ME 03909

Extreme Sealcoat & Striping
33 Adams Avenue
Rochester, NH 03867

Pine State Safety Lines, Inc.
PO Box 261
Topsham ME 04086

Results

<i>Vendor</i>	<i>Price per gallon</i>
Nicom Coating Corporation PO Box 727 Barre VT 05641	\$15.00 Crafco Roadsaver 221
SealCoating Inc 120 Industrial Park Rd Hingham MA 02043	\$16.03 Crafco 201
US Pavement Services 39 Industrial Pkway Woburn MA 01801	\$18.40 Crafco Roadsaver 221



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.06.24 - 83**
Resolution Re: B09071 Dover Trash Bags

WHEREAS: Sealed bids B09071 were requested and received for trash bags on May 26, 2009 at 2:00 pm for a possible two year agreement based on funding availability and;

WHEREAS: The bid deemed most advantageous, was submitted by Interboro Packaging Corp of Montgomery NY for year one at the rate of \$143.36 per 1000 count thirty gallon draw string bags and \$105.92 per 1000 count fifteen gallon draw string bags. The second year escalator/deescalator based on current resin prices and will be forwarded to council in June, 2010

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 Interboro Packaging Corp. for a one year period 07/01/09-06/30/10 given the rates provided May 26, 2009. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance FY10
3320-43230-4612-0000-00-30	Waste Mtg Operating Supplies	\$100,000.00	\$100,000.00

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.3.

Resolution Number: **R - 2009.06.24 - 83**
Resolution Re: B09071 Dover Trash Bags

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.3.

Resolution Number: **R - 2009.06.24 - 83**
Resolution Re: B09071 Dover Trash Bags

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B09071 was requested and received for trash bags on May 26, 2009 at 2:00 pm. Since approximately 1995, the City of Dover, NH has been operating a “bag and tag” trash collection program in which Dover residents using two (2) different size bags: 15 gallon and 30gallon. The estimated annual usage for a one (1) year period is 600,000 bags, of which approximately 150,000 are 15-gallon bags and approximately 450,000 are 30-gallon bags. This estimate is based upon current usage. Actual quantities ordered may fluctuate and/or vary at the City’s discretion based upon vendor performance and actual demand.

The deemed most advantageous was submitted by Interboro Packaging Corp of 114 Broken Rd Montgomery NY for year one in the amount \$143.36 per 1000 for thirty gallon draw string bags and \$105.95 per 1000 for fifteen gallon draw string bags. The second year escalator/deescalator based on current resin prices. The second year fees will be reviewed in June 2010 and forwarded to council at that time for approval.

Award Information:

A purchase order will be issued for one year to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	10	Number of Responses:	3 and 2 NB
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Interboro Packaging Corp	Fund:	Waste Mtg 3320-
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Cost estimated at \$25,000 or greater



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.06.24 - 83**
Resolution Re: B09071 Dover Trash Bags

Vendor List

Waste Zero
Formerly Phoenix Recycling
5180 Horry Drive Suite #B
Murrells Inlet SC 29576-5235

Dyna Pak Corporation
112 Helton Dr
Lawrenceburg, TN 38464

The Bag Company
P. O. Box 565
Greenfield, MA 01302-0565

Packaging Personified
122 South Aspen Street
P. O. Box 53
Sparta, MI 49345-0053

Interboro Packaging Corp.
114 Bracken Road
Montgomery, NY 12549

Central Poly Corp
18 Donaldson PL
PO box 4097
Linden NJ 07063

Unisource Worldwide, Inc.
9 Crystal Pond Road
P. O. Box 9120
Southborough MA 01772

Phoenix Recycling
Boxes & Bags Unlimited
35 Canal Street
Lewiston, ME 04240

Resourceful Bag & Tag
Company
6420 W 127th Street Suite 212
Palos Heights, IL 60463

Unipak Corp.
Attn: Brian Marcus
P.O. Box 300027
Brooklyn, NY 11230



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.06.24 - 83**
 Resolution Re: B09071 Dover Trash Bags

Results

	30 Gal Tie Bag Cost per 1000	15 Gal Tie Bag Cost per 1000	30 Gal string Bag Cost per 1000	15 Gal String bag Cost per 1000	Increase 2nd year
Interboro Packaging Corp 114 Bracken Rd Montgomery NY 12549	A 131.92 B 118.88 C 105.92	A 91.28 B 79.92 C 71.36	A 159.92 <u>B 143.36</u> C 129.36	A 117.28 <u>B 105.92</u> C 97.28	Based on resin pricing
Dyna Pak Corp 112 Helton Dr Lawrenceberg TN 38464	147.46	98.30	206.72	139.23	CPI index will be used
WasteZero 5180 Horry Dr Ste B Murrells Inlef, SC 29576			\$192.60 Store door delivery \$220.60	\$116.00 Store door deliery \$146.00	Based on resin prices we will adjust up or down accordingly
Resourceful Bag	Nb	Nb	Nb	Nb	
Unipak Corp	Nb	Nb	Nb	Nb	

*** Interboro Packing bid different bags/ which they numbered and provided samples.**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.06.24 - 84**
Resolution Re: B09073 Catch Basin Cleaning Services

WHEREAS: Requests for bid were issued and received for catch basin cleaning services on May 28, 2009 @ 2:00pm; and

WHEREAS: The low bid meeting specifications was submitted by Smith Pipeline Services of Pembroke NH at an hourly rate of \$792.00 for an eight hour day or \$99.00 per hr. with an estimated cleaning amount of 25-35 basins per 8 hr day.

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 Smith Pipeline Services given the bid amount of \$792.00 for an eight hr day or \$99.00 per hr. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance FY10 budget
1000-43121-4443-0000-30	Streets Rental of Equipment	91,650	91,650.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.06.24 - 84**

Resolution Re: B09073 Catch Basin Cleaning Services

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 - 2009.06.24 - 84**

Resolution Re: B09073 Catch Basin Cleaning Services

RESOLUTION BACKGROUND MATERIAL:

The low bid meeting specifications was submitted by smith Pipeline Services of Pembroke NH at the rate of \$792 per 8 hr day or \$99.00 per hr.

Bid Information:

Sealed bid B09073 was solicited and received on May 28, 2009 at 2:00pm.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	6	Number of Responses:	5
Warranty:	1 yr.	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Smith Pipeline Services	Fund:	Streets FY10
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List:

Minute Man Power Sweeping
Inc
Richard Maynard
15 Garfield Ave
Somerville MA 02145

Bellemore Catch Basin
Maintenance Attn: Ray
P. O. Box 10369
Bedford, NH 03110

National Water Main
Cleaning
Attn: Dennis
25 Marshall St
Canton MA 02021

William E. O'Brien Inc.
382 Park Street
No. Reading, MA 01864

ESI Environmental Services
Att: Steve
PO Box 313
Center Barnstead NH 03225

N. E. Catch Basin Cleaning
Services Attn: Barry Cole
41 Depot Road
Manchester, CT 06040



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.06.24 - 84**

Resolution Re: B09073 Catch Basin Cleaning Services

Results

<i>Vendor</i>	<i>Daily Rate 8 hr minimum</i>	<i>Hourly Rate</i>	<i>Equipment</i>	<i>Estimated basin per day to be cleaned</i>	<i># of workers</i>
Smith Pipeline Services 310 Beacon Hill Rd Pembroke NH 03275	\$792.00 8 hrs \$999.00 10 hr	\$99.00	2006 Camel 10 yrd dump with 1500 gal h2o tank hydraulic pump Picture included in bid reply	25-35	1
New England Sweep & Catch Basin 41 Depot St. Manchester CT 060040	880.00	110.00	Vac all 16 yrd capacity vacuum 1999 and up	25-30	2
Bellmore Catch Basin PO Box 10369 Bedford NH 03110	960.00	120.00	2000Vactor 2115 15 yrd body, twin fans, 1800gal, jet rodder, hydraulic trash pump	25-35	1
National Water Main Cleaning 25 Marshall St Canton MA 02021	1000.00	125.00	2007 Vactor international 12yards	30	1
Mick Construction PO Box 160 Rollinsford NH	1080.00	135.00	1997 GMC Sun Vac III	8	2



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.5.

Resolution Number: **R - 2009.06.10- 85**

Resolution Re: B09077 Bituminous Concrete / Asphalt to be Picked up

WHEREAS: Sealed bid B09077 was requested and received for Bituminous Concrete /Asphalt (Picked Up as Needed) on June 13, 2009 at 2:00 pm; and

WHEREAS: This is “Hot Top” material that will be picked up by City personnel or by city authorized contractors at the vendors location as needed; and

WHEREAS: Low bid meeting specifications was submitted by Pike Industries of Portsmouth in the amount of \$51.90 per ton for Base and \$54.90 for top. The second bid response was from Brox Industries in the amount of \$59.00 per ton for either base or top. The City of Dover tries to identify a back up vendor to utilize where circumstances make it financially prudent to do so. The recommendation is to issue a purchase order to Pike Industries as primary vendor and to Brox Industries as back up vendor only.

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 Primary vendor Pike Industries, Inc of Portsmouth NH and back up vendor Brox Industries of Rochester given the rates provided on June 3, 2009. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance as of 7/1/09
1000-43121-4715-0000-00-30	Street Improvments	820,000.00	820,000.00
1000-43121-4652-0000-00-30	Streets Maintenance supplies	90,000.00	90,000.00
4009-43121-4715-3121-09-30	CIP Street Improvements	1,400,000.00	923,925.00
4010-43121-4715-3121-10-30	CIP Street Improvements	1,159,000.00	1,159,000.00

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#: 12A.5.

Resolution Number: **R - 2009.06.10- 85**

Resolution Re: B09077 Bituminous Concrete / Asphalt to be Picked up

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.5.

Resolution Number: **R - 2009.06.10- 85**

Resolution Re: B09077 Bituminous Concrete / Asphalt to be Picked up

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B09077 was requested and received for Bituminous Concrete Asphalt to be picked up by city personnel or city authorized contractors at the vendor's location as needed on June 03, 2009 at 2:00 pm. Estimated purchase of 1600 tons annually.

Low bid meeting specifications was submitted by Pike Industries of Portsmouth at the rate of \$51.90 per ton for Base and \$54.90 for top. The second bid reply came from Brox Industries at the rate of \$59.00 per ton for either base or top. The City of Dover tries to identify a secondary vendor to utilize where circumstances make it financially prudent to do so. The city wishes to issue a purchase order to Pike Industries as primary vendor and to Brox Industries as back up vendor only.

Note Exception: Brox walked their bid in and it was stamped at 2:01. He stated he went to our old office (now the IT office) as he didn't know we had moved up stairs. IT Office personnel directed him to come up to the second floor. (I walked back down to the IT office and verified with the personnel that he was indeed there prior to 2:00)

I accepted the bid as he was where he thought he should be prior to 2:00. Also, with only one other reply I would have rejected it and rebid the project anyway. This was an effort to save time and additional bidding costs to the city that I feel would have resulted in the same two vendor replies.

Karl Robinson, Aggregate Sales Representative for Pike Industries was called and this exception was discussed via a phone and followed up with email on June 8, 2009.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	7	Number of Responses:	2
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Pike Industries Inc (primary) Brox Industries (back up)	Fund:	CIP & Streets
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Cost estimated at \$25,000 or greater



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12A.5.

Resolution Number: **R - 2009.06.10- 85**

Resolution Re: B09077 Bituminous Concrete / Asphalt to be Picked up

Vendor List

Brox Industries
1471 Methuen Street
Dracut, MA 01826

R & M Paving
480 Toland Road
Dover, NH 03820

Pike Industries
650 Peverly Hill Road
Portsmouth, NH 03801

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

Continental Paving, Inc.
One Continental Drive
Londonderry, NH 03053

Brox Industries
PO Box 7223
Gonic Station
Rochester NH 03839

Libby Scott Inc
PO box 817
Wells, ME 04090

RESULTS

<u>Vendor</u>	<u>Price for Base & Top per ton</u>	<u>Locations</u>
Pike Industries Inc 650 Peverly Hill Rd Portsmouth NH 03801	\$51.90 Base \$54.90 Top	Rte 11 Farmington 650 Peverly Hill Portsmouth
Brox Industries Inc Old Rochester Neck Rd Rochester NH 03867	\$59.00 base or top	Old Rochester Neck Rd



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.06.24 - 86**

Resolution Re: B09081 Chemicals for Recreation and Community Services
Departments

WHEREAS: Sealed bids B09081 were requested and received for various chemicals for various city departments on June 10, 2009 at 2:00 pm with prices to hold through June 30, 2010; and

WHEREAS: The low bids, meeting specifications, were submitted by the following vendors for chemicals referenced at unit prices specified in results page:

Borden Remington Corp Fall River MA
JCI of Merrimack NH
Harcross Chemicals of Nashua NH
Astro Chemical Springfield MA
Marubeni Specialty Chemicals Tampa FL
Solvay Fluorides Houston TX
Fillion Associates Inc E. Providence RI

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 above at rates provided on 6/10/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing			
Account	Description	Appropriation	FY10 Balance
1000-45124-4612-0000-00-35	Indoor pool operating supplies	11,151.00	11,151.00
1000-45125-4612-0000-00-35	Thompson Pool op supplies	14,275.00	14,275.00
5300-43320-4612-0000-00-30	Water Operating supplies	111,500.00	111,500.00
5320-43250-4612-0000-00-30	Sewer Operating Supplies	54,500.00	54,500.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.06.24 - 86**

Resolution Re: B09081 Chemicals for Recreation and Community Services
Departments

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.06.24 - 86**
Resolution Re: B09081 Chemicals for Recreation and Community Services
Departments

RESOLUTION BACKGROUND MATERIAL:

Sealed bids B09081 were requested and received for various chemicals for various city departments on June 10, 2009 at 2:00 pm with prices to hold through June 30, 2010. The low bids, meeting specifications, were submitted by the following vendors for chemicals referenced at unit prices specified in results page:

Borden Remington Corp Fall River MA
JCI of Merrimack NH
Harcross Chemicals of Nashua NH
Astro Chemical Springfield MA
Marubeni Specialty Chemicals Tampa FL
Solvay Fluorides Houston TX
Fillion Associates Inc E. Providence RI

Award Information:

Blanket purchase orders will be issued to low bidders of each chemical for one year to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	37	Number of Responses:	12 and 4 NB
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:		Contract:	No
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Various Low bidders	Fund:	various
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes most	Reason for Council Approval:	Cost estimated at \$25,000 or greater to some vendors



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.06.24 - 86**
Resolution Re: B09081 Chemicals for Recreation and Community Services
Departments

Vendor List

Delta Chemicals Corp.
2601 Cannery Avenue
Baltimore MD 21226

Harcros Chemicals Inc.
8 Capitol Street
Nashua, NH 03063

Polydyne, Inc.
One Chemical Plant R
PO Box 279
Riceboro, GA 31323

Mann Chemical
3134 Post Road
Warwick, RI 02886

Tramfloc, Inc.
P. O. Box 350
Tempe, AZ 85280-0350

Astro Chemicals
P.O. Box 2248
Springfield, MA 01102-2248

Gulbrandsen
2 Main Street
PO Box 5523
Clinton, NH 08809

Fastenal
65 Industrial Park Drive
Dover, NH 03821

Lucier Chemical Industries, Ltd
P.O. Box 49000
Jacksonville Beach, FL 32240

Atlantic Coast Polymers
6207 Bee Caves Rd Ste
Austin TX 78746

Jones Chemicals Inc.
40 Railroad Avenue
Merrimack, NH 03054

LCI Ltd
PO box 49000
Jacksonville FL 32240

George Coyne Chemical
3015 State Road
Croydon, PA 19021

Sweetwater Technologies
PO Box 159218
Nashville TN 37215-9218

Streamline Aquatics
41 Longfellow Drive
North Kingston, RI 02852

Fillion Associates
PO Box 14518
East Providence, RI 02914

Aqua Smart (corrosion control)
4445 Commerce Dr, SW
Atlanta, GA 30336

Chem One, Ltd.
8017 Pinemount Drive Ste. 100
Houston, TX 77040-6519

American International
Chemical Inc.
135 Newbury Street
Framingham, MA 01701

Borden & Remington
63 Water Street
P.O. Box 2573
Fall River, MA 02721
Slack Chemical Co.
PO Box 30
Carthage NY 13619-
0030

MFG Chemical
P. O. Box 4359
Dalton, GA 30719

GAC Chemical
PO Box 436
Searsport ME 04974-0436

Pristine Water Solutions
1570 Lakeside Drive
Waukegan, IL 60085-8309

Calciquest, Inc./Carus Phosphates
181 Woodlawn Ave
Belmont, NC 28012

Water Solutions
PO Box 208
Mattapoisett, MA 02739

Ti Sales
36 Hudson Road
Sudbury, MA 01776



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R - 2009.06.24 - 86**

Resolution Re: B09081 Chemicals for Recreation and Community Services
Departments

Windword Compliance Corp.
P.O. Box 2632
Concord, NH 03302-2632

GFI Chemicals, LP
Northbrook Corporate Center
1210 Northbrook Drive, Ste. 100
Trevose, PA 19053

Carlisle Chemical Corp.
4 Militia Drive
Lexington, MA 02173

H. Krevit & Co., Inc.
73 Wilton Streer
PO Box 9433
New Haven, CT 06534-0433

Kensington Corp.
PO Box 663
Madison CT 06443

Monson-Shurtleff
1 Runway Road
S. Portland ME 04116-2405

Shannon Chemical Corp.
PO Box 376
Malvern PA 19355

Univar USA Inc
175 Terminal Rd
Providence RI 02905

Basic Chem Solutions
5 Steel Rd East
Morrisville PA 19067

Solvay Fluorides
3333 Richmond Ave
Houston TX 77098

RESULTS CHEMICALS

Under separate attachment as is to large for resolution document.

B09081 CHEMICAL BID DELIVERED TO DOVER	Sodium Hydroxide Caustic diaphragm grade	Potassium Permanganate	Hydrofluosilic Acid	Sodium Hypochlorite Filtered purified bleach	Caustic Soda Pellets /Beads	Sodium Flouride solid 6.1	Muriatic acid	Accu-Tab Blue SI
Price per	Gallon	Pound	Gallon	gallon	50 LB Bag	50LB bag	gallon	
Coyne Chemical 3015 State Road Croydon, PA 1902-6997	NO BID	\$2.645 per lb 1 Pallet/dely minimum order	NO BID	NO BID	No Bid	NO BID	NO BID	\$136.59 1 Pallet/dely minimum order
Univar USA Inc 175 Terminal Rd Providence RI 02905	\$0.6819 3500 gal min	NO BID	NO BID	\$0.7151 3000 gal min	\$28.13 40 bag min 50 lb bag	38.88 40 bag min 50 lb bag	NO BID	NO BID
Borden & Remington Corp PO Box 2573 Fall River, MA 02722	\$0.6767 3400 gal min	3.9396 per lb. 12 drums min	6.2825 1000 gal min	0.6284 3500 gal min	20.48 per 50 lb bag 1 pallet min	NO BID	3.9416 15 dels.	NO BID
Astro Chemical 126 Memorial Drive Springfield MA 01104	NO BID	4.25 1 Pallet	NO BID	NO BID	\$22.50 1 pallet min	37.5 1 Pallet	NO BID	NO BID
Bio Safe Systems 22 Meadow Street E Hartfore, CT 06108	NO BID	1.89 lb Alternate offer	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
JCI 40 Railroad Ave Merrimack, NH 03054	0.629 3500 gal min	NO BID	NO BID	0.6353 3000 gal min	NO BID	NO BID	NO BID	NO BID
Harcros Chemicals Inc 8 Capitol Street Nashua, NH 03063	0.7117 3500 gal min	3.2300 per lb 10 pails min	NO BID	.7490 per gal 3,000 gal min	21.50 per 50 lb bag 60 bag min	49.00 per 50 lb bag 40 bags	3.410 per gal 2 - 15 gal drum min	NO BID
AIC Chemicals 135 Newbury Street Framingham, MA 01701	NO BID	2.59 1,984 lbs.	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Marubeni Specialty Chem 8675 Hidden River Pkwy Tampa, FL 33637	NO BID	2.55 18 drum	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Basic Chem Solution 5 Steel Rd East Morrisville PA 19067	.7054 gal 3500 gal min	No Bid	NO BID	NO BID	No Bid	NO BID	NO BID	NO BID
Solvay Fluorides 3333 Richmond Ave Houston, TX 77098	NO BID	NO BID	5.7570 per gallon 1,000 gal min*	NO BID	NO BID	NO BID	NO BID	NO BID
SNF Polydyne	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
LCI Ltd	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Slack Chemical Co, Inc	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Delta Chemical	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID

* 10.1 lbs. per gallon Payment terms are Net
30 days



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.06.24 - 87**
Resolution Re: B09095 Sidewalk Improvements

WHEREAS: Sealed Bid B09095 was solicited and received for sidewalk improvements on June 12, 2009 @ 2:00pm; and

WHEREAS: Five qualified vendors responded with per unit price quotes for the project in its entirety; and

WHEREAS: The low bid meeting specifications was submitted by Steve Sarette and Son Excavation LLC of Goffstown NH in the total amount of \$356,571.00

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

The purchasing agent is hereby authorized to Steve Sarette and Son Excavating LLC given the bid amount of \$356,571.00 and corresponding rates provided 6/12/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance 6/15/09
1000-43121-4715-0000-00-30	Streets- land improvements	560,533.00	496,035.85

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.06.24 – 87**
Resolution Re: B09095 Sidewalk Improvements

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 - 2009.06.24 – 87**
Resolution Re: B09095 Sidewalk Improvements

RESOLUTION BACKGROUND MATERIAL:

This work shall include the furnishing of all labor, skill, supervision, tools, equipment and materials for the construction and repair of bituminous concrete sidewalks at various locations throughout the city and as specified in B09095 and Streets Division of the Community Services Department.

Bid Information:

Sealed B09095 solicited and received 6/12/09 @ 2:00pm.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	24	Number of Responses:	5 & 1 NB
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Steve Sarette & Son Excavation LLC	Fund:	Streets
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.06.24 - 87**
Resolution Re: B09095 Sidewalk Improvements

Vendor Solicitation List:

Perm A Drive Paving
P. O. Box 680
Conway, NH 03818

Santorelli Construction
3 Gumwood Lane
Wakefield, MA 01830

DBU Construction
P. O. Box 984
Epsom, NH 03234

John H. Lyman & Sons
310 Hoyt Road
Gilford, NH 03249

Jamco Excavators Inc.
84 Exeter Road
South Hampton, NH 03827

SUR Construction
P. O. Box 720
Rochester, NH 03867

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

Severino Construction
P. O. Box 202
Candia, NH 03034

Pandelena Construction
6 Starwood Drive
Hampstead, NH 03841

Virgin Construction Corp.
346 Lake Shore Drive
West Franklin, NH 03235

Bell & Flynn
65 Bunker Hill Avenue
Stratham, NH 03885

Gove Construction
P. O. 6606
Portsmouth, NH 03801

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

J Parker & Daughters
70 Daroska Road
Pittsfield, NH 03262

Felix A. Marino Co Inc
32 Corwin St
Peabody MA 01960

Pavit Asphalt Surfacing
PO Box 415
Methuen MA 01844

Arlington Paving Co
PO Box 120
Keene NH 03431

Matrix Concrete
83 Central Street
Farmington, NH 03835

Turcotte Construction
P.O. Box 67
Berwick, ME 03901

STS Construction
PO Box 429
E. Lebanon, ME 04077

Accurate Concrete LLC
26 Cadogan Way
Nashua, NH 03062

J & S Concrete Pumping
71 Adams Pond Road
Derry, NH 03038

Ricci Construction
225 Banfield Road
Portsmouth, NH 03801

Durell Paving Inc.
508 Sixth Street
Dover, NH 03820

John D. Hartnett
56 Hanover Street
Newbury, MA 01950

Fred Meyer Masonry
Box 298
Rochester, NH 03867

Turcotte Construction
P.O. Box 67
46 Knox Lane
Berwick, ME 03901



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.06.24 - 87**
Resolution Re: B09095 Sidewalk Improvements

Results

Vendor	Fee
Steve Sarette & Son Excavation LLC 282 Goffstown Back Rd Goffstown NH 03045	\$356,571.00
John Lyman & Sons, Inc 310 Hoyt Rd Guildford NH 03249	\$393,140.00
Santorelli Construction 3 Gumwood Ln Wakefield MA 01880	\$428,605.00
N. Pandelena Construction 6 Starwood Dt Hampsted NH 03841	\$492,823.00
FL Merrill Construction Inc 619 Sand Rd Pembroke NH 03275	\$432,164.00
DBU Construction Inc PO Box 984 Epsom NH 03234	No Bid



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R - 2009.06.24 - 88**
Resolution Re: Miscellaneous Hardware Supplies

WHEREAS: The City's many different departments / divisions often times have the need to acquire various hardware items to help them in the performance of their daily duties and responsibilities; and

WHEREAS: Due to the central, easy-to-access downtown location, along with its extensive inventory, Handy Hardware of Dover has been the normal vendor of choice for "as needed" purchases of hardware items; and

WHEREAS: In addition, a 15% discount off list prices, as well as a 5% discount off the monthly statement for timely processing of same, makes it financially advantageous to continue this business relationship.

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

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

The Purchasing Agent is hereby authorized to issue a Blanket Purchase Order to Handy Hardware of Dover, NH for Miscellaneous Hardware Items, as needed. The amount of this authorization shall be limited so as not to exceed available funding

Financing

Account	Description	Appropriation	Balance
See Background	Various accounts		

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.

Resolution Number: **R - 2009.06.24 - 88**
Resolution Re: Miscellaneous Hardware Supplies

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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

Resolution Number: **R - 2009.06.24 - 88**
 Resolution Re: Miscellaneous Hardware Supplies

RESOLUTION BACKGROUND MATERIAL:

A blanket purchase order is being requested to authorize the continued use of Handy Hardware store to provide as needed, various hardware items to city departments for use on work related activities. The estimated annual expenditure requires City Council approval in the absence of a formal bid / RFP solicitation.

Account	description	spent FY09	FY10 Appropriation & Balance
1000-41991-4529-0000-00-19	Insurance deductible	121.23	10,000
1000-42220-4635-0000-00-22	medical supplies	2.66	24,064
1000-43121-4752-0000-00-30	bridges	8.23	130,000
1000-43180-4615-0000-00-30	uniforms	5.64	5,800
1000-43180-4626-0000-00-30	vehicles	18.95	10,000
1000-45120-4591-0000-00-35	special programs	121.20	3,500
3410-45120-4720-5318-00-35	building	89.31	800
4008-42280-4720-2202-08-22	building	4.81	48,513
4000-41941-4720-1101-00-30	building	11.68	
4008-43180-4725-1101-08-30	building improvements	360.91	
4008-41941-4725-1101-08-30	building improvements	248.94	83,177
4008-42220-4743-2251-08-22	heavy vehicles	106.00	135,988
6310-00000-1401-0000-00-00	inventory	54.40	-
xxxx-xxxxx-4431-xxxx-xx-xx	building maintenance	37.93	24,200
xxxx-xxxxx-4433-xxxx-xx-xx	equipment maintenance	552.95	13,278.00
xxxx-xxxxx-4434-xxxx-xx-xx	vehicle maintenance	114.96	45,050
xxxx-xxxxx-4611-xxxx-xx-xx	office supplies	96.68	25,276.00
xxxx-xxxxx-4612-xxxx-xx-xx	operating supplies	3,891.25	467,178.00
xxxx-xxxxx-4651-xxxx-xx-xx	maintenance supplies bldg	2,782.25	71,362.00
xxxx-xxxxx-4652-xxxx-xx-xx	maintenance supplies o/t bldg	1,689.75	333,400.00
xxxx-xxxxx-4653-xxxx-xx-xx	maintenance supplies equip	615.90	51,000.00
xxxx-xxxxx-4654-xxxx-xx-xx	maintenance supplies vehicle	137.73	132,071.00
xxxx-xxxxx-4681-xxxx-xx-xx	minor equipment	1,938.06	50,320.00
xxxx-xxxxx-4741-xxxx-xx-xx	machinery and equipment	50.54	50,000
	totals	13,061.96	1,714,977

Xxxx = several departments / same expense code.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R - 2009.06.24 - 88**
Resolution Re: Miscellaneous Hardware Supplies

Award Information:

A blanket purchase order will be issued to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Handy Hardware	Fund:	Various
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waive sealed bid process - estimated annual expenditure at \$10,000 or greater



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.06.24 - 89**
Resolution Re: Municipal Legal Services

WHEREAS: Sealed RFP #B09083 was requested and received for Specialized Municipal Legal Services on June 8, 2009 at 2:00pm; and

WHEREAS: Eight vendors responded with varying amounts of prior experience with the city, a wide spectrum of experience in municipally related legal issues, and varying rate structures for services rendered; and

WHEREAS: The vendors deemed most advantageous to the city were:
Devine, Millimet & Branch Manchester NH
Sheehan, Phinney, Bass & Green Manchester NH
Hinckley, Allan & Snyder Concord NH
Mitchell Municipal Group Laconia NH
Donahue, Tucker & Ciandella Portsmouth NH

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 the vendors identified above given the rates provided 06/08/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	FY10 Balance
1000-41320-4334-0000-00-13	Executive Legal Services	12,000.00	12,000.00
1000-41530-4334-0000-00-13	City Attorney Legal Services	50,000.00	50,000.00
1000-41513-4334-0000-00-15	Tax Assesor Legal services	10,000.00	10,000.00
1000-41991-4334-0000-00-19	Misc. General Governement Legal Svs	35,000.00	35,000.00
	totals	107,000.00	107,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.06.24 - 89**
Resolution Re: Municipal Legal Services

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 - 2009.06.24 - 89**
Resolution Re: Municipal Legal Services

RESOLUTION BACKGROUND MATERIAL:

Eight vendors responded with varying amounts of prior experience with the city, a wide spectrum of experience in municipally related legal issues, and varying rate structures for services rendered.

The vendors deemed most advantageous to the city are:

Devine, Millimet & Branch	Manchester NH
Sheehan, Phinney, Bass & Green	Manchester NH
Hinckley, Allan & Snyder	Concord NH
Mitchell Municipal Group	Laconia NH
Donahue, Tucker & Ciandella	Portsmouth NH

Bid Information:

Sealed RFP B09083 was requested and received for Municipal Specialized legal services on June 8, 2009 @ 2:00pm..

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	17	Number of Responses:	8 and 1 nb
Warranty:	na	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	As listed	Fund:	Various
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes most	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.06.24 - 89**
Resolution Re: Municipal Legal Services

Vendor Solicitation List:

Attorney Ann Scheer
Gallagher, Callahan & Gartrell
214 North Main Street
P.O. Box 1415
Concord, NH 03302-1415

Attorney Linda Johnson
McLane, GrafRaulersonMiddleton
City Hall Plaza
900 Elm Street
Manchester, NH 03101

Attorney Mark Broth
Devine Millimet & Branch, PA
111 Amherst Street
P. O. Box 719
Manchester, NH 03105

Attorney Bernard Waugh
Gardner Fulton & Waugh, LLC
78 Bank Street
Lebanon, NH 03766-1727

Attorney Chris Boldt
Donahue, Tucker & Ciandella
PO Box 630
Exeter NH 03833

Thomas Flygare
Flygare, Schwarz & Closson
PO Box 439
Exeter NH 03833

Attorney Gordon Graham
Soule, Leslie, Kidder,
Sayward Loughman
220 Main Street
Salem, NH 03079-3166

Attorney Heather M. Burns
Upton & Hatfield LLP
10 Centre Street
P.O. Box 1090
Concord, NH 03302-1090

Attorney Edward Kaplan
Sulloyway & Hollis, P.L.L.C.
9 Capitol Street
PO Box 1256
Concord, NH 03302-1256

Attorney Liz Bailey
Sheehan, Phinney, Bass &
Green
P. O. Box 3701
Manchester, NH 03105-3701

The Mitchell Group
25 Beacon Street
E Suite 2
Laconia, NH 03246

Attorney John Peltonen
Sheehan, Phinney, Bass &
Green
PO Box 3701
Manchester NH 03105-3701

Attorney Kathleen C. Peahl
Wadleigh, Starr and Peters
95 Market Street
Manchester, NH 03101

Attorney Ron Ciotti
Hinkley, Allen & Snyder
11 South Main Street, Suite
400
Concord, NH 03301-4846

Boynton, Waldron, Dolac,
Woodman & Scott PA
P.O. Box 412
Portsmouth, NH 03820

Attorney Meredith Cook
Wiggin & Nourie, P.A.
670 North Commercial Street
P.O. Box 808
Manchester, NH 03105-0808

Attorney Peter Laughlin
144 Washington St
Portsmouth NH 03801



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.06.24 - 89**
 Resolution Re: Municipal Legal Services

Results

<u>Vendor</u>	<u>Hourly Rates</u>	<u>Other Charges</u>
Donahue, Tucker & Ciandella PLLC 104 Congress St Ste 304 Portsmouth NH 03801	\$190 per hr partner Attorney time \$160-150 per hr Associate Attorney \$90.00 per hr Legal assistant For year one and year two OPTIONAL RETAINER FEE METHOD \$2,000 per month for 15 hrs of general municipal legal services (non-litigation) performed in our office Year 2 would increase to \$2250.00 hourly rate beyond retainer \$175 partner/\$150 Associate/ \$100 legal assistant	Filing fees, witness-subpoena fees, recording, stenographic, expert witness fees and mileage \$.56 per mile Coping and faxes as they occur.
Devine Millimet & Branch 111 Amherst St Manchester NH	Mr. Broth \$250.00 per hr Mr. Jakubowski \$140.00 per hr Mr. Beeson \$275.00	Out of pocket costs, Filing fees Witness fees, Travel, Experts Investigation, Copy/long distance phone/fax, Postage/express postage Other incidentals and modest fee for overhead costs.
Mitchell Municipal Group PA 25 Beacon St East Laconia NH 03246	Walter Mitchell \$175.00 per hr Jae Whitelaw & Laura Spector \$160.00per hr Jeff Belanger \$140.00 per hr Paralegals \$60.00 per hr	Travel, mileage, copies and out of pocket expenses.
Sheehan Phinney Bass & Green PA 1000 Elm St Manchester NH 03101	Calendar year 2009 John Pelton \$250.00 per hr Liz Bailey, Jim Reidy, Dave McGrath and Jim Higgins will be \$250.00 Calendar year 2010: John Pelton \$275.00 per hr Liz Bailey, Jim Reidy, Dave McGrath and Jim Higgins will be \$275.00	Nothing listed ?



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R - 2009.06.24 - 89**
 Resolution Re: Municipal Legal Services

<u>Vendor</u>	<u>Hourly Rates</u>	<u>Other Charges</u>
Hinckley Allen Snyder LLP 11 So Main St Ste 400 Concord NH 03301	Team of 22 personnel ranging from \$260.00 to \$575.00 per hr See detailed list of personnel with names and rates Would also be agreeable to a retainer method.	Out of pocket expenses
Upton and Hatfield LLP 10 Centre St PO Box 1090 Concord NH 03302	Partners \$300-\$170 per hr Associates \$195-\$110 per hr Paralegals \$125-\$65 per hr. See detailed list of personnel with names and rates	Phone and faxes, copying, travel, parking, mileage, mailings, computer research fees, court costs, filing and recording fees
Wiggin & Nourie PA 670 No Commercial St Ste 305 PO Box 808 Manchester NH 03105	Lead Attorney @ \$200 per hr for standard services and \$225 per hr for Court time Associate Attorneys @ \$150 per hr standard time and \$175 per hr court time paralegals @ rate of \$90-\$135 per hr Rates increase by 5% upon each renewal year.	In addition to hrly rate are direct out of pocket expenses and general overhead charges of 2.4% to cover miscellaneous expenses Mileage @ \$.30 per mile except when traveling to and from city offices.
Sykas Law Office 595 Central Ave Dover NH 03820	Abigail Sykas normal rate of \$185.00 municipal rate discount (\$50.00) for total of \$135.00per hr.	Postage, copying, secretarial or paralegal hrs if they become necessary No travel if in Dover or time spent traveling. If out of Dover, IRS rates will apply.
Sulloway & Hollis 9 Capitol St Concord NH	No Bid	



CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 12.A.10.

Bid Number: **R -2009.06.24 – 90**
Bid Description: Purchase of Root Control Services

WHEREAS: Sealed bids B07052 were requested and received for Root Control Services on June 21, 2007 at 2:00 pm. Per Darlene Lawrence, NH Division of Pesticide Control, 6/12/09 there are still only **two** vendors licensed in NH for Root Control on Sanitary Sewer Pipes; and

WHEREAS: These two vendors responded with two different methodologies for root control being outlined. Of the two, one vendor has one applicator certification and the other (Duke Root Control Inc of Syracuse NY licensed #133 in NH in 1993 has six applicator certifications; and

WHEREAS: After discussion between the Community Services Sewer Department and the Purchasing Office it is the recommendation that the bid most advantageous to the City of Dover is from Duke's Root Control Inc at rates stated in 2007 bid to remain the same (see results page). The city has a long and successful history with this Duke's root Control and does not recommend a change in treatment procedures.

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 Duke Root Control Inc as deemed most advantageous to the City of Dover at same rates as previous two years. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320-43250-4443-0000-00-30	Sewer Rental of Equipment	\$25,500.00	\$25,500.00
		FY10 \$15,000.00 for Root control	

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 12.A.10.

Bid Number: **R -2009.06.24 – 90**
Bid Description: Purchase of Root Control Services

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 12.A.10.

Bid Number: **R -2009.06.24 – 90**
Bid Description: Purchase of Root Control Services

BACKGROUND MATERIAL:

A sealed bid was solicited in 2007 to identify a qualified vendor to supply root control services and two replies were received. On June 12, 2009 the Dover purchasing agent requested an updated list of qualified and licensed vendors in the state of NH and received this list from Darlene Lawrence, Certification Coordinator of the NH Division of Pesticide Control. There were still only two licensed vendors in the State of NH. The City of Dover Utilities Division has outlined the two processes and made recommendation to stay with current pricing and current process utilized by Duke’s Root Control which consists of:

1. Use of a 1" plastic hose; they manually push into pipe from manhole to manhole
2. They start the foaming process and electrically winch backs the hose while they are foaming the line.
3. When they reach the end they foam down the manhole.
4. No prejetting, no debris washing down, no cleanup.

Second vendor (Municipal Sales) process:

1. Uses a jetter to get the foaming nozzle to the end of the manhole, concerns are by using a jetter, wash down of grit, roots, and other debris, will be forced downstream, without being suck out.
2. They start the foaming process without the jet on.
3. They winch back foaming the pipe as they come back, same as the duke process

Purchasing Information:

Type:	Sealed bid 2007	Advertised:	Yes
Invitations Mailed:	13	Number of Responses:	2
Warranty:	As stated in Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	June 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Dukes Root Control Inc	Fund:	5320
Other Approvals Required:	Yes State of NH License	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for City Manager Approval:	Waive bidding procedure



CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 12.A.10.

Bid Number: **R -2009.06.24 – 90**
Bid Description: Purchase of Root Control Services

Results

	Municipal Sales 1099 Burgoyne Ave. Ft. Edward, NY 12822	Dukes Root Control, Inc 1020 Hiawatha Blvd West Syracuse, NY 13204
6" Pipe	1.35	1.49
8" Pipe	1.35	1.49
10" Pipe	1.45	1.66
12" Pipe	1.45	1.82
15" Pipe	1.55	1.82
Misc. Charges	None indicated	None
Minimum quantity/Dollar amount required (if applicable)	\$2000.00 per trip	\$2,000.00 per mobilization

Vendor List

East Coast Utilities Corp.
715A D.W. Highway
Merrimack, NH 03054

Oakley Services Co.
50 Hampton St.
Metuchen, NJ 08840-1751

ARACO Sewer & Drain, Inc.
920 Washington Street
South Easton, MA 02376

Gilbert Industrial
33 Lomar Park Drive
Pepperell, MA 01463

Rootex
PO Box 7626
Salem OR 97303

Hennigan Engineering Co.
55 Industrial Park Rd.
Hingham, MA 02043

AAA Pipe Cleaning Corp.
7277 Bessemer Ave.
Cleveland, OH 44127

Dukes Sales + Service
1020 Hiawatha Blvd. West
Syracuse, NY 13204-1131

Municipal Services
1099 Burgoyne Ave
Fort Edward NY 12828

WECO Industries
120 Corporate Place
Vallejo CA 94590

N.E. Pipe Cleaning Co.
99 Calendar Rd.
Watertown, CT 06795

Vermont Pipeline Services
11 Lapointe St.
Winooski VT 05404-1543

Brec Co.
PO box 1495
Paonia CO 81428



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2009.06.24 - 91**
Resolution Re: Change Order I for B09042 2008 Infiltration & Inflow
Reduction Construction

WHEREAS: On April 8, 2009 Dover City Council approved award of Sealed bid # B09042 for 2008 Infiltrations and Inflow reduction Construction Services for Bellamy Rd, West Knox Marsh Rd and Old Littleworth Rd to low bidder SUR Construction in the amount of \$246,600.00; and

WHEREAS: During the process of replacing the sewer line on Old Bellamy Rd it was noted that the existing road base is severely lacking. Wright Pierce Engineers recommended the city request a price quote from SUR Construction to add a suitable road base and that was received in the net amount of \$38,357.25; and

WHEREAS: Complete details of scope of work are outlined in background section and under separate attachment.

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

The purchasing agent is hereby authorized to issue Change Order #I to SUR Construction PO30-257017A in the amount of \$38,357.25. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320-43250-4757-4570-10-30	Sewer Inflow & Infiltration	250,000.00	230,280.44

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2009.06.24 - 91**
Resolution Re: Change Order I for B09042 2008 Infiltration & Inflow
Reduction Construction

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2009.06.24 – 91**
Resolution Re: Change Order I for B09042 2008 Infiltration & Inflow
Reduction Construction

RESOLUTION BACKGROUND MATERIAL:

During the process of replacing the sewer line on Old Bellamy Road it has been noted that the existing road base is severely lacking. The road base is primarily native material which has a very high component of fines. The project specifications called for restoring the road base with good suitable material over the new sewer line trench, then reclaim the entire street. The lack of a good road base, except where the new sewer line is, will likely result in differential settling of the road and trench leading to premature deterioration of the road.

Wright Pierce engineers recommended the City request a price quote from SUR, the site contractor, to add a suitable road base under the entire road to prevent the undesirable differential settlement.

The proposed change order will remove 6 inches of reclaimed base material and stockpile, remove 12 inches more of native material, and then add 12 inches of gravel provided by the City, followed by the replacement of 6 inches of the stockpiled reclaim. The additional cost to perform this work is \$54,200. The 1 inch finish course of pavement would be eliminated from the existing contract, reducing the SUR contract by \$15,842.75. The specified 2 ½ inch base pavement specified in the contract will be put down over the reclaimed material and allowed to settle over the winter. The resulting change order is \$38,357.25.

It is proposed that the 1 inch finish paving will be done under a separate contract during 2010.

Purchasing Information:

Type:	Change Order	Advertised:	NA
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:		Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	no
Prices will hold for:	2009 construction season	Estimated Delivery:	As needed
Recommended Award to:	SUR Construction	Fund:	CIP Sewer
Other Approvals Required:	State of NH DES	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

June 8, 2009
W-P Project No. 11270D

DRAFT

Mr. Bill Boulanger
City of Dover
Utility System Supervisor
288 Central Avenue
Dover, New Hampshire 03820

Re: 2008 I/I Reduction
Bellamy Road Paving

Dear Bill:

As the sewer installation on Bellamy Road has progressed the past couple of weeks, there has been a discussion on suitability of the material under the reclaimed base to provide proper support for the proposed paving. The design of the sewer replacement calls for the existing road pavement to be reclaimed, and a minimum of 6-inches of this reclaimed material to be used as base material for the new pavement. As SUR installs the sewer pipe, they are reclaiming just the pipe trench and placing the 6-inches of reclaim at the top of the trench after backfilling. When the pipe installation is complete, they will reclaim the remainder of the road and then pave the full width of the road. This is the same process that was used successfully on West Knox Marsh Road adjacent to Bellamy Road during the sewer project completed in 2007. On West Knox Marsh Road, the sewer was installed on east edge of the road, which minimized the disturbance of the road base during the pipe installation. For the current project on Bellamy Road, the sewer installation is in the middle of the road. The existing base material contains more fines than is ideal for road base and the process of excavating and replacing the existing material has resulted in the base to be less firm than desired. This may improve as traffic continues to compact the material before paving, although the material is susceptible to "softening" during wet weather because it is not a well draining material.

After discussions with the City, we requested a cost from SUR to remove the 6-inches of reclaimed base and an additional 12-inches of existing material, and to replace the 12-inches with gravel provided by the City followed by replacement of the reclaimed base. This would provide a more stable base for the new pavement. The cost proposed by SUR (attached) is \$34,300 for replacement with gravel in just the pipe trenches, and \$54,200 for replacement with gravel for the entire width of the road. If this work takes place in just the pipe trenches, there is the potential for differential movement in the roadway due to frost since the materials under the pavement would be different in the trenches and the remainder of the road. It is not recommended to replace the gravel in just the trenches. Replacing the material over the full

Mr. Bill Boulanger

June 8, 2009

Page 2

width of the road will provide a more stable and uniform base for the pavement and will extend the life of the new pavement.

As directed by the City, we also requested a proposal from SUR for a cost reduction if the surface course of pavement (1-inch) was eliminated from the contract and only 2.5-inches of binder pavement are placed. The City would then place the surface course of pavement under a separate contract next spring after the road has gone through a winter. This would allow any minor settlement to be address with the surface course of pavement next year. The cost reduction estimated by SUR (attached) is \$15,842.75. Considering this with the additional cost of the gravel for the full width of the road, the result is an estimated increase of \$38,357.25 to the contract price. This change will need to be reviewed by DES in order to get an eligibility determination for DES funding.

Please review this information and let us know how the City would like to proceed. If you have any questions during your review, please do not hesitate to call.

Very Truly Yours,

WRIGHT-PIERCE

Kevin R. Obery, P.E.
Project Manager

Enclosure

cc: Dean Peschel w/ Attachment



S.U.R. Construction, Inc.

233 Chestnut Hill Road

P.O. Box 720

Rochester, NH 03866-0720



SKILL RESPONSIBILITY INTEGRITY

S·U·R

SITES • UTILITIES • ROADS

June 1, 2009

Mr. Kevin Obery, PE
Project Manager / Wright-Pierce Engineers
99 Main St.
Topsham, ME 04086

RE: Bellamy Road Trench/Roadway Reconstruction

Dear Mr. Obery,

SUR Construction has rethought and reanalyzed the previously submitted proposal to reconstruct the Utility Trenches or completely reconstruct Bellamy Road in Dover, NH. After much thought, a larger machine that can achieve a higher production has drastically reduced the cost for both proposals.

Please see the attached new revised quote and if you have any questions or comments, please feel free to contact me. Thank you.

Sincerely,

Bill Creteau
SUR Construction



S·U·R

233 Chestnut Hill Road
Rochester, NH, USA 03867
603-332-4554
Main Fax: 603-332-0351

To: Wright-Pierce Engineers (Topsham)	Contact: Kevin Obery
Address: 99 Main Street Topsham, ME 04086	Phone: (207) 725-8721 Fax: (207) 729-8414
Project Name: Bellamy Road Road Reconstruction	Bid Number:
Project Location: Belamy Road, Dover, NH	Bid Date:

Item #	Item Description
--------	------------------

Reconstruct Trenches

- Mobilization
- Traffic Control
- Remove Reclaim
- Common Excavation & Dispose
- Install Bank Run Gravel
- Install Reclaim

Total Price for above Reconstruct Trenches Items: \$34,300.00

Reconstruct Road In Entirety

- Mobilization
- Traffic Control
- Remove Reclaim
- Common Excavation & Dispose
- Install Bank Run Gravel
- Install Reclaim

Total Price for above Reconstruct Road In Entirety Items: \$54,200.00

Notes:

- Trench Reconstruction is figured at a width of 8'. Trenches for Sewer Main Line, Sewer Service, Water Services, and Drainage will be reconstructed. SUR Construction will excavate 6" of Reclaimed Asphalt and 12" of common material for an 18" excavation. Common material will be hauled to the City of Dover on Mast Road and Bank Run Gravel will be hauled back from Mast Road to be installed in the Utility Trenches. 12" of Bank Run Gravel will be installed in the utility trenches followed by the 6" of Reclaimed Asphalt. Total length of trench is 1485 LF.
- Entire Roadway Reconstruction is figured at a width of 24'. SUR Construction will excavate 6" of Reclaimed Asphalt and 12" of common material for an 18" excavation. Common material will be hauled to the City of Dover on Mast Road and Bank Run Gravel will be hauled back from Mast Road to be installed in the Roadway. 12" of Bank Run Gravel will be installed in the utility trenches followed by the 6" of Reclaimed Asphalt.
- The additional Trench Reconstruction Work should take an approximate 5 additional calendar days.
- The additional Roadway Reconstruction should take an approximate 7 additional calendar days.
- Please see attached plans for limits of work.



S.U.R. Construction, Inc.
233 Chestnut Hill Road
P.O. Box 720
Rochester, NH 03866-0720



S·U·R
SITES • UTILITIES • ROADS

June 4, 2009

Mr. Kevin Obery, PE
Project Manager / Wright-Pierce Engineers
99 Main Street
Topsham, ME 04086

RE: Dover I/I Reduction – Bellamy Road

Dear Mr. Obery,

SUR Construction understands that the City of Dover would like to alter the pavement application on Bellamy Road in Dover, NH for the Dover I/I Reduction Project. The following is our understanding of the changes to be made.

Credit Due to City of Dover for 1" of Wearing Course Pavement

4115 SY @ \$3.85/SY/IN = \$15,842.75

Sincerely,

Bill Creteau
SUR Construction



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

WHEREAS: CASA will be occupying space in the McConnell Center; and

WHEREAS: The McConnell Center Advisory Committee voted to recommend entering into a lease agreement with CASA at its regularly scheduled meeting on March 23, 2009.

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

The City Manager is authorized to enter into a lease agreement with CASA for space at the McConnell Center.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the 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.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

RESOLUTION BACKGROUND MATERIAL: THIS IS A STANDARD LEASE AGREEMENT FOR ALL TENANTS IN THE MCCONNELL CENTER.

THIS LEASE made this _____ of _____, by and between CASA NH of P.O Box 1327, Manchester, NH 03105 (hereinafter referred to as “LESSEE”), and The City of Dover, New Hampshire, of 288 Central Ave., Dover, County of Strafford and State of New Hampshire (hereinafter referred to as “LESSOR”).

WITNESSETH:

That IN CONSIDERATION of the mutual promises contained herein, and FOR OTHER GOOD AND VALUABLE CONSIDERATION contained herein, the sufficiency of which is hereby acknowledged, in compliance with that certain Letter of Intent between LESSEE and LESSOR dated December 29, 2008, the parties agree as follows:

1. Description and Term.

That the LESSOR does hereby demise and lease to the LESSEE the space within the City’s McConnell Center located at 30 St. Thomas Street, Dover, NH, which space is intended to contain 839 square feet and more particularly identified on the McConnell Center Plans dated February 6th, 2006 as room **303**.

In conjunction with the use of the Space, LESSEE shall have the right to use parking spaces for its employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE’s normal operations Monday through Friday. Additionally, visitor spaces are available in a parking lot created adjacent to the building on St. Thomas Street. It is agreed the spaces will not be reserved and used on a first come first served basis with no signage designating spaces to the LESSEE. The parking spaces may be subject to relocation within the entire parking lot at the sole discretion of the City of Dover.

The term of LESSEE’s Lease shall be for **five (5)** years beginning on **October 1, 2009**. There shall be an option to renew for three(3) additional five (5) year terms at the LESSEE’S request pursuant to Paragraph 7. Each additional term shall be separately negotiated.

Monthly rent shall be paid the first of each month to the City of Dover. Your first year’s rent charges are based upon space allocation of **839** square feet and calculated using the following components: (FY10 rates to be implemented July 1, 2009)

Assessment



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

Component	Rate	Annual	Monthly
Fixed Rent	\$6.50	\$5,453.50	\$454.46
Capital Reserve	\$0.40	\$335.60	\$27.97
Utilities (*)	\$6.17	\$5,176.63	\$413.39
Other as agreed	0	0	0
Total Rent Assessment	\$13.07	\$10,965.73	\$913.81

(*) Utility costs are variable based upon actual costs as outlined in section 2.

2. Utilities and Maintenance.

The LESSEE shall be responsible for payment of all operations and maintenance costs associated with the Space, including utilities (electricity, water, gas, heat) and shared custodial, snow removal and associated supplies. Operations and Maintenance costs of this lease is established at \$6.17/sf. Thereafter these costs shall be revised annually and prorated per square foot based upon the previous years actual cost of operating and maintaining the building. The total square footage of leased space in the McConnell Center is 54,081 square feet. The annual revision of operation and maintenance costs shall occur in February and take effect the following July 1st.

3. Condition of Premises.

The LESSOR leases the Space “as is”. LESSEE shall be solely responsible for all associated costs for desired original and future build out of the Space; and plans for such build out must be reviewed for potential approval by LESSOR. LESSEE shall be solely responsible for insuring all improvements and contents of the Space, and shall name LESSOR as an additional insured. .

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the leased Premises, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they are at the date of the commencement of the term of this lease, reasonable wear and damage by accident, fire or other insured against casualty excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Premises prior to occupancy.

LESSOR agrees to maintain the Premises in condition fit for their intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and a sound physical structure. Furthermore, LESSOR will maintain the grounds and remove the common area rubbish, and maintain and keep reasonably free from snow and ice the parking areas, sidewalks and entrances/exits to building.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

4. Access to Premises.

The LESSOR shall also have the right to enter upon the premises at all reasonable times to inspect same and to expel the LESSEE if the LESSEE shall fail to comply with or breach in any way this Lease. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the premises.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty including fire not arising as a result of the negligence or intentional conduct of the LESSEE whereby the premises or any portion of them are destroyed or damaged so as to be unfit for use or occupancy, the LESSOR specifically reserves the option of terminating this Lease. However, that in the event of total destruction or damage which is equivalent of total destruction, this Lease shall automatically terminate.

In the event these premises shall be taken either under threat of eminent domain or by eminent domain proceedings in whole then this Lease shall be terminated and the rent shall be pro-rated and returned to the LESSEE as of the date of such taking. A condemnation award shall belong exclusively to the LESSOR.

6. Use.

The LESSEE shall only use the Space in compliance with the City's McConnell Center Reuse Steering Committee Report dated December 2004, and all applicable amendments thereto, all applicable City ordinances, rules and regulations. Additionally, the Space shall be used for non-profit purposes only. No residential use shall be permitted.

7. Renewal of Lease.

At least sixty (60) days but no earlier than one hundred twenty (120) days prior to the expiration of the initial term of this Lease or the expiration of an additional term, the LESSEE shall notify the LESSOR in writing of the LESSEE's intention to exercise its option to extend the term of the Lease for an additional period and seek to continue its Lease upon such terms and conditions as the parties may then agree.

8. Subletting and Assignment.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR.

9. Personal Property.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

In the event that at the end of the term or upon any earlier termination of this Lease, including, but not limited to, termination for failure of the LESSEE to perform as required hereunder, there remains personal property of the LESSEE in the Space, the LESSOR is authorized to dispose of said property after giving written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

10. Default/Early Termination.

In the event the LESSEE fails to perform its obligations under this Lease, this Lease is defaulted and the LESSOR is entitled to immediate occupation and possession of the Space and the associated parking spaces. If the LESSEE shall default in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed, under or by virtue of any provisions of this lease, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expenses of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Space due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease may be immediately terminated at the option of the LESSOR.

The LESSOR and the LESSEE shall give a six (6) month written notice to the opposing party of an intent to terminate the lease prior to the stated term of the lease.

11. Indemnification.

LESSEE agrees to pay, and to protect, defend, indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses, including all reasonable attorney's fees and expenses, causes of action, suits, claims, demands or judgments of any nature whatsoever arising from:

- (i) any injury to, or the death of, any person or any damage to property or to the Space;
- (ii) any act or omission of LESSEE or its agents, officers or employees;
- (iii) violation by LESSEE of any agreement or condition of this Lease; or
- (iv) violation by LESSEE of any law, ordinance or regulation affecting the Space or any part thereof or the ownership, occupancy or thereof.

12. Insurance.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

Casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its expense, during the term of this lease agreement, and any extensions of such term, liability and property damage insurance including insurance on the contents for the LESSEE's leased space to be considered primary coverage. LESSOR has no obligation for any loss to personal property. Proof of insurance shall be supplied to the LESSOR at the time of occupancy. The City of Dover shall be listed as 'Additional Insured' on the policy and proof of insurance certificate.

13. Liens and Encumbrances.

LESSEE will not create or allow any lien, encumbrance or charge on the LESSEE Space or on the McConnell Center or on the rents or income there from which may be superior to the LESSOR's rights hereunder.

14. Parties Bound.

This Lease and its addendums is binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

15. Notice.

All notices by either party to be given with respect to this Lease shall be in writing and shall be given by first class mail to the addresses stated above.

16. Modification of Lease.

This Lease contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

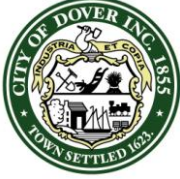
17. Section Headings.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

18. Severability.

Any determination that any provision of this Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not affect the validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Agreement.

19. Laws Governing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R – 2009.06.24 - 92**
Resolution Re: Authorizing the City Manager to Enter into a Lease Agreement with Casa at the McConnell Center

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease and determine all rights hereunder.

20. Security Deposit.

Upon execution of this Lease, LESSEE deposits with LESSOR _____ \$0____, as security for the performance by LESSEE of the terms of this Lease to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease. In the event of damage to the House caused by LESSEE or LESSEE 's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

21. Merger.

This Lease contains all terms and conditions agreed upon by the parties hereto and not other agreements or representations, oral or otherwise, regarding the subject matter of this Lease shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease shall be in writing and signed by the parties hereto.

22. Amendment.

This Lease amends and supersedes in its entirety the lease entered into by the Parties on

_____.

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

LESSEE [print name and name of signator]
Duly Authorized

Witness

Date

The City of Dover,
By J. Michael Joyal,
Duly Authorized

Witness

Date