



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 12, 2009**
Meeting Time: **7:00pm**

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

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

7. PUBLIC HEARINGS

- A. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, DOVER ARENA COMMISSION**
SPONSORED BY DEPUTY MAYOR TREFETHEN
- B. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, JOINT FISCAL COMMITTEE**
SPONSORED BY DEPUTY MAYOR TREFETHEN
- C. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, TRANSPORTATION ADVISORY COMMISSION**
SPONSORED BY DEPUTY MAYOR TREFETHEN

8. CITY MANAGER'S REPORT

9. MINUTES

- A. July 22, 2009**
- B. July 29, 2009**

10. MAYOR'S REPORT

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

- 1. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, DOVER ARENA COMMISSION**
SPONSORED BY DEPUTY MAYOR TREFETHEN



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2. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, JOINT FISCAL COMMITTEE

SPONSORED BY DEPUTY MAYOR TREFETHEN

3. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, TRANSPORTATION ADVISORY COMMISSION

SPONSORED BY DEPUTY MAYOR TREFETHEN

4. RESOLUTIONS - None

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. PARADE – Cochecho Valley Humane Society**
- 2. RAFFLE – Cochecho Valley Humane Society**
- 3. RAFFLE – Dover Share Fund**
- 4. BLOCK PARTY – Greater Dover Chamber of Commerce**
- 5. PARADE – Greater Dover Chamber of Commerce**
- 6. RAFFLE – Greater Dover Chamber of Commerce**

7. RESOLUTION: DONALD AND RITA MACLEOD MEMORIAL SCHOLARSHIP FUND

SPONSORED BY MAYOR MYERS BY REQUEST

8. RESOLUTION: INDIAN BROOK DRIVE LANDSCAPING

SPONSORED BY MAYOR MYERS BY REQUEST

9. RESOLUTION: B09102 HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICE

SPONSORED BY MAYOR MYERS BY REQUEST

10. RESOLUTION: B09086 LIQUID PROPANE

SPONSORED BY MAYOR MYERS BY REQUEST

11. RESOLUTION: B09094 #2 HEATING FUEL

SPONSORED BY MAYOR MYERS BY REQUEST

12. RESOLUTION: B09085 OFF ROAD DIESEL FUEL

SPONSORED BY MAYOR MYERS BY REQUEST

13. RESOLUTION: B09071 DOVER TRASH BAGS

SPONSORED BY MAYOR MYERS BY REQUEST



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14. RESOLUTION: WOODARD AND CURRAN TO AUTOMATE THE SCADA CONTROL FUNCTIONALITY AT RIVER STREET
SPONSORED BY MAYOR MYERS BY REQUEST

15. RESOLUTION: B10002 LIBRARY CARPET REPLACEMENT
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

B. RESOLUTIONS

- 1. 2009 CITY MANAGER'S EVALUATION**
SPONSORED BY MAYOR MYERS
- 2. 2009 CITY MANAGER'S CONTRACT AMENDMENT**
SPONSORED BY MAYOR MYERS
- 3. COLLECTIVE BARGAINING AGREEMENT IAFF**
SPONSORED BY MAYOR MYERS BY REQUEST
- 4. COLLECTIVE BARGAINING AGREEMENT DPFOA**
SPONSORED BY MAYOR MYERS BY REQUEST
- 5. COLLECTIVE BARGAINING AGREEMENT DPEA**
SPONSORED BY MAYOR MYERS BY REQUEST
- 6. CHARTER AMENDMENT – TAX ASSESSMENT REVIEW BOARD
(TO BE REFERRED TO PUBLIC HEARING)**
SPONSORED BY COUNCILOR WESTON
- 7. CHARTER AMENDMENT – GENERAL LEGAL COUNSEL
(TO BE REFERRED TO PUBLIC HEARING)**
SPONSORED BY COUNCILORS CALLAGHAN AND CHENEY

C. ORDINANCES IN 1ST READING - NONE

D. COUNCIL CORRESPONDENCE



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13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

City Manager's Report

August 12, 2009

"Some succeed because they are destined to, but most succeed because they are determined to."
By Unknown Author



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

STREETS, WATER, SEWER UPDATES

Water: The Utilities Division had another very busy month repairing 3 water breaks. The staff located all curb boxes on Tolend Road for the contractor who will be moving these services from the 6" and 8" main to the 16" main. The contractor began work on Tolend Road in the second week of July and is scheduled to continue through the month of August. Notification of pending work and related road closures was distributed and published. The new water main on Atlantic Avenue and Gulf Road is complete. Crews continue to work with the engineer and manufacturer of the filtration system for the French Cross Road Water Treatment Plant as filter media is being lost when backwashing. A hydrant was backed into on Dover Street and crews repaired and put the hydrant back in service.

Sewer: The Sewer Division found a leak on the 3 year old force main at Varney Brook Station. Repairs took one full week to complete with the entire staff working to fix this dangerous situation. The old main was used to bypass the station while repairs were made. The bypass was in place for a total of 2 weeks. This repair was just outside the station where hot top, fencing and landscaping had to be removed. The Bellamy I&I Project is now complete. The Community Services Department is still monitoring the area and waiting for grass to catch on affected properties. Staff cleaned and T.V. inspected Redden Street and Oak Hill Drive in order to locate services for the main replacement project. Crews also cleaned the sewer lines from Sixth Street to Chestnut Street. Due to the extremely wet weather we've had, mowing at the wells and pump stations has had to occur more frequently. A pre-bid meeting for the reconstruction of the River Street Pump Station was held this month. Staff dye tested the roof drains at the Fair Point Communication building on Washington Street and confirmed that they are still connected. Fair Point is working on disconnecting the gutters at this location. Crews repaired 2 manhole covers, one on Trakey Street and the second on Oak Street.

Streets: During the month of July, the Highway Division replaced 2 drain lines and repaired another on Blackwater Road. Brush cutting continued on Durham Road, River Street, Mast Road, Back River Road, Lower Washington Street, Spruce Lane, Hawthorne Road and Redden Street. Brush was also cut back on Blackwater Road in preparation for the upcoming road reconstruction project. A 300 foot drain line was damaged on Fourth Street; however, during repairs, it failed and must be replaced as soon as possible. John Towle Construction is currently working on that replacement. Crews reclaimed Mast Road and are now prepping for the hot top and work also included the installation of new catch basins and a drain line. Road repairs continued on Oak Street, Chestnut Street, Broadway, Varney Road and Long Hill Road. Ongoing work has continued with patching of various potholes throughout the City. Dirt roads were graded on Old Garrison, Bay View and the triangle between Piscataqua and Drew Road. Several catch basins were cleaned and repaired throughout the City. A damaged storm water grate was replaced on Broadway near Red's Shoe Barn. Street sweeping operations have been completed but they are still working on trouble spots in the downtown area. Crews worked in the city pit mixing gravel for various road jobs. Brox Industries have also been performing a variety of ongoing contracted street paving projects, including Durham Road and Mast Road.

PROGRAMS AT CITY CENTERS/BUREAUS

Police Special Investigations Bureau: On July 29th, in coordination with the New Hampshire Attorney General's Office, members of the Special Investigation Bureau arrested a third person in the murder of David King, which happened last August.

During the month of July, seven letters were generated by the Special Investigations Unit and sent to on-site liquor establishments in Dover. "On-site" liquor establishments are bars or restaurants versus "off-site" which are stores that sell alcohol for consumption elsewhere. These letters were the result of the analysis of police reports involving overly intoxicated persons. When it is determined that an intoxicated person had been over-served, a letter is sent from the Police Department to that establishment advising them of the situation. Copies of the letters, along with the police reports, are also forwarded to the New Hampshire Liquor Commission's Bureau of Enforcement for their review.

Also during July, ten sex offenders were processed by the department. The processing of a sex offender can range from the annual, semi-annual, quarterly, or initial registration. It can also include a change of address or other information that must be updated.

On July 1st, members of the Special Investigations Unit assisted staff at Langdon Place in Dover with a safety drill. This drill will be followed up by a safety talk that will cover topics including how to handle intruders and robberies.

Support Services Division: On July 23rd, two auditors from the U.S. Department of Justice visited the Police Department to go through financial records and inspect the evidence lab related to the \$95,000 Coverdell Forensic Grant. This grant paid for updates to the lab, officer training and payroll to reduce evidence processing times and property return backlog. Both auditors commented that Dover's records were "the best they have ever seen" and that they had never had a department balance "to the penny" as Dover has done. They were also impressed by the Police Department staff and what they have accomplished with the funds.

The Dover Police Explorers Post continues to have strong membership with 12 active members and has four new candidates being evaluated at this time. The Explorers Post meets twice per month and gives youth 14 to 20 years old, who are interested in a law enforcement career, extensive training in a variety of law enforcement subjects.

Field Operations Division: July was a busy month for the Mounted Patrol which participated in or monitored numerous events throughout the downtown to include the daytime and evening Cocheco Arts concerts, the 4th of July Fireworks and the Dover Children's Home Music Fest.

The Patrol Division is working closely with the Park Street Park Renovation Committee. The committee is comprised of city officials and more than a dozen residents of the Park Street neighborhood. An initial meeting was held on July 11th and was designed to receive initial ideas and comments on ways to renovate the park and improve safety in the neighborhood.

On July 28th, the Police Department conducted a joint effort with the State Police Commercial Vehicle Enforcement Division to target commercial motor vehicle violations in the City. Targeted areas included state highways such as NH Route 155 (Knox Marsh Road), NH Route 9 (Littleworth Road) and NH Route 108 (Durham Road). Officers monitored traffic speeds in all locations and performed a number of commercial motor vehicle safety inspections. Fourteen commercial motor vehicles were stopped resulting in 43 commercial motor vehicle violations to include: overweight vehicles, improper driver qualification and documentation, equipment, and other federal motor carrier violations. Three commercial vehicles were taken out of service immediately and an additional eight passenger vehicles were stopped for various violations.

Each year during the months of July and August, the Dover High School Resource Officer is assigned back to the Patrol Division in order to allow one officer to dedicate their full effort to traffic enforcement. Between July 6th and July 30th this officer stopped 299 vehicles for a variety of traffic violations.

Overall, the Patrol Division was very busy during July. Officers handled 2,560 calls for service which was a 25% increase over June.

Community Service Program: The Community Service Program tracked 27 active participants during the month of July. Of those in the program, 8 worked hours during the month, totaling 25

hours of work accomplished. Two members completed their court ordered hours. So far during 2009, 285 hours of community service work has been accomplished and 19 individuals have completed their court ordered obligations.

Diversion Program: The Diversion Committee met on Thursday, July 16th to review two cases. Currently there are five active cases being supervised by the committee. The next meeting will be on August 20th.

Teen Center: The Teen Center calendar for July consisted of superior educational and social programming for our youth participants.

For the month of July, the Teen Center saw a total of 229 participants, on 19 days of programming, which yielded an average of 12 participants per day.

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

- Trip to FUNSPOT ARCADE (7/8)
- DOVERPALOOZA – “July Jamfest 1” (7/9)
- Trip to PORTLAND SEA DOGS (7/13)
- Trip to CLARK’S TRADING POST (7/14)
- DOVERPALOOZA – “July Jamfest 2” – (7/23)
- Trip to Captain’s Cove Mini-Golf (7/28)
- Trip to White Lake State Park (7/29)

Two special events that occurred at the Teen Center that were not added into the averages above were two DoverPalooza Shows with 50 participants and 65 participants.

Youth to Youth: Youth to Youth was busy again this month. 29 students attended four days of advanced training at the Youth to Youth International Eastern States Conference in Rhode Island from July 15th to the 19th. The Eastern States Conference allowed the students the opportunity to network with over 300 other youth advocates working on drug prevention, hear national speakers, learn about new drug trends, and develop skills needed to address the problem.

From July 27th to the 31st, Dover Youth to Youth hosted a collection of youth and adult leaders from Strafford county and surrounding communities, wanting to start their own Youth to Youth program. This five-day advance training was in support of the Wentworth-Douglass Hospital and One Voice projects promoting the expansion of Youth to Youth to areas schools. Youth to Youth is a peer-oriented drug prevention program for students who work on a variety of drug prevention programs and community service projects throughout the year. These projects alert the community about the dangers of underage drinking, drug abuse and other challenges facing teens.

Recreation: Summer programs are in full swing and are serving hundreds of patrons on a daily basis. The Day Camps and Playground Program are underway and are seeing some impact from pricing/economics and the need for more scholarships.

The Playground Program and Camp Sun and Fun were ongoing, with daily trips to the Jenny Thompson Pool, and weekly field trips to state parks. The weather did cause a few cancellations at Playgrounds and some rescheduling of trips for Camp Sun ‘n Fun. Tennis camps and programs were ongoing. The SNAG program for children ages 5-7 began at the Pease Golf Course through the First Tee of New Hampshire program and will continue for three consecutive Thursdays.

Fall field scheduling is on-going and work has begun on the Fall/Winter/Spring brochure.

First Tee (SNAG): 7 participants (FULL)

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

The Senior Center held its annual picnic at the Great Bay Gallery in Somersworth on Friday, July 10th. 90 members enjoyed the entertainment provided by "The Codgers" as well as the food.

The Senior Book Club meets the last Tuesday of the month.

The Visiting Nurse is now visiting the center twice a month for blood pressure checks.

Seniors continue to use all fitness areas at Dover Recreation. Senior exercise and yoga classes are being held with most classes full. On July 11th, fitness instructor Theresa Bean began her Zumba classes. The class is limited to 20 and the class is full for this session.

The DCSC Mystery Luncheons are still being held the 1st Wednesday, 2nd Tuesday and the 3rd Saturday of every month.

The DCSC had a trip to Mohegan Sun Casino this month.

Dance classes are being held with Paul Rousseau as the instructor. The classes are well attended and dance classes will continue each month thru October.

Our in-house ukulele band, The Silver Strummers, continue to practice at the center on Wednesday mornings.

The craft group meets in the activity room of the Senior Center every Monday. A request for craft supplies was mentioned in the July Bulletin and people have responded by donating various types of craft supplies for members to use.

The Self-Guided Day Trip Committee went to the Wentworth Coolidge Mansion in Portsmouth on July 16th. The trip was enjoyed by 14 Senior Center members.

Indoor Pool & Outdoor Pool: The Swim teams continued to practice at both facilities during the month of July. Seacoast Swimming used both the Indoor and Jenny Thompson Pools while some of the other teams (Exeter Swim Team, The Oyster River Otters and Great Bay Masters) chose to swim just the long course at the Jenny Thompson Pool.

Seacoast Swim Association also hosted two major swim meets at the Jenny Thompson Pool which ran very well despite the weather. The Age Group Qualifier from July 10th through the 12th saw a total of 620 swimmers from 26 different New England Teams with roughly around 3500 spectators throughout the 3 day meet. The New England 14 and Under Championships took place from July 23rd through the 26th and saw 499 swimmers from 50 different New England Teams. It was only the second time the City and Seacoast Swim Association has hosted this caliber a meet and besides the weather it was a huge success! Throughout the course of the meet an estimated 5000-6000 parents, friends and family members cheered the swimmers through their races. The City seems to be averaging 300 swimmers per day at the Jenny Thompson Pool between all of the Dover City groups (Playgrounds, Camp Kool, Sun n Fun) Somersworth Recreation, York Recreation, Farmington Recreation, Tri-Star, St Mary's, John Powers School and the Clubhouse Kids from So Berwick summer camp.

Swim lessons at the Indoor Pool have been very successful. Forty Five classes have been offered with most spots filled well in advance. Besides swim lessons, the Indoor Pool has seen its usual number of Adult Lap swimmers and therapy swimmers on a daily basis, averaging 90 people every day.

Ice Arena: After a six week shutdown, the Arena opened July 6th with a full complement of programs, leagues and public skating events. Public skating events are listed below and include: Stick Practices (men, woman and youth), Public Skating, (flex skating, instructional skating and recreational skating); and Rock Night. The numbers for public skating and rock night are in line with 2008 attendance. Stick practices are lower in 2009 partially due to the shutdown and the need to build public awareness after our closure.

Stick Practices: 355

DEPARTMENTAL COLLABORATION & ENHANCEMENTS

The Public Library staff has established Dover Public Library marketing/PR presence on Facebook and Twitter. The have 48 followers thus far.

A new policy was implemented in the Police Department this month in order to minimize risk in the holding facility. Since the cell block area is not up to today's standards for holding detainees for long periods of time, the holding cells will now be limited. The County Jail will be used for detainees that need to be held overnight. This will minimize risk to detainees, officers and reduce liability to the community.

The Information Technology Division assisted with the Financial Management System bid review, selection and resolution process.

The IT Division also collaborated with the School IT Department to install a firewall at Horne Street School and make appropriate routing updates. This will allow Horne Street School to use Comcast for Internet access and DSL for School WAN access. A second firewall for Woodman Park School is also configured and ready for installation.

The Information Technology Director wrote and released a bid for video security solution for the McConnell Center, City Hall and Transportation Center.

The Fire Department hosted the first quarterly meeting of the Fire Chiefs from Durham, Rochester and Somersworth. These meetings will be used to discuss shared services, combined purchases and operational efficiencies.

PARKING & TRANSPORTATION

The new shuttle bus has been used extensively by many groups and has proved to be a real asset to the departmental programs.

The Department focused upon the pay and display parking meter project. Staff worked to finalize the background and resolution that was forwarded to the City Council for award of bid for the 9 meters. Staff then worked with the vendor, Parkeon, to layout the locations of the meters and to establish a preliminary timeline and scope of work for the implementation of the program.

Staff also began to work with the newly formed Parking Commission. This Commission met in an organization meeting to elect a chair and to set up by-laws and begin to understand its mission. The Commission will work closely with the implementation of the pay and display project.

PLANNING & ZONING

The Department of Planning and Community Development through the Planning Board continued to illicit feedback regarding proposed land use ordinance changes. The Planning Board held a workshop,

televised on Channel 22, regarding proposed land use changes on July 14th. Additionally, on July 28th, the Board held a public hearing on the 29 proposed amendments.

This process has evolved over the preceding 18 months. Over 10 workshops have been held and public feedback has been requested along the way. The Planning Department prepared and distributed notices to all property owners detailing the proposed amendments. This letter listed the amendments and encouraged feedback.

On the 28th, the Planning Department prepared a 27 slide presentation reviewing common questions and concerns brought forth to date regarding the proposed amendments. The presentation as well as the all amendments and supporting documentation has been placed on the City's web site for all to view.

CITY GROUNDS – FACILITIES & PARKS

Grounds crews continued their weekly clean up of vandalism at Park St Park, Henry Law Park and along the Riverwalk, which is an ongoing process. They also continued to clean up the First Street Parking lot. Facility and Grounds cleared behind the fence along the walk way by the river removing brush and weeds. The rails on the cement steps at Veterans building were painted. The pump at the Jenny Thompson Pool was reinstalled after the replacement of a seal. The soccer fields were prepped for weekly use, which include the mowing and lining of fields.

Crews continued to move items for various offices and departments to the Armory, handled day to day requests for service at City Hall and Police Department offices and assisted at the McConnell Center with air conditioning issues and the removal of graffiti. Custodial duties were performed at the Public Works Facility, Transportation Center and City Hall, as well as filling in at the Library as needed. The monthly inspection of the generators at City Hall was conducted for the Police Department.

City personnel met with Urban Tree Services regarding removal of vegetation at the Park Street Park and pruning of downtown trees.

Sign work included continuing to post truck route signs and "No Dogs" signs. Crews also installed or re-installed signage as requested by the Police Department or as needed due to traffic damage.

Normal day to day maintenance continued which included the clean-up and ground maintenance of municipal buildings, tri-weekly trash runs, mowing and trimming of parks and public areas, as well as the mowing and maintenance of Pine Hill and other cemeteries. Crews repaired or replaced bulbs in several décor lights in the downtown area and kept up with the ongoing maintenance of street lights and traffic signals.

Facilities, Grounds & Cemeteries employees removed 5 dead trees, two near 9 Main Street, one in front of 110 Washington Street, one in Orchard Street parking lot and one in front of 643 Central Avenue. Crews conducted the limbing and pruning of trees and pulling stumps as necessary around the City. Three trees were planted in Pine Hill Cemetery and 2 additional trees were purchased to plant near the columbarium.

The Recreation Department is working with the Community Services Department on park improvements and facility maintenance items. Seasonal repairs to HVAC systems is on the list.

The Alden Woods Playground equipment was installed and finish work will soon be underway.

Plans for the construction of a Dog Park are being discussed and resources and location will be set soon.

Improvements to Bellamy Field # 1 were completed this month in conjunction with several youth organizations and the School Department.

The new air conditioning has been installed in the Children's Room at the Public Library.

The roof repair bid has been awarded and work will soon commence at the library.

The carpet bids for the library are due August 4.

The damaged skylight in the library has been replaced by Portland Glass.

The Facilities and Grounds Supervisor is working with the library on getting their granite front steps repaired.

GENERAL UPDATES

The Planning Department is taking part in the My Turn program offered by the School Department. A high school student has been working to scan older documents and assisting the staff in reorganizing files and folders. This program will last six weeks and the student works in the office 15 hours per week.

July is the month that the reorganization of the Recreation Department officially took effect. The change in positions and shifting of duties amongst full time supervisory staff has taken place and has been working effectively as the summer activities began.

The main focus of the Recreation Department was primarily on summer programs and the 4th of July events. Another focus was the meeting with the Park Street Park neighborhood to discuss the restoration of the park.

Due to an upcoming position becoming vacant because of a retirement, the Library Director recommended a restructure with two part time positions (Library Assistant II at 22 hours per week and an Account Clerk II at 15 hours per week which would save approximately \$10,000 annually.

The Public Library is utilizing two teen-age summer volunteers: one for DVD upkeep and maintenance; and one for converting historic materials to electronic format for easier public access.

A complete review of all Police Department policies was completed this month in preparation for the reaccreditation on site assessment in December of 2009. This highly intensive process continues in August with a "mock" onsite of the compliance with accreditation standards. The mock on site is conducted by veterans of the accreditation process in order to better prepare the Police Department for the actual on site assessment.

The design solution, configuring and installation of firewall(s) at Horne Street School and Woodman Park Elementary School took place. These schools can more effectively utilize the Comcast courtesy circuit for high speed Internet access. Woodman Park School has not yet been installed.

The City Information Technology Director has discussed collaboration regarding disaster recovery / fail-over options for the Exchange mail services with School Info Tech Manager.

The Human Services Director is meeting with Pastor Wong and Margaret from Christ the King Church to discuss Welfare and Community Action Programming. The Director is also following up with Grace Community Church regarding the School Backpack Program.

The Fire Department coordinated and helped teach the National Incident Command System to school staff to ensure compliance with Federal and State requirements. This was required to ensure the City continues to be eligible for federal grants.

The Fire Department reassigned the Training and Safety Chief to cover a shift for the entire month due to a Captain being deployed for military training. This reassignment required the Chief of the Department to go out in the field and provide practical training for the entire workforce.

Consequently, many of their regular functions had to be put on the back burner or tabled to a later date.

The Fire Department also conducted approximately 20 hours of practical training. The first half of this was with the use of a new state of the art SCBA tractor trailer provided by the State. The second half was conducted in the new North End practical training room. This training was intense and provided many life saving scenarios that made the department a much safer Fire Department.

The Fire Department continues to maintain a high level of visibility. During the month of July the department hosted station tours at the new North End Fire Station, attended every Cocecho Arts Festival event, and participated by having crews attend in service the Dover Children's Home Music Festival at Henry Law Park

The Fire Department has been working with State Emergency Management to obtain funding for Hazard Mitigation projects. These projects include the city's Broadway Drainage Project and a private project on Knox Marsh Road.

NEIGHBORHOOD AREA SPOTLIGHTS

Captain Raiche has been assigned to attend and participate in the Park Street neighborhood meetings. A partnership with city departments, residents and the Dover Rotary has commenced in order to reestablish the park as a safe and fun area.

The Planning Department is working with the Willand Pond Ad-hoc committee to reconvene the committee to focus on the remaining goals of the October 2007 Action letter NH DES submitted to the City. The Ad-hoc committee will be meeting in August.

ACKNOWLEDGEMENTS & EVENTS

The library was awarded a \$5,189 grant from the NH State Library (Moose Plate Preservation Grant) for microfilming of old Dover 19th century newspapers.

During the month, Chief Colarusso met with Mason members to thank them for their contribution to the Police Department's youth programs. He also attended part of our Youth to Youth summer program to meet and talk to students, staff and the media. Chief Colarusso met with a young resident and his mother at the Dover Housing Authority to present him with a citizen citation for turning in a wallet to the Police Department that contained cash.

Firefighter Michael McShane has successfully completed the two year program to become a Nationally Registered Paramedic. Michael put in about one thousand hours of off-duty time to graduate. Not only did Michael successfully complete this extremely difficult and intense program but he earned an academic award as the number one student in the class. He has already used his new skills to make a difference in the life of a Dover patient.

ENERGY

Various staff met with Johnson Controls technicians to coordinate the energy improvement programs planned for this year.

The Police Department has implemented a comprehensive plan to reduce energy costs by mandating thermostat minimums and maximums within the building and eliminating lighting when not needed. The traffic detail vehicles are equipped with extra batteries so they can run the needed safety lights without idling.

As part of the Energy Infrastructure project, the Planning Staff is implementing use of Microsoft Project to manage time and tasks associated with the project. Staff is using this project as a template to assign to future tasks and projects.

A Stafford County Committee continues to meet regarding consolidating dispatch services with the County. A mid term report is almost complete.

Human Resources – Employment Circulation:

Employee Name	Position	Dept	Base Rate	Reason
Separations:				
Groulx, Terry	Account Clerk II	Finance	13.92/hr	Voluntary
New Hires:				
Carignan, Alec	Rec Program Associate	Rec	9.82/hr	
Goodwin, Adam	Seasonal Grounds/Maintenance	C/S	9.94/hr	
Hennessy, Alex	Seasonal Grounds/Maintenance	C/S	9.94/hr	
LeClerc, Jean	Rec Program Specialist	Rec	25.00/event	
Roche, Stephen	Management Analyst	C/S	16.10/hr	
Townsend, Mitchell	Rec program Associate	Rec	9.82/hr	
Vina, Nicholas	Seasonal Grounds/Maintenance	C/S	9.94/hr	

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
INFORMATION TECHNOLOGY				
Info Tech - Total Visitors to Website	484,482	51,339	42,677	42,677
Info Tech - Average Visitors to Website Per Day	15,946	1,656	1,376	1,376
Info Tech - Number of Support Requests Processed	642	~	125	125
CLERK RECORDS				
Clerk/Collector - Death Certificates Issued	2,698	164	189	189
Clerk/Collector - Marriage Licenses Issued	294	38	40	40
Clerk/Collector - Birth Certificates Issued	2,845	267	211	211
Clerk/Collector - Notary Public Requests	616	85	59	59
Clerk/Collector - Marriage Certificates/Copies Issued	349	60	58	58
Clerk/Collector - Justice of Peace Requests	43	6	8	8
Clerk/Collector - Vehicle Registrations Total	27,464	2,762	2,508	2,508
- EREG - Online Registrations	~	~	123	123
- Mailed Registrations	~	~	314	314
- Office Registrations	~	~	2,071	2,071
PURCHASING DATA				
Finance-Purchase Orders \$1,000 - \$4,999.99	316	27	~	0
Finance-Purchase Orders \$5,000 - \$9,999.99	94	11	~	0
Finance-Purchase Orders \$10,000 - \$24,999.99	49	4	~	0
Finance-Purchase Orders \$25,000 - Over	57	8	~	0
POLICE				
Police Non Motor Vehicle Bookings - Total	369	125	81	81
- Total Arrests	433	91	71	71
- Total Summons	69	34	10	10
- Adult Arrests/Summons	318	116	73	73
- Juvenile Arrests/Summons	51	9	8	8
- Male Arrests/Summons	270	89	62	62
- Female Arrests/Summons	99	36	19	19
Police Motor Vehicle Stops - Total	8,305	1,613	780	780
- Total Summons	466	245	75	75

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- Total Warnings	2,825	1,368	705	705
Police Total Speed Violations	769	522	351	351
- Speed Summons	83	68	25	25
- Speed Warnings	686	454	326	326
Police Total All Other Violations	1,406	1,091	429	429
- All Other Summons	226	177	50	50
- All Other Warnings	1,180	914	379	379
Police Parking Tickets Issued	7,618	604	725	725
- Winter Restriction Tickets	242	0	0	0
- Handicapped Violation Tickets	61	13	16	16
Police Dispatch Telephone Calls - Total	119,882	11,393	10,434	10,434
- 911 Calls	4,517	419	347	347
Police Calls for Service - Total	30,260	3,402	2,942	2,942
- Police Only	8,152	~	2,509	2,509
- Fire Only	1,292	~	353	353
- Police & Fire	219	~	51	51
- Other - Unassigned	121	~	29	29
Dispatch Radio Transmissions - Total	113,109	11,848	9,227	9,227
Adult Arraignments	874	80	52	52
Adult Trials	79	6	1	1
Hearings	190	23	4	4
Criminal Record Requests	1,001	83	63	63
Police Case Reports Processed	9,410	548	421	421
Community Service Program-Juveniles Tracked	268	28	27	27
Community Service Hours	324	79	25	25
Police Total Crimes Handled	595	237	217	217
- Part I Crimes - Total	256	83	83	83
- Murder	0	0	0	0
- Rape	1	0	0	0
- Robbery	2	0	2	2

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- Assault	52	14	20	20
- Burglary	18	12	3	3
- Residence	12	10	3	3
- Non-Residence	6	2	0	0
- Larceny/Theft	175	55	56	56
- Auto Theft	3	1	1	1
- Arson	0	1	1	1
- Part II Crimes - Total	501	154	134	134
- Forgery/Counterfeiting	4	2	1	1
- Fraud	16	7	15	15
- Embezzlement	3	2	0	0
- Stolen Property (Buy/Sell/Receive)	6	2	0	0
- Criminal Mischief	121	36	33	33
- Weapons Possession	2	0	0	0
- Prostitution	0	0	0	0
- Sex Offenses	11	2	2	2
- Drug Offenses	41	10	6	6
- Gambling & Bookmaking	0	0	0	0
- Offenses Against Family	1	0	2	2
- Driving While Intoxicated	37	8	3	3
- Liquor Laws	31	10	7	7
- Disorderly Conduct	15	12	5	5
- Vagrancy (Loitering)	3	0	0	0
- All Other Offenses	210	63	58	58
- School Truancy	24	0	0	0
Accidents - Total	269	76	70	70
- Non Investigative	153	41	42	42
- Property Damage	42	14	8	8
- Injury	22	10	5	5
- Fatal	0	0	0	0

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- Hit & Run	46	9	15	15
- DWI Accident	6	2	0	0
Disturbances - Investigative	346	109	112	112
Missing Persons - Investigative	24	7	3	3
Death - Untimely, Suicide & Attempts	13	6	3	3
Animal Investigations - Animal Control Officer	120	25	39	39
FIRE & RESCUE				
Fire & Rescue Total Calls for Service	5,018	441	403	403
- Calls for Fires	277	22	30	30
- Emergency Medical Calls	2,568	246	220	220
- Hazardous Condition Calls	233	10	10	10
- Miscellaneous Service Calls	428	34	26	26
- Lock Out Calls	672	54	73	73
- False/Good Intent Calls	840	75	44	44
Simultaneous Emergency Incidents	778	52	61	61
3 or 4 Simultaneous Emergency Incidents	63	15	13	13
Patients Transported to Area Hospitals	2,349	236	212	212
Ambulance Revenue	\$950,211	\$51,630	\$53,209	\$53,209
Fire Loss Totals	\$1,105,975	\$30,000	\$51,350	\$51,350
INSPECTION SERVICES				
Total Inspections	4,227	264	387	387
- Certificate of Occupancy Inspections	191	9	12	12
- Life Safety Inspections	123	8	25	25
- Business Inspections	495	42	6	6
- Sprinkler/Alarm Inspections	232	8	33	33
- Car Safety Seat Inspections	70	14	8	8
- Building Inspections	647	60	84	84
- Electrical Inspections	995	67	94	94
- Plumbing/Mechanical Inspections	861	40	65	65
- Health Inspections	505	16	56	56

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- School/Daycare Inspections	39	0	3	3
- Oil Burner Inspections	39	0	1	1
- Woodstove/Fireplace Inspections	30	0	0	0
Fire Inspection Services - Total Permits	1,722	43	135	135
- Burning Permits Issued	689	1	82	82
- Blasting Permits Issued	11	0	0	0
- Building Permits Issued - Total	1,022	42	41	41
- Building Permits - New	~		11	11
- Apartment Dwelling Units	~	~	0	0
- Commercial	~	~	7	7
- Condo Units	~	~	0	0
- Congregate Care Facility	~	~	0	0
- Convert 1 to 2 Family Dwelling	~	~	0	0
- Duplex Unit	~	~	0	0
- Industrial	~	~	0	0
- Multi-Family	~	~	0	0
- Manufactured Dwelling	~	~	0	0
- Single Family Dwelling	~	~	4	4
- Building Permits - Renovations	~		30	30
- Certificate of Occupancy Permits - Total	~	~	12	12
- Apartment Dwelling Units	~	~	0	0
- Commercial	~	~	2	2
- Condo Units	~	~	1	1
- Congregate Care Facility	~	~	0	0
- Convert 1 to 2 Family Dwelling	~	~	0	0
- Duplex Unit	~	~	0	0
- Industrial	~	~	0	0
- Renovations	~	~	4	4
- Manufactured Dwelling	~	~	0	0
- Single Family Dwelling	~	~	5	5

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
Monthly Permit Construction Value - Total	~	~	\$3,413,100	\$3,413,100
PLANNING & ZONING				
Planning & Zoning Applications - Total	~	~	9	9
- Major Subdivision Applications	~	~	1	1
- Minor Subdivision Applications	~	~	2	2
- Minor Lot Line Adjustment Applications	~	~	1	1
- Site Plan Applications	~	~	0	0
- Conditional Use Permit Applications	~	~	3	3
- Zoning Variance Applications	~	~	2	2
- Zoning Special Exception Applications	~	~	0	0
- Zoning Appeal Applications	~	~	0	0
- Sign Permit Applications	~	~	-	0
Zoning Violations Investigated	~	~	15	15
COMMUNITY SERVICES				
Comm Serv - PW - Total Incoming Service Calls	437	134	100	100
- Engineering Service Calls	21	2	0	0
- Highway Service Calls	215	45	19	19
- Solid Waste Service Calls	119	19	28	28
- Water/Sewer Service Calls	82	68	32	32
Community Serv- PW - Total Work Orders Generated	754	~	312	312
- Engineering Work Orders Total	20	~	0	0
- Engineering Work Orders Closed	~	~	~	
- Engineering Work Orders Remaining Open	~	~	~	
- Highway Work Orders	398	~	42	42
- Highway Work Orders Closed	~	~	~	
- Highway Work Orders Remaining Open	~	~	~	
- Solid Waste Work Orders	133	~	0	0
- Solid Waste Work Orders Closed	~	~	~	
- Solid Waste Work Orders Remaining Open	~	~	~	
- Water/Sewer Work Orders	203	~	6	6

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- Water/Sewer Work Orders Closed	~	~	~	
- Water/Sewer Work Orders Remaining Open	~	~	~	
- Facilities/Grounds/Cemetery Work Orders	1,741	118	135	135
- Wastewater Work Orders	~	~	129	129
Comm Serv - Water Gallons Pumped	895,409,000	85,449,000	88,311,000	88,311,000
Comm Serv - Average Water Gallons per Day	29,444,000	2,756,000	2,849,000	2,849,000
Comm Serv - Dry Tons Biosolids Processed	~	~	62.1	62.10
Comm Serv - Gallons of Septage Received	~	~	15,950	15,950
Comm Serv - Million Gallons Wastewater Treated/Discharged	~	~	97.3	97.30
Comm. Serv - Million Gallons of Average Daily Flow Treated	~	~	3.1	3.10
Comm Serv - Highest Daily Peak Flow MGD	~		5.5	5.50
Comm Serv - Tonnage of Trash Collected	4,455.78	457.35	410.07	410.07
Comm Serv - Tonnage of Paper Collected	1,310.60	110.91	102.46	102.46
Comm Serv - Tonnage of Commingles Collected	1,192.97	118.77	124.95	124.95
Comm Serv - F&G Number of Burials - Traditional	50	3	3	3
Comm Serv - F&G Number of Burials - Ash	25	0	1	1
Comm Serv - F&G Monument Concrete Foundations	43	0	0	0
COMMUNITY PROGRAMS				
Rec - Arena Public Skate Attendance	7,418	424	478	478
Rec - Arena Rock Night Attendance	1,330	34	58	58
Rec - McConnell Center - 'Open Gym' Participants	24,269	1,803	1,771	1,771
Rec - McConnell Center Common Area Reservations	934	71	68	68
Rec - Senior Center Membership Renewals	346	18	6	6
Rec - Senior Center New Memberships	167	18	24	24
Rec - Senior Center - Participants on Trips	926	51	57	57
Rec - Senior Center - Daily Game/Class Participants	8,366	972	954	954
Rec - Senior Center - Walk ins, no particular activity	7,262	680	635	635
Teen Center Participants Average Per Day	~	11	12	12
Library-Circulation	296,536	31,264	30,677	30,677

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
Library-New Patrons	1,891	204	237	237
Library-Total Cardholders	~	26,586	25,482	25,482
Library-Public Meetings Held	376	30	26	26
Library-Audio Downloads	1,247	16	326	326
Library-Internet/PC Usage	30,058	2,758	2,510	2,510
Library-Museum Passes borrowed	676	73	86	86
Library-Holds Filled	16,926	1,819	1,574	1,574
Library-Remote online holds placed	12,983	1,390	1,319	1,319
Library-Online Catalog Remote Access Hits	5,018	~	2,906	2,906
Library-Attendance at Programs	6,608	2,112	292	292
Library-Website Visitors	104,031	~	31,280	31,280
Library-Blog & Wiki Readers	4,815	~	1,422	1,422
Library-Total Number of Walk In Visits	50,265	~	18,590	18,590
ECONOMIC CONDITIONS				
Dover Human Services-Number of Contacts	4,994	369	470	470
Dover Human Services-Number of Cases	1,084	75	116	116
Dover Human Services-Case Expenditures	443,917	\$25,228	\$46,476	\$46,476
Dover Labor Force	~	17,623	17,520	17,520
Dover Unemployment Rate	~	3.3	6.2	
Strafford County Labor Force	~	69,810	69,620	
Strafford County Unemployment Rate	~	3.6	6.8	
State of NH Labor Force	~	738,680	738,110	
State of NH Unemployment Rate	~	3.7	6.8	
National Unemployment Rate	~	5.6	9.5	
CITY EMPLOYMENT				
# weeks in		4	5	
HR - Gross Wages Paid	~	\$1,274,409	\$1,641,684	\$1,641,684
HR - Total Average Number of Employees Paid	~	365	348	348
- Community Services	~	73	76	76
- Executive	~	14	12	12
- Finance	~	16	20	20

City of Dover - Monthly Statistics	FY09	July	July	FY10
	Totals	2008	2009	Totals
Days in Month		31	31	31
- Fire & Rescue	~	59	59	59
- Human Services	~	3	3	3
- Library	~	23	22	22
- Planning	~	8	6	6
- Police	~	81	81	81
- Recreation	~	89	69	69
HR - Total New Hires	~	11	7	7
- Seasonal Part-Time	~	6	3	3
- Seasonal Full-Time	~	1	3	3
- Regular Part-Time	~	2	0	0
- Regular Full-Time	~	1	0	0
- Temporary	~	1	1	1
HR - Total Separations	~	9	1	1
- Seasonal Part-Time	~	7	0	0
- Seasonal Full-Time	~	1	0	0
- Regular Part-Time	~	0	0	0
- Regular Full-Time	~	1	1	1
- Temporary	~	0	0	0
PUBLIC TRANSIT				
Dover Downeaster Total Commuters	~	~	2,121	2,121
- Total Boardings	~	~	2,054	2,054
- Total Alightings	~	~	2,121	2,121
Dover COAST Routes Total Commuters	~	~	7,758	7,758
- Route 1/34	~	~	2,105	2,105
- Route 2	~	~	4,837	4,837
- Route 33	~	~	724	724
- Community Routes	~	~	0	0
- ADAs	~	~	83	83
Totals may/may not include all months, depending on when stat was started.				

COMMUNITY SERVICES CAPITAL IMPROVEMENT PROJECTS Status as of July 2009

SIDEWALK IMPROVEMENTS

Current: The contract has been signed and construction will begin in August.

Previous: Bid will be awarded June 24 and construction to start shortly after.

WASHINGTON ST BRIDGE TO RIVER ST

Current: The contractor continues to work on the abutments and has started on the stone facing.

Previous: The concrete for abutment A footing and stem has been poured. The wing walls for both abutments are currently being constructed. The project is on schedule.

SEWER INFLOW / INFILTRATION MITIGATION

Current: SUR has completed installation of the sewer main and is working to connect the individual services, install new street drainage, and complete reconstruction of the road. The heavy rain and poor soil conditions have made progress slow during the last few weeks. A change order was approved by the City Council in June to improve the road base which will make the road hold up much better for years to come.

Previous: SUR has started construction of the project and the work will be completed in mid July.

COCHECHO RIVER DREDGING

Current: The City has been notified that the House Committee has included \$1.2 million for the Cocheco Dredge project in the FY 2010 budget and the US Senate Committee has included \$2.0 million in it's budget for the dredge. Aconerence committee will now reconcile the differences and hopefully include the greater amount of \$2.0 million in the 2010 Congressional budget. The USACOE has notified the City that the Cocheco dredge project will not be dredge during the upcoming dredge window this winter despite the good news on the potential funding from Congress. Unfortunately the timing of the budget approval and contracting for the upcoming dredging do not coincide well. The ACOE needs 4 months to issue a contract and be certain that funding is approved prior to beginning the contracting process. It is now nearly August and leaves only 3 months before the dredge window begins. Consequently it appears that dredging will not resume until November 2010. The City has asked the Congressional delegation for assistance in asking the ACOE to modify the process to allow dredging to move forward in November 2009.

Previous: The USACOE has notified the City that the Cocheco dredge project did not receive stimulus funding. The current cost estimate to dredge and dispose of the spoils remaining in the navigation channel requires that an additional \$2.2 million dollars is allocated to the project. The NH Congressional delegation has included the \$2.2 million in the next federal budget under consideration at this time. We are hopeful that the US Congress will budget the needed funds to complete the project.

RIVER ST PUMP STATION UPGRADE

Current: The River Street pump station upgrade project bids have been received and being evaluated. A contractor will be selected and approved by NHDES by the end of July. The City Council will be asked to approve contracts for the project construction and engineering construction oversight in August with construction beginning in September.

Previous: The River Street pump station upgrade project was put out to bid in June and due back in July. The SRF agreement for the stimulus funding has been received by the City for signature. The City Council will likely be asked to approve a contractor for the project in August with construction beginning in September.

SEWER INFLOW / INFILTRATION MITIGATION

Current: SUR has completed installation of the sewer main and is working to connect the individual services, install new street drainage, and complete reconstruction of the road. The heavy rain and poor soil conditions have made progress slow during the last few weeks. A change order was approved by the City Council in June to improve the road base which will make the road hold up much better for years to come.

Previous: SUR has started construction of the project and the work will be completed in mid July.

BRIDGE PROGRAM

Current: The specifications for the repair and redecking of the Washington and Fourth St bridges are being reviewed.

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

ATLANTIC / GULF RD WATERMAIN REPLACEMENT

Current: The contractor has finished the job. The City will shim the road.

Previous: The project has started by installing a temporary water service. The contractor has started installing pipe.

BERRY BROOK WATERSHED MANAGEMENT

Current: The \$1.5 million Berry Brook stream restoration grant was not selected by NOAA for funding. We are however continuing to pursue the NHDES \$50,000 funding opportunity this summer.

Previous: Staff completed a grant application to NHDES for \$50,000 to implement the initial phase of implementation of the Watershed Management Plan. Staff also partnered with the UNH Stormwater Center on a \$1.5 million grant to NOAA for a stream restoration grant. The NOAA grant is Stimulus funding and does not require any matching funds from the City. If we are selected for funding many of the Berry Brook Watershed Management Plan recommendations will be completed by the project.

TOLEND LANDFILL REMEDIATION

Current: EPA issued an Explanation of Significant Difference (ESD) document on June 30, 2010. The modified remedy proposes to establish hydraulic control of the contaminants leaving the landfill using a groundwater extraction system and conveyance system to the Dover WWTP. A copy of the ESD was previously transmitted to the City Council by the City Manager. The remedy will be effective and cost \$14 million less than the sparging trench. The remedy will be able to be fully implemented and operational by the end of 2010.

Previous: EPA held a Public Meeting on April 27th to present the proposed modification to the final remedy at the landfill. The EPA proposed the change using an Explanation of Significant Difference (ESD) document. The modified remedy proposes to establish hydraulic control of the contaminants leaving the landfill using a groundwater extraction system and conveyance system to the Dover WWTP. A copy of the ESD was previously transmitted to the City Council by the City Manager. The remedy will be effective and cost \$14 million less than the sparging trench. EPA is accepting comments to the ESD for a 30 day period which began on April 27th.

Total Permits Issued: July 2009

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
08-313	KAGELEIRY		THORNWOOD DRIVE	DEMO OF GREENHOUSE & AN ACCESSO	C	K	19	0	25
09-107	LACONIA SAVINGS BANK	845	CENTRAL AVENUE	BANKING FACILITY	C	38	4B	1075000	10775
09-145	CAMPBELL	784	CENTRAL AVENUE	MEDICAL OFFICE BLDG ADDITION	C	29	23	1200000	12025
09-150	ACORN ORGANIC SALON	495	CENTRAL AVENUE	BEAUTY SALON INTO AN ADJ. SPACE	C	3	60	11000	135
09-153	LIBERTY MUTUAL	100	LIBERTY WAY	RENOVATE OFFICE SPACE	C	E	24	10500	155
09-170	RANDALL	505	CENTRAL AVENUE	DIVIDE RENTAL SPACE	C	4	1	4900	75
09-172	21 FOURTH STREET, LLC	11	FOURTH STREET	INT. RENOV./EST. RESTAURANT	C	5	3	60000	625
09-112	DUNPHY	37	LITTLEWORTH ROAD	SECOND FLOOR ADDITION	R	G	28-1D	92000	945
09-122	NILES	37	SHAWNEE LANE	CONST./INST. STORAGE SHED	R	A	9T	2400	55
09-148	EVERNGAM	7	BIRCH DRIVE	NEW ROOF STRUCTURE	R	I	82V	4500	75
09-149	CIOTTI	40	CONIFER COMMONS	2 CAR ATTACHED GARAGE	R	E	19-00	27000	295
09-154	BROWN	3	ROBINWOOD AVENUE	PORCH	R	I	38P	2600	55
09-155	GUADAGNOL	19	SOUTH WATSON LANE	DECK	R	17	80A	6000	85
09-156	COX	42	ATKINSON STREET	RMV/RPL/CNST. FRNT DECK ADD.	R	9	65	2400	55
09-157	PELLETIER	11	MERIDIAN DRIVE	SECOND STORY ADDITION	R	I	75T	86000	885
09-158	BAKER	31	SAMUEL HANSON AVENUE	SINGLE FAMILY RESIDENCE	R	21	26-37	150000	1525
09-159	RITTER BUILDERS, LLC	47	CATARACT AVENUE	SNGL FMLY DWLNG W/GAR. UNDER	R	14	9	125000	1275
09-163	STEVENS	9	MORGAN WAY	CUST. HME. OCC./MASSAGE THERAPY	R	I	30B-3	0	50
09-164	KRAFT	19	COURT STREET	RENOVATIONS AND WIRING	R	20	73	11000	135
09-168	TURNER	416	MIDDLE ROAD	GARAGE FOR SALON AND STORAGE	R	M	58-1	19000	215
09-169	ALLEN	43	OLD ROCHESTER ROAD	ABOVE GROUND POOL	R	40	42	400	35
09-171	GLADIOLA LANE DEV., LLC	18	GLADIOLA WAY	SNGL FMLY DWLLNG W/GRGE UNDER	R	A	28-3	125000	1275

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
09-173	VROMEN	24	QUAIL DRIVE	KITCHEN REMODEL	R	A	49-10	9000	115
09-174	GREANEY	5	DOVER STREET	CUSTOMARY HOME OCCUPATION	R	27	52	0	50
09-175	MARGGRAF	2	KENNEDY CIRCLE	FINISH BASEMENT	R	32	82	2000	45
09-176	DIENGOTT	35	RUTLAND STREET	ALT. TO GUEST QUARTERS	R	12	140	13000	165
09-177	MEHR	68	BACK RIVER ROAD	CONST. A DETACHED GARAGE	R	I	64	25000	275
09-178	FRANK	12	WALLACE DRIVE	CONST. A REAR DECK ADD.	R	G	27-3	7000	95
09-179	DEGRANDPRE	21	DANIELLE LANE	SCREEN PORCH	R	8	49-19	8800	115
09-180	HARMON	8	UNION STREET	REMOVE AND REPLACE REAR OF BLDG	R	20	67	17000	195
09-182	LOMASTRO	30	BALDWIN WAY	SUNROOM	R	L	40-15	30000	325
09-184	MACNEIL	18	CRANBROOK LANE	STORAGE SHED	R	D	96	3300	55
09-185	BUSBY	5	AUTUMN STREET	ABOVE GROUND POOL	R	34	21A	2000	45
09-186	MARSHALL	6	DEEPWOOD DRIVE	CONST. SIDE DECK ADDITION	R	I	22	1500	45
09-187	EMERALD WOOD DEVE. LLC	81	EMERALD LANE	SGL FAM DWELL W/ATT. GARAGE	R	F	22A/1	184000	1865
09-188	CREDLE	11	CASSILY LANE	DECK	R	E	67-14	4800	75
09-189	PAOLINI BROS. DEV.	23-25	VILLAGE DRIVE	FINISH THIRD FLOOR	R	5	34-9&	16000	185
09-193	KURR	7	BENJAMINS WAY	IN GROUND POOL	R	I-47	44	28000	305
09-195	MARINO	3	BRIARWOOD LANE	ENCLOSED PORCH	R	K00	01500	9500	125
09-196	CANNON	21	MORRISON LANE	CONST. 1 STORY SIDE ADD.	R	G	7-1-22	30500	335
09-202	NEW REDDEN GARDENS	14B	SYLVAN DRIVE	REPR./RENO. FIRE DAMAGED APT.	R	I	20A-4	7000	95

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
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Total Permits Issued: 41

Total Construction Value: \$3,413,100.00

Total Fees Collected: \$35,285.00

Type of Permits Issued		Certificate of Occupancy's	
Apartment dwlg units	0	Apartment Units	0
Commercial	7	Commercial	2
Condo Units	0	Condo Units	1
Congregate Care Facility	0	Congregate Care Facility	0
Convert 1 to 2 Fmly Dwlg	0	Convert 1 to 2 Fmly Dwlg	0
Duplex Unit	0	Duplex Unit	0
Industrial	0	Industrial	0
Multi Family	0	Renovations	4
Manufactured Dwlg	0	Manufactured Dwlg	0
Single Family Dwelling	4	Single Family Dwellings	5
		Total	12

City of Dover

Expenditures of Major Funds

July 31, 2009

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Encumb	Budget Availability	Avail %
1000 General Fund							
City Council	301,884.00	301,884.00	5,318.73	5,318.73	10,370.97	286,194.30	94.80
Executive	780,347.00	780,347.00	45,247.66	45,247.66	29.50	735,069.84	94.20
Finance	1,411,996.00	1,411,996.00	112,238.21	112,238.21	140,632.50	1,159,125.29	82.09
Planning	381,875.00	381,875.00	34,873.67	34,873.67	(1,048.25)	348,049.58	91.14
Misc Gen Gov't	786,757.00	786,757.00	22,341.65	22,341.65	7,964.00	756,451.35	96.15
Police	6,341,897.00	6,341,897.00	530,708.18	530,708.18	8,744.55	5,802,444.27	91.49
Fire & Rescue	6,247,029.00	6,247,029.00	554,182.97	554,182.97	603.85	5,692,242.18	91.12
Comm Serv PW	5,548,705.00	5,548,705.00	357,713.47	357,713.47	419,904.04	4,771,087.49	85.99
Recreation	2,353,275.00	2,353,275.00	169,794.01	169,794.01	13,499.95	2,169,981.04	92.21
Public Library	1,063,736.00	1,063,736.00	82,917.62	82,917.62	1,913.87	978,904.51	92.03
Human Services	712,277.00	712,277.00	47,934.35	47,934.35	462.57	663,880.08	93.21
Debt Service	10,020,931.00	10,020,931.00	344,514.06	344,514.06	0.00	9,676,416.94	96.56
Other Financing Sources/Uses	125,000.00	125,000.00	0.00	0.00	0.00	125,000.00	100.00
School	40,699,081.00	40,699,081.00	1,552,984.83	1,552,984.83	13,901.20	39,132,194.97	96.15
Intergovernmental	7,002,420.00	7,002,420.00	0.00	0.00	0.00	7,002,420.00	100.00
Total for General Fund	83,777,210.00	83,777,210.00	3,860,769.41	3,860,769.41	616,978.75	79,299,461.84	94.66
3320 Residential Solid Waste							
Comm Serv PW	1,077,465.00	1,077,465.00	70,641.33	70,641.33	765,291.70	241,531.97	22.42
Total for Residential Solid Waste	1,077,465.00	1,077,465.00	70,641.33	70,641.33	765,291.70	241,531.97	22.42
3381 McConnell Center							
Comm Serv PW	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recreation	774,724.00	774,724.00	39,801.42	39,801.42	29,398.80	705,523.78	91.07
Total for McConnell Center	774,724.00	774,724.00	39,801.42	39,801.42	29,398.80	705,523.78	91.07

City of Dover

Expenditures of Major Funds

July 31, 2009

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Encumb	Budget Availability	Avail %
5300 Water Fund							
Comm Serv PW	4,162,633.00	4,162,633.00	180,978.81	180,978.81	51,167.01	3,930,487.18	94.42
Total for Water Fund	4,162,633.00	4,162,633.00	180,978.81	180,978.81	51,167.01	3,930,487.18	94.42
5320 Sewer Fund							
Comm Serv PW	5,750,387.00	5,750,387.00	327,918.11	327,918.11	47,370.99	5,375,097.90	93.47
Total for Sewer Fund	5,750,387.00	5,750,387.00	327,918.11	327,918.11	47,370.99	5,375,097.90	93.47

City of Dover

Revenues of Major Funds

July 31, 2009

(General Fund Includes Property Taxes and Education Revenues)

Account	Original Budget	Adjusted Budget	Revenues This Period	Revenues Year To Date	Revenue Due	Uncollected %
1000 General Fund						
Taxes	60,036,933.00	60,036,933.00	21,047.03	21,047.03	60,015,887.34	99.96
Licenses & Permits	4,315,000.00	4,315,000.00	354,406.89	354,406.89	3,960,593.11	91.79
Intergovernmental	2,589,728.00	2,589,728.00	1,475.15	1,475.15	2,588,252.85	99.94
Charges for Services	3,131,457.00	3,131,457.00	90,067.42	90,067.42	3,041,389.58	97.12
Misc. Revenue	575,163.00	575,163.00	31,643.09	31,643.09	543,519.91	94.50
Education	13,011,005.00	13,011,005.00	(3,358.42)	(3,358.42)	13,014,363.42	100.03
Operating Transfers In	95,000.00	95,000.00	0.00	0.00	95,000.00	100.00
Total for General Fund	83,754,286.00	83,754,286.00	495,281.16	495,281.16	83,259,006.21	99.41
3320 Residential Solid Waste						
Charges for Services	1,077,465.00	1,077,465.00	90,675.90	90,675.90	986,789.10	91.58
Misc. Revenue	0.00	0.00	11.58	11.58	(11.58)	0.00
Total for Residential Solid Waste	1,077,465.00	1,077,465.00	90,687.48	90,687.48	986,777.52	91.58
3381 McConnell Center						
Misc. Revenue	691,903.00	691,903.00	22,923.51	22,923.51	668,979.49	96.69
Operating Transfers In	82,821.00	82,821.00	0.00	0.00	82,821.00	100.00
Total for McConnell Center	774,724.00	774,724.00	22,923.51	22,923.51	751,800.49	97.04
5300 Water Fund						
Charges for Services	4,141,633.00	4,141,633.00	666,079.03	666,079.03	3,475,553.97	83.92
Misc. Revenue	21,000.00	21,000.00	1,991.99	1,991.99	19,008.01	90.51
Total for Water Fund	4,162,633.00	4,162,633.00	668,071.02	668,071.02	3,494,561.98	83.95
5320 Sewer Fund						
Intergovernmental	154,097.00	154,097.00	0.00	0.00	154,097.00	100.00
Charges for Services	4,579,371.00	4,579,371.00	632,869.12	632,869.12	3,946,501.88	86.18
Misc. Revenue	32,000.00	32,000.00	2,162.94	2,162.94	29,837.06	93.24
Other Financing Sources	984,919.00	984,919.00	0.00	0.00	984,919.00	100.00
Total for Sewer Fund	5,750,387.00	5,750,387.00	635,032.06	635,032.06	5,115,354.94	88.96



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Weston led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, Scott and Weston. Councilor McCusker arrived at 7:03 pm.

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

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Councilor Weston asked to add a new Resolution under Item 12, New Business, regarding a Charter Amendment, and refer it to a public hearing on August 12, 2009; seconded by Councilor Scott.

Councilor Weston said she felt with the time constraints that she had to bring up this Resolution in this manner.

Deputy Mayor Trefethen said he didn't feel this Resolution should be rushed, because the wording is inaccurate and misleading. He said there is a process for this procedure. He said the last time a Resolution was passed too quickly, the Council spent many meetings trying to correct it.

Councilor DeDe said he was in agreement with Deputy Mayor Trefethen. He said he read the New Hampshire RSAs on the process, and several things need to be worked out. He said he didn't have a problem with the Resolution once it has been vetted and discussed as a Council. He said he wasn't in favor of adding it to the Agenda.

Councilor Cheney said she felt it should be placed on the ballot for the voters to decide, and the Attorney General's office will review this.

Councilor Scott said this was an opportunity to open up the way the City works. He said he has heard from many people that the City seems to be closing in, and there was not enough public participation. He said this Resolution will let the citizens feel that they have a voice. He said there is a time issue, because it has to be completed by early September.

Councilor Weston said she had reviewed the RSAs with the City Attorney, and the format is according to State laws. She said City Attorney Krans did approve and sign this Resolution for legal form.

Mayor Myers said this was a proposed Charter Amendment that the public has not been notified of. He said the Deputy Mayor has a problem with the wording of the Resolution. He said the Tax Cap Charter Amendment was approved by the Attorney General's office, and the Council spent several meetings going over the ambiguity and the poor wording of the amendment. He said he was not against putting anything to the voters. He said the Council could have a workshop and special meetings to get this completed in the timeframe. He said if this is accepted to go to public hearing, the wording stays as is, and the Council doesn't have an



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

opportunity to clean up the language. He said he wasn't comfortable with putting this Resolution on the Agenda, even if it is just to refer to public hearing.

Councilor McCusker asked for a workshop on this Charter Amendment Resolution. He said it wasn't that he disagreed with the idea, but he wanted to learn more about it. He asked for an explanation on the process.

Mayor Myers said it would be posted to a public hearing, the public would be able to talk about it early on in the meeting, and the Council would discuss it later on in the Agenda and move it to the ballot as a Charter question. He said minor changes could be made, but any substantive changes would need to be reposted for another public hearing.

Councilor McCusker said it would be more efficient to have a workshop, put it together, and then put it forward to the public. He asked if Councilor Scott's comment about the time constraints was accurate.

Mayor Myers said the Council could have a special meeting.

Deputy Mayor Trefethen said a workshop would be very useful, and he would be agreeable to have a special meeting after the workshop or have a public hearing at the second regular meeting of the month. He said he had an issue with the language, and he felt it was substantial.

Mayor Myers said if it doesn't make the Agenda tonight, he would recommend it go on the Agenda for the July 29th Workshop.

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

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

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.

Councilor Scott made a motion to suspend the Council rules to have a non-resident guest speak for three minutes; seconded by Councilor Callaghan.

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

Harvey J. Lynch, 26B Lincoln Street: He said the Council was being unfair to the gentleman who came to speak to the Council. He asked again about the tree and bench that were removed. He asked if it was a favor done for the owner. He asked if other owners could extend their businesses to the curb in the same way. He said he will keep bringing this issue up until he gets an answer. He said it will be election time soon. He said he was sure with all the things that weren't done before that, the Councilors will be out making promises that can't be kept.

Kirt Schuman, 30 Cushing Street, Executive Director for the Dover Chamber of Commerce, and the Past Chair for the Parking Facility Ad-Hoc Finance Committee: He spoke about the Resolution on the Pay and Display Parking Meters. He said the Chamber of Commerce has been a steadfast advocate of a long term and comprehensive solution to the City's parking management system. He said they endorse and support the recommendations



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

made by the Parking Facility Ad-Hoc Finance Committee. He urged the Council to approve the Resolution.

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

7. PUBLIC HEARINGS – None

8. CITY MANAGER'S REPORT

City Manager Joyal said he would like to have Economic Development Director Dan Barufaldi, on behalf of the Dover Business and Industrial Development Authority (DBIDA), give the Council an update on the activities of DBIDA, and what he has done as the Economic Development Director.

Mr. Barufaldi said he has been with the City for 20 weeks. He said in that time they began by setting out the day-to-day management and administration guidelines between the DBIDA board and the City Manager. He said he reports to the City Manager much like a department on day-to-day management. He will be speaking to the Council on a quarterly basis, and has been sending monthly reports to the Council within the City Manager's Report. He said he wanted to give an overview of his activities in five sectors: business retention, industrial parks, outreach activities, tourism, and unemployment statistics. He said in the area of business retention he has been advocating the new stimulus ARC loan package for small businesses. He also spoke about the new Economic Revitalization Zone (ERZ) districts, which the Council and State have approved, and said the City currently has nine businesses taking part in the program. He said he has been helping businesses adjust their business models, which will help them to be more survivable. He said he has been helping smaller business with financing and looking at lease changes that can be made. He said he has done a lot of downtown small business assistance, including the Mills. He spoke about the industrial parks. He said they had a complete clean up of public areas and landscaping maintenance has been arranged in Enterprise Park. He said they have a purchase order out for signage. He said there are two companies negotiating to purchase land and build new buildings in Enterprise Park. He said a third company had to back out to conserve cash in this tight economy, but will probably come back in two to three years. He said one company is currently leasing a building and is now arranging to buy it within a few months. He said Enterprise Park has been a financial success, adding \$921,000 over the last 14 years to the tax funds in excess of the bonding debt, and that \$264,000 had happened in 2008. He said the debt bond will mature in 2010 and 2011, placing all the tax funds in the General Fund, which is approximately \$440,000 to \$450,000 per year. He said there are still five parcels left, varying from 1 to 12 acres. He said there are approximately 450 jobs in Enterprise Park. He said the City Attorney has drafted a set of by-laws for a park/tenant association, so that the public areas are maintained by the people there, rather than by DBIDA or the City. He said the first organizational meeting will be held this fall. He referred to the other industrial park areas, Progress Drive and Industrial Park Drive, and said there was a lot of building rehabilitation and business retention activities ongoing, with expanding and relocating businesses. He said they are working with regional commercial real estate firms and developers with some success. He said with outreach activities he has been very active with Seacoast alliance advertising in the Business Review Services Guide. He said he had been to



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

a lot of real estate group meetings with Weichert Commercial Group of Portsmouth, Cyber Seacoast, Cyber New Hampshire, and a leads networking group that has been very fruitful in exposing companies that are thinking of moving to New Hampshire. He said there was an RFP and Purchase Order left for a Dover Economic Development Resource Guide, which is for client attraction and presentation, and will give information all about Dover that companies need to know about. He said he has had two meetings with George Bald, Commissioner of the New Hampshire Department of Resources and Economic Development (DRED). He said the communications with DRED have improved markedly, and Dover is getting a lot more information and help. He referred to the tourism project, a Dover discount book for restaurants, hotels, and museums which is almost complete, and will be distributed at highway welcome centers all over the region, and on Amtrak trains going from Portland to Boston. He said he is meeting with Amtrak about doing split tickets, where someone going from Portland to Boston can stop at Dover and spend an hour, afternoon or overnight, and then continue on the train with no ticket penalty in the price. He said he currently has an intern working on the tourism project, Devin Merullo, a junior at the University of New Hampshire (UNH) studying business. He said he'll be holding a stakeholders breakfast in the fall for the tourism project and to initiate the ambassador program. He said this was a program that he successfully used in Jamestown, New York. They would have a monthly meeting with a speaker, do an orientation on Dover for all of the people involved, and contact companies that might be interested in moving to Dover. He said Jamestown, New York had 200 ambassadors and 50 on a waiting list, bringing companies in from as far away as Sweden. He said he has already put an RFP out for lapel pins that will identify the ambassadors. He said they have a quality approach, working with the Planning Board's Quality of Life Committee, Chamber of Commerce, Main Street, Children's Museum, the Arts Alliance, and the Events Coordination Committee for Dover, creating an event calendar that doesn't get in each other's way, combine the events that will work well together, and publicize them properly. He said he has also contacted the American Bus Association to bring bus tours to Dover with hospitality packages. He said his monthly Economic Development report contains statistics on unemployment in the United States, New England, New Hampshire, Massachusetts, Maine, Rhode Island, Vermont, and the surrounding towns and cities for comparison to Dover. He said Dover is now at 5.6%, which is the lowest rate in the State, with the exception of Portsmouth's 5.4%. He said part of that has to do with the City's healthcare density, and that Dover is close to UNH and the highly educated and talented people. He said it was also a tribute to the vitality and vibrant activity here, with all the volunteers that make Dover what it is. He said that was unique to Dover and a great help to him. He said his monthly report also shows the activity levels of various economic sectors that make up Dover and the regional economy.

Councilor Scott thanked Mr. Barufaldi for his thorough report. He asked what the reduced price is for warehouse space being leased in Dover.

Mr. Barufaldi said it varies depending on location, but it can be as low as the cost of mortgage insurance and interest.

Councilor Scott asked what that was per square foot per year.

Mr. Barufaldi said it would depend on the building.

Councilor Scott asked for a range.

Mr. Barufaldi said anywhere from \$2.00 to \$6.00 per square foot.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Councilor Cheney said she was very impressed with the reports the Council has been getting every month. She asked about the nine ERZ applications, and mentioned that he said he passed out nine applications.

Mr. Barufaldi said they had nine businesses represented at the forum, each of which was individually responsible for putting in their application, and to the best of his knowledge each one of them has done that.

Councilor Cheney asked if there were many more who could get those applications.

Mr. Barufaldi said yes, a lot more.

Councilor Cheney referred to the two tenants that are leaving the Mill space, and asked who they were, and if they were moving to another space in Dover.

Mr. Barufaldi said yes, they have. He said he would rather not state who they were.

Councilor Cheney asked if they were moving to one of the bigger parks where there is parking.

Mr. Barufaldi said a few of them are moving to the Goss building.

Councilor Cheney said she feels that he is managing all of the different facets of his position well. She was also thankful for all of the volunteers.

Mayor Myers thanked Mr. Barufaldi for his report.

City Manager Joyal wanted to answer the gentleman who spoke at the Citizen's Forum, which he had addressed previously, but he said again that the tree on Central Avenue was removed because it was damaged and diseased. He said there are other examples of that happening throughout the City. He said there are some trees in the City that are ornamental, and should be maintained and replaced regularly. He said Dover hasn't maintained these trees regularly and as a result salt from the roads causes damage to the tree's roots and they have to be removed. He said removing the park bench was a budgetary decision and not as a result of a favor to anyone. He said there were two benches in that area: the one adjacent to the bus stop was completely damaged and removed, and the City chose to take the second existing bench and move it approximately 15-20 feet to coincide with the bus stop. He said it was brought to his attention that chairs were being provided by Café on the Corner to patrons. He said he felt it was a win/win situation for the business, the City, the bus stop, and the pedestrians.

Councilor Weston said she used to frequent that bench a lot when she lived in the Downtown, and asked if there was any possibility of putting it back or replacing it, because there have been a lot of people who have spoken about it. She said a lot of citizens walk from corner to corner and need to sit and rest. She said citizens couldn't use the chairs from the Café on the Corner just to sit and rest.

City Manager Joyal said it was possible to have the bench replaced. He said the bench that was moved was placed about 15 to 20 feet from where the other bench was located. He said the bench was moved to the corner of Third Street. He said he felt the City should encourage chairs and tables on the sidewalks from businesses, provided it does not block or impede pedestrian traffic on the sidewalk. He said the Police Department has addressed that with several businesses in the City.

Mayor Myers said the bench was damaged over the winter and two orange cones were covering the metal posts from the bench into the spring. He said he was asked by the owner of Café on the Corner if the bench was going to be replaced. He said he asked Community Services Director Doug Steele and the City Manager if it was going to be replaced, and was told that due to budgetary constraints that it wasn't going to be replaced. He said when he explained the



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

situation to Café on the Corner, they responded by asking if the other bench could be moved so people had a place to sit while waiting for the Coast bus, and not sitting at their tables. He said he asked Mr. Steele if this could be done, satisfying the needs of the public and the business owner, who could put another table on the sidewalk without blocking pedestrian traffic. He said to replace the bench would require using another bench from somebody else's location in the City. He said there is still a public bench no more than 30 feet from the original location. Councilor Cheney said Mr. Lynch asked about this two weeks ago and had to wait for an answer. She said it does impact the City. She said she knew the Council can't be totally informed, but there are things like this that happen and it would have been nice to know about. Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor Weston.
Vote: 9/0.

9. MINUTES

A. July 8, 2009

Deputy Mayor Trefethen moved for their approval; seconded by Councilor DeDe.
Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said he attended a party for families who adopted children from St. Petersburg, Russia, who were being met by the Russian official who oversaw the adoptions. He said it was an emotional and enjoyable event. He said the Dover Children's Home will be hosting the Music and Arts Festival on Saturday, July 25th, Noon to 9:00 pm, at Henry Law Park. He told the Councilors they all should have the City Manager's evaluation packets, and asked that they be returned to him by July 31st, so he can compile the scoring for the August 5th Workshop. He reminded the Council that they will be going into Executive Session immediately following the Regular Meeting to discuss labor negotiations. He said on a personal note, he was sharing with the Council that his son, Glen, was celebrating his 18th birthday. Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier.
Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING – None

B. RESOLUTIONS - None



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

12. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – American Cancer Society**
2. **PARADE – Cochecho Valley Humane**
3. **RESOLUTION: B09092 NATURAL GAS**
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 | |

Mayor Myers asked the Council if there were items that they wish to pull for further discussion.
Councilor Scott asked to pull Item 12.A.3.

Mayor Myers asked for a vote on the remaining items on the Consent Calendar.

Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.3.; seconded by Councilor McCusker.

Councilor Scott said this Resolution was asking for the appropriation of \$430,000, and he felt it should not be on the Consent Calendar.

Mayor Myers asked if there was anything else.

Councilor Scott asked if this was the price for a full 12 months.

City Manager Joyal said it was a price that would be locked in for the period of August 1, 2009 to July 31, 2010.

Councilor Scott said the City got burned last year when we locked in for the price of our fuels at what was the peak of the market. He felt it was a mistake to tie in for a full 12 months, and would like to see a quarterly review of prices.

Councilor Cheney said she noticed on the background materials that this is combining with the School, Housing Authority and St. Thomas Aquinas, and asked if they all agreed to join in on this as a group effort.

Mayor Myers said the background material shows separate prices for a group effort and singular. He said the City has chosen the singular prices, which are most advantageous for the City. He said this Resolution is to award the City as a standalone, and the School as a standalone at the advantageous price.

Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

B. RESOLUTIONS

1. B09006 FINANCIAL MANAGEMENT SYSTEM SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Cheney. Mayor Myers asked to have Councilor Cheney as a sponsor on this Resolution, because she sat on the Committee and did a lot of work on it.

Councilor Cheney thanked the Mayor and said she would like to be a sponsor for the Resolution. She thanked everyone for giving her opportunity to serve on this committee. She said she wanted to work with a company that would grow and be flexible. She said it will encompass the City and School. She said she also wanted it to have a citizen's web portal for citizens to query data. She thanked the other people on the committee: Finance Director Daniel Lynch, School District Business Administrator Laura Verville, Purchasing Agent Ann Legere, City IT Director Annie Dove, School District IT Director Chris Roberge, Human Resources Director Sue Daudelin, City Clerk/Tax Collector Karen Lavertu, and Deputy Tax Collector Diane Bennett. She said they only received two bids, but this one had extensive support.

Mayor Myers said that in the background materials there is a letter from the Superintendent of Schools stating that the School Board has voted to approve their portion unanimously, and he hoped that the Council will pass it as well.

Roll Call Vote: 9/0.

2. RESOLUTION: B09064 PAY AND DISPLAY PARKING METERS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Councilor DeDe said the Parking Committee came to the Council and gave a very comprehensive report. He said it was decided that the City wasn't ready for a parking garage, but that parking was an issue within Dover. He said they created an inventory of parking that the City had and evaluated the charges that were being assessed for them. He said the parking meters were just another area to be addressed. He said the whole premise is to raise enough revenue to build a parking garage. He said it was the first step towards that goal, and he didn't know how long it was going to take. He hoped this Resolution had the unanimous support of the Council.

Councilor Callaghan said he opposed the first resolution where the City paid \$100,000, and he opposed this Resolution spending another \$308,000, authorizing bonding over the next two years. He felt that the new Council should examine this and decide if it's in the best interest of the citizens to continue this program. He felt that until this program has been tested that the Council should not give automatic approval to buy 32 to 38 meters for the next two years. He said it should come back to the Council and the funds should be there to buy them. He referred to the parking garage to make clear his definition of no cost to the taxpayer. His definition is that the City doesn't lose money off the property. He said it should be built by a private contractor who then pays taxes on the property. He said if it isn't done that way, then it will become a cost to the taxpayers.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

He said he has spoken to some of the new members of the Parking Commission, and felt he had some agreement from them. He said he would not be supporting this Resolution, primarily because it is looking for the extra \$300,000 over the next two years.

Mayor Myers asked the City Manager to clarify the \$308,000, how this Resolution is not encumbering or authorizing a bond, and the Council is authorizing nothing more than the \$100,000 that was in the CIP.

City Manager Joyal said the Council appropriated \$100,000 as part of its Capital Improvements planning process, which was an expense being charged to the Parking Activity Fund, which is solely supported by the parking revenue with no crossover from the General Fund. He said this Resolution is nothing more than an authorization to enter into a purchase order with a vendor for the initial purchase of nine pay and display meters. He said he did see where it could be read in a portion of the Resolution that the City is going to go ahead with purchasing more than nine meters. He said that was not the intent of this Resolution, and he will not be able to do that. He said the Resolution did lock in the price if funding should be appropriated by the Council. He said the Resolution could be amended to take out: "...and 32 to 38 meters over the next two years," or change it to say: "lock in the ability to buy 32 to 38 meters within the next two years."

Councilor Callaghan asked where the money would come from to do this. He said there were two parts to this Resolution seeking authorization for spending money.

City Manager Joyal said the "whereas" does not provide any authority, but is an indication of getting more meters. He said it is attempting to say that once the initial nine meters have been completed, they will be coming back to the Council looking for an additional appropriation, provided the City chooses to go that path to purchase additional meters. He said the Parking Commission analysis said once the initial nine meters have been put in, it should generate sufficient funds to pay for the additional meters when that decision is made. He said it was providing an explanation for the longer-term potential of where this is going.

Councilor Cheney said the words "lock in" should not be used. She said the new Parking Commission will be meeting next week and the Council should let them deliberate on the direction to take. She said in 2005 the Mills were 50% vacant, and now we've learned that they are 57% vacant and two more businesses are leaving. She felt if the Council was going to wordsmith this Resolution, she felt it should just be for the nine meters, or have a workshop to discuss. She made a motion for the first change to the Resolution, the third whereas, put a period after "...and display parking meters." and delete the rest of the sentence; seconded to Councilor Scott.

Councilor DeDe asked if she meant the "Now, therefore," section.

Councilor Cheney said no, but she will be addressing that section also.

Mayor Myers said he would support that amendment, but wanted to make sure it said somewhere in the Resolution that the price is locked in if the Council chooses to purchase another 38. He asked for a vote on the amendment to the third whereas.

Councilor Scott said he felt it was a mistake to lock in the price, because the price for this apparatus is something that goes down as it becomes more popular. He said this



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Resolution purchases nine meters for \$100,000, and asked if that meant it cost \$11,000 per meter.

Mayor Myers said no, it was up to \$100,000.

Councilor Scott asked how much each meter cost.

Mayor Myers said it was detailed in the background information.

City Manager Joyal said it was \$6,400 per meter, plus there are other things that the City will have to buy, such as receipt paper, and payment for shipping.

Councilor Scott asked if that added another 40%.

Mayor Myers said the price per meter was \$7,795.56 installed.

Councilor Scott asked if this program was similar to what Manchester has.

City Manager Joyal said it was exactly what Manchester has.

Councilor Scott said he supported the amendment.

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

Deputy Mayor Trefethen said they wanted to preserve the price.

Councilor DeDe made a motion to change the "Now, therefore" section. The wording would remain the same up to the word "meters" and put a period there. Then the entire next sentence would be stricken and replaced by: "The City shall be entitled to exercise its option for 32 to 38 more meters at the rate stated on April 13, 2009 at the option of the City Council." He said the last sentence will stay. Councilor Carrier seconded the motion.

Mayor Myers said he supported the amendment.

Councilor McCusker said he wasn't in favor of these changes, because the City wasn't committed to buy any more than the initial nine meters.

Councilor Scott said he wanted to make a friendly amendment to change the amount to \$80,000, because he didn't see why the Council should approve 25% more than what it is going to cost the City.

Mayor Myers asked Councilor DeDe if he would accept the friendly amendment.

Councilor DeDe said he didn't see anything that needed to be taken out at this point.

Councilor Cheney said she agreed with the amendment, but asked if the two year provision was mentioned in this Resolution and if it should be mentioned.

Mayor Myers said it should be in there.

Councilor DeDe changed the amendment to: "Now, therefore" section. The wording would remain the same up to the word "meters" and put a period there. Then the entire next sentence would be stricken and replaced by: "The City shall be entitled to exercise its option for two years for 32 to 38 more meters at the rate stated on April 13, 2009 at the option of the City Council." He said the last sentence will stay.

Mayor Myers said this friendly amendment has to have unanimous support.

Councilor Weston asked the City Manager if the vendor agreed to freeze the price for two years.

City Manager Joyal said the vendor will honor the price for two years if the City should decide to purchase more meters.

Mayor Myers said the representative from the Company has indicated he would like to speak to the Council.

Mr. Dan Kupferman, Representative for Parkeon: He said the price for the additional 32 to 38 is actually \$500 per meter lower, because it's a volume discount.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Councilor Carrier asked City Attorney Krans if he was comfortable with the verbiage. City Attorney Krans used the analogy that it was like running on a treadmill; it was good exercise, but they were in the same place.

Mayor Myers asked for a vote on the amendment.

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

Councilor Weston said she put forth a Charter Amendment that the Council wanted a workshop on to wordsmith. She felt that this Resolution had so many open holes and questions that needed to be answered. She said there is nothing in the Resolution about the location of the kiosks. She said she went to the two meetings about the kiosks and they mentioned four or five kiosks. She asked if there has been an analysis on the total necessary kiosks. She said she also had a hard time with the extra \$300,000 being in the CIP and felt that it did need to be separated. She talked about FastTrans and moving the parking of businesses and their employees to outside lots. She said she felt more comfortable with the original four or five kiosks for Henry Law Avenue. She said the map doesn't address what the color code means. She asked for further explanation on where the kiosks were going to be located. She said she was uncomfortable with voting for this Resolution.

Mayor Myers asked the City Manager to address some of Councilor Weston concerns.

City Manager Joyal said the nine kiosks include 5 along Henry Law Avenue, 2 in the Belknap lot, and 3 in the Orchard Street lot. He said the intent is to install the five on Henry Law Avenue more or less as a pilot for a new location that has high parking traffic volumes related to out-of-town transients for the Children's Museum. He said the City currently has coin-operated parking meters in the Orchard Street and Belknap Street lots. He said it made sense to upgrade and change the existing meter system where the existing meters are located, and the theory is that the City will expand the system.

Police Sergeant Marn Speidel corrected the City Manager about the placement of the meters: 5 on Henry Law Avenue, 1 in the Belknap Lot, and 3 in the Orchard Street Lot. City Manager Joyal said typically one kiosk serves 20 to 22 spaces.

Mr. Kupferman said it was dependent on the number of feet, and if it's a parking lot or parallel parking. He said parallel parking is about 8 to 10 cars, with head-in parking it is about 13 to 17 cars. He said it is dependent on how many footsteps it takes to get from the car to the kiosk, and they recommend between 80 and 100 feet.

Councilor Weston said she wanted where the kiosks were going to be located inserted into the Resolution.

City Manager Joyal said as the City Manager he is telling the Council there are going to be five meters on Henry Law Avenue, one in the Belknap Lot, and 3 in the Orchard Street Lot. He said if the Council didn't trust him they can put it in the Resolution.

Councilor Weston asked where the Belknap Lot was located.

City Manager Joyal said it was by Central Point.

Councilor Cheney asked who was controlling the parking money. She asked if it would take a 2/3 vote of the Council to spend the money.

Mayor Myers said all those changes would have to come to the Council.

Councilor Cheney said she didn't feel that this should have to be subsidized by the taxpayers.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Mayor Myers said these funds came out of the parking revenue account and not property tax dollars.

Councilor Callaghan asked if they knew how much it was going to cost to do all the signage.

City Manager Joyal said it was part of the installation that signage was included, and the cost for additional signage is negligible.

Councilor Cheney referred to Henry Law Avenue and asked if the Riverbend parking would be impacted.

City Manager Joyal said the parking does not extend beyond the Jersey barriers.

Mayor Myers asked for a Roll Call Vote on the Resolution with the two amendments.

Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

Councilor Callaghan made a motion to add any Charter amendment resolutions to the Workshop Agenda; seconded by Deputy Mayor Trefethen.

Deputy Mayor Trefethen said any potential charter amendments need to get on the table now.

Mayor Myers said the Councilors need to get copies of these Charter amendments to the Councilors as soon as possible.

Councilor DeDe said he wasn't voting for blank checks.

Councilor Weston asked about the procedure once they have a workshop on these amendments.

Mayor Myers said it would be on the agenda for the next regularly scheduled meeting, unless the Council chose to have a special meeting, and then it would be publicized for a public hearing.

Councilor Weston asked the City Attorney if everything had to be done by September 1st.

City Attorney Krans said it was 60 days before the election. He said it is in the Council Rules that public hearings can only be held during the first regular meeting of the month, and it would take a vote to waive that provision.

City Manager Joyal advised the Councilors to consult with the City Attorney on any potential Charter amendment. He also advised the Council to avoid getting bogged down in the details, and focus on the intent of what they want to accomplish, and have the City Attorney draft the language.

Councilor Weston if they would wordsmith on July 29th, and then according to Council Rules have the public hearings on August 12th?

Mayor Myers said they could have a quick special meeting on August 5th and give one week's notice, for the purpose of referring it to a public hearing on August 12th. Mayor Myers asked if that would meet the required time.

City Attorney Krans said no.

City Clerk Lavertu said she needed 10 days for a public notice.

Mayor Myers said it could go on the August 12th Agenda and the Council would have to waive the Council Rules to allow a public hearing on the second regular session of the month, August 26th.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Deputy Mayor Trefethen said they could have a special meeting on August 5th, and refer to a special meeting on August 19th.

Mayor Myers asked for a vote on the motion to have any proposed Charter amendment discussed during the workshop on August 5th.

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

Councilor Callaghan referred to the handout he put on the Councilors' desks regarding DBIDA. He asked that it be put into the minutes.

Presented to City Council 5/13/2009 & 7/22/2009
Commentary and Request by Councilor Callaghan

RE: DBIDA

I want to make some comments in response questions raised by Councilor DeDe at the last regular meeting of 3/25/2009. (Follow up from 2/11/2009 and 2/25/2009)

First, I would like to thank Councilor DeDe for helping me keep this issue in the forefront.

As you know I am trying to understand why DBIDA should be operating so autonomously from the City Council. My concern is that Chapter 79, City Property, allows DBIDA, a volunteer, council appointed group, to sell Commercial land that belongs to the citizens of Dover without any oversight by the elected legislative body (City Council).

I believe the document Council DeDe referred is the one I found in my mailbox that contained information about Enterprise Park Tenants. I think this was right after the meeting of 3/11/2009. The document contained columns for:

- Company Name
- Building Sq Ft
- Total Acreage
- Date of Original Purchase
- Assessment FY08
- Employees
- Purchase Price
- Cost per Building Sq Ft

What I have been asking for since 2/11/2009 is:

- Assessed value before the sale of the property
- Appraised value before the sale of the property
- Assessed value after the sale of the property
- Purchase and Sales Agreement
- Sale Price



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

The Enterprise Park Tennant document does provide some interesting statistics but does not affirm to me that DBIDA should be operating autonomously. In fact, due to many inconsistencies in the relationship between the data, I now feel I need further documentation, to include:

- Appraisal Summary Sheets
- DBIDA By-Laws referenced in the Strategic Action Plan
- Bid Award for RFP #B07077 Marketing and Commercial Real Estate Services For Land at Enterprise Park in Dover, NH.
- Assessment History for the past five (5) years for all Enterprise Park Tenants
- All records/documents that specify how the sale price was determined
- All records/documents that specify what body and names of participants determined the sale price
- Incorporations documents referred to in the Strategic Action Plan when referring to RSA 292:1
- Method used to determine the appraised values previously noted.

Councilor Callaghan asked to direct the City Manager to get this information.

Mayor Myers asked for a consensus.

Vote: 3/5; Failed. Councilors Callaghan, Cheney and Scott voted in favor. Councilor Weston did not vote.

Councilor Weston asked why Councilor Callaghan wanted this information.

Councilor Callaghan said he did some research with the Strafford County Registry of Deeds and the Dover Assessing Office, and noticed there was a tremendous difference in value per acre for many of these lots. He said some lots may have wetlands or are landlocked, and the appraisals will show him that. He said there was one instance where the land was sold for considerably less than what it was assessed for. He said there is some land that has been sold and not developed.

Deputy Mayor Trefethen said he had three issues he wished to speak about: 1. He said at the last meeting he was accused of disregarding the City's volunteers by the same Councilor who is now saying we should disregard our volunteers. He asked why the Council doesn't disregard the Zoning Board, and make them explain every time they grant a variance. He asked if the Council should have the Conservation Commission come to the Council every time they tell someone what they can do on their land. He said it doesn't work that way. He said there are a whole host of issues that Councilor Callaghan has a complete philosophical difference about concerning Enterprise Park, and he wasn't serving the citizens of Ward 6 by going on this goose chase. 2. He didn't allow the non-citizen to speak during Citizen's Forum because this was the same document that the Council received a week ago in an email, and it has absolutely nothing to do with the City Council and the citizens of Dover. He said the Council has this rule precisely to keep people who are on a crusade away from the podium. 3. He referred to the Consent Calendar, and told Councilor Scott that it was explained last time that it was Council Policy. He told Councilor Scott if he wants to change Council Policy then to put a Resolution forward to change it. Councilor Cheney said she felt it was a bigger issue. She said this request dates back to February, and the Council used to get information quickly. She said now it needs to get Council consent. She said this was public information.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 22, 2009**
Meeting Time: **7:00pm**

Mayor Myers said he strongly objected. He said the Council gets the information we need. He said sometimes there are requests that are very specific and the format is different, and extensive requests are different. He said it was a waste of staff time.

Councilor Scott said the Council cannot overrule the Right to Know Act. He said the City Manager has refused his requests, and he has sued the City to get the information. He said the City must respond to reasonable requests. He said it was part of the Council's job to know where the money went, and to vote for it.

City Manager Joyal referred to Councilor Scott's request, before he became a Councilor, in which he asked for the name and wages of the City's employees. He said it was the policy of the City at the time not to associate the names and their wages, but list by position title and the wage amount paid. He said that wasn't clear when there were five truck drivers. He said the Court was correct in their ruling and that information was provided to Councilor Scott.

Councilor Callaghan wanted to make sure his handout made it into the minutes, because it didn't the last time.

14. ADJOURN

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



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

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

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

Absent: Councilor McCusker

Councilor DeDe led the Pledge of Allegiance.

Mayor Myers said he had an exciting Proclamation to issue tonight to the Dover Attack Softball team. He said they have earned the title of the 2009 12U New England Regional Champions of the Babe Ruth Division, and are going to North Carolina for the Babe Ruth World Series. He congratulated the team on their wonderful achievement. He said fund raising was key, and gave the viewers the mailing and email addresses to donate. He read the Proclamation.

Mayor Myers went over the discussions for the Workshop. He said Councilor Callaghan has indicated that he has a Charter proposal regarding hiring a City Attorney.

1. DISCUSSION ON ORDINANCES FOR BOARD AND COMMISSIONS CHANGES

A. ARENA COMMISSION

Deputy Mayor Trefethen said he was the current City Council liaison to the Arena Commission. He said the impetus for this change was the change in status for the Dover Arena from an Enterprise Fund to the General Fund as part of the Recreation Department. He said the reason for the Council Liaison was because of their financials, but that has been resolved favorably. He spoke of the wording changes regarding the reporting chain. The Commission would first report to the Recreation Department Director, and then he would report to the City Manager. He said it was his opinion that there should not be a Council liaison on the Commission; it was non-voting, and does not change the status of the Arena Commission. He said the members have been doing a great job in managing the Arena, in setting rates, and improving programs.

Mayor Myers said he served on the Arena Commission back in the early 2000's, and did so because he wanted to work to make the Arena a money-making entity. He said it was the Council at that time that added a Council liaison, and that the Arena Commission was originally established in 1978. He said it wasn't a major change and the Arena was in good hands.

Councilor Cheney asked how often the committee met.

Deputy Mayor Trefethen said once a month.

Councilor Cheney asked if the Council had trouble filling this seat.

Deputy Mayor Trefethen said at the beginning of this Council's term Councilor DeDe said he didn't want to sit on the Commission, no other Councilor stepped forward, it was empty for three months, and at that point he took the position.

Councilor Cheney asked about the reporting changes that will occur.

Mayor Myers said the Council lists the Committee Reports in every regular meeting agenda, and with the exception of Councilor DeDe and Deputy Mayor Trefethen it is very rare when there are written reports. He said the Council doesn't do a good enough job with reports.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

He said the Council had asked the City Manager to continue to report on the Arena as if it was a standalone, even though it was absorbed into the General Fund.

B. JOINT FISCAL COMMITTEE (JFC)

Deputy Mayor Trefethen said the Joint Fiscal Committee was established in 2002, and he has been a member for six years. He said other members of the Council are on this Committee and he did talk with them about this issue. He said the original intent of the Committee was to foster better communications between the School Board and the City Council, and that it was created before there was widespread use of emails by the City and the School Board. He said there were ample opportunities for everyone to communicate with each other between required meetings. He said if an issue came up that required a more formal communication it could be arranged at that time. He said when the Joint Fiscal Committee did meet, they discussed things that were already known from television and from reading the minutes. He said the Committee has outlived its usefulness. Mayor Myers mentioned that members of the School Board and the Superintendent were present and asked the Council to give them permission to speak.

Councilor Cheney asked the Council to allow a brief Citizen's Forum after Item 1.

Mayor Myers said he would need a motion.

Councilor Scott made a motion to suspend the rules to allow a Citizen's Forum after Agenda Item 1. and another one at the end of Agenda Item 2.; seconded by Councilor Cheney.

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

Councilor Weston asked the members of the Joint Fiscal Committee that are part of the School Board to speak about their feelings about the Committee going away.

Doris Grady, 43 Long Hill Road, Member of the Joint Fiscal Committee: She said it was her belief that the first paragraph of the Ordinance to disband this Committee indicates why the Council should not do it. She said it was stated that the purpose of this Committee was to facilitate communications about fiscal matters between the City Council and the School Board. She felt the trying times right now should be an issue of importance. She asked why anyone would want to break this major form of communication, which is the foundation of our government. She said prior to the Committee, the Mayor and School Board chair would talk about what would be passed by both parties, and said the Committee eliminated that back door policy. She said this committee allowed the City to be open and honest with the citizens. She said she hopes the Council keeps the Committee intact. She asked if she could speak on the Arena Commission.

Mayor Myers said she could.

Ms. Grady said the Arena was a big part of her heart, and she has heard it get blasted and torn apart. She said the Arena presents a lot more than just financial problems. She said it has a positive effect on Dover businesses. She said all the hotels and restaurants are filled during tournaments. She said this becomes an opportunity for the City to receive reports on the Arena from a Councilor. She asked the Council to consider not removing the Council liaison.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Councilor DeDe said the reason for establishing the Joint Fiscal Committee had to do with getting together before the budget process started to try to get consistency between the City side and the School side of the budget. He said the tax cap has reduced the discussion to a formula. He said each board can still communicate with each other.

Councilor Weston said she is for communication. She said she read the ordinance that created the Joint Fiscal Committee, and one of the items was for the Committee to meet in February prior to submitting the School budget to the City Council. She said that did not occur. She said she felt the Joint Fiscal Committee should stay as is, because she felt the City needed the communication between the School Department and the City. She said she felt if the members sat down and discussed budget, then issues could be resolved. She said she couldn't put into words how much she is against this ordinance.

Mayor Myers said he has served on the Joint Fiscal Committee for the past four years, and said he didn't choose to serve on the Committee this year because even though the intent was very positive, the results weren't there. He addressed Councilor Weston's comment and said the Council chair was responsible for calling the meeting on the even years, and the School Board was responsible for calling the meeting on the odd years. He said he heard this year that the School budget had been passed, and they didn't see a need for a Joint Fiscal Committee meeting. He said in prior years he has asked the Council for direction to give to the School Board, and the Council has been reluctant to give any kind of consensus. He said one issue was telling elected members of the School Board what to do with the School's budget. He said he didn't know if the three members on the Joint Fiscal Committee received direction from the School Board. He said they would all meet and have some nice discussions, but nothing was binding. He said the Council could schedule a joint workshop with the full School Board.

Councilor Scott said he fully endorsed and agreed with Ms. Grady about the Joint Fiscal Committee and the Arena Commission. He said he disagreed with Deputy Mayor Trefethen and Councilor DeDe to close off these committees. He felt they were important and provided a good forum for discussion. He said he would support these committees and vote against repealing them.

Councilor Callaghan said he spoke on this when it first came up and his concerns were still the same. He said if they are not working, then they should be fixed. He said these committees weren't even notified. He said one member decided to abolish them because they didn't feel it was working. He said the decision to disband should come from the Committee if they feel their efforts are in vain. He said when he was elected he wanted to be on the Joint Fiscal Committee. He didn't feel they needed to be empowered. He also felt it would look funny if there is no formal connection between the Council and the School Board. He said they can discuss issues and report back to their respective Boards.

Councilor Weston asked who the chairman was for the Joint Fiscal Committee this year. Mayor Myers said it was Deputy Mayor Trefethen for the even year.

Marjorie Fisher, 23 Hillcrest Drive, Chairperson for the School Board: She said she didn't know if they had a chairperson for the School Board's side, but that they worked together. She said she felt the Committee could work, and felt all six of them should sit down at the next Joint Fiscal Committee meeting and try to work on it. She felt it was a



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

good idea when it started, but felt they got out of the realm of what they should be doing, and should all try to work on it.

Councilor Weston asked Ms. Fisher about having a meeting in February.

Ms. Fisher said they did have a meeting in April.

Councilor Weston said they missed it, and it would have been a prime opportunity to meet in February. She asked Ms. Fisher if she canvassed the other members when this Ordinance came forward.

Ms. Fisher said the Joint Fiscal Committee members want to continue. She said they did realize that it's not working right, and they want to work on it.

Councilor Weston asked if the School Department wanted to keep it and revitalize it.

Ms. Fisher said that was correct.

Mayor Myers asked Mr. Huml if he wished to speak on behalf of the Arena Commission.

Ronald Huml, 199 Mast Road, Member of Arena Commission: He said the Arena Commission made a profit last year. This year it is estimated that the Arena will be \$75,000 short of the bond payment, but under the accrual method would have shown a profit. He said he appreciated Deputy Mayor Trefethen's participation on the Arena Commission. He did agree that the Arena came under the Recreation Department now, and if the Arena came up with a shortfall it has be made up by the Recreation Department. He recommended that Councilor Carrier represent the Council in speaking about the Arena under the Recreation Advisory Board.

Deputy Mayor Trefethen asked Mr. Huml what would be done differently if he wasn't sitting in on the meetings as the Council's liaison.

Mr. Huml said the Councilor liaison for the Recreation Advisory Board could report to the Council.

Deputy Mayor Trefethen said the Arena Commission is doing a wonderful job, and he didn't feel he was contributing to that.

Mr. Huml said the Deputy Mayor did relay the information to the Council. He requested that the Council do away with the \$2.3 million debt for the Arena, because it will never be paid. He said it showed no purpose to have that debt show every month on the report of the Arena.

Councilor DeDe said he did serve as Council liaison to the Arena Commission before the Deputy Mayor. He said he found it educational, but he agreed with Deputy Mayor Trefethen that a Councilor doesn't make a lot of contributions. He said the City Manager's Report includes all the financial reports on the Arena and reports on participants for the Arena. He said he understood the rationale on the recommendation for this Committee. He recommended that people look up on the website to see which Councilors serve on which committees before they make a decision.

C. TRANSPORTATION ADVISORY COMMISSION (TAC)

Deputy Mayor Trefethen said this Commission was relatively new, being established in 2001 to have planning and public safety done without politics. He said he had no complaints about this Commission, but he was struck by the fact that the majority of the work was done



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

by the staff. The members go to the meetings, hear the reports from the staff, and make the decision of what to recommend to the City Council. He felt this could be streamlined by having all of the work done by staff, who would then make recommendations to the Council. He said the Police Chief has the power to make changes in case of an emergency. He spoke on the issue of parking on Durham Road last winter, and a constituent who called him about it. He said he brought it to the Police Chief who made an emergency decision on it, and then brought it to TAC, where it was then brought to the City Council. He said the Council should review all boards and commissions. Some are statutory, and the intent of these three proposals is to generate discussions. He said he didn't like the characterization that he was doing this alone, and asked that the Council not make this personal. He said he has talked with the City Manager and department heads, with staff members that serve on this Commission, and no one has said that the City needs a Transportation Advisory Commission. He said there were other ways to get the work accomplished, and they were willing to do it the other way.

Councilor Callaghan said he didn't disagree that the City could live without this Commission. He said it was interesting that there were three staff members on the Commission, and he didn't know how that could be remedied. He said these were volunteers that feel empowered to assist the City, and it helps the Council's relationship with the citizens by giving them a voice. He said to admit that they are doing a good job, and then take it away is not fair to them. He said the City could live without them, but he felt their value outweighs having it dissolved.

Councilor Weston said she is the Councilor representative and Chairperson for the Transportation Advisory Commission. She said she did extensive research on this Commission when she saw the Ordinance. She first wanted to correct the Deputy Mayor; a constituent also called her about Durham Road last winter, and through the Police Representative, Marn Speidel, it was then brought to the Police Department to do an emergency no parking zone. She said it was also brought up that TAC was brought about by the 2000 Transportation Master Plan, but in reality there was a Parking and Safety Committee, which had similar responsibilities. She read Page 15 of the Master Plan regarding the creation of TAC. She said it was created for a well-rounded discussion, with a representative from the Police Department, Planning Department, a City Engineer, and a Coast Representative. She said to take the citizens off this Board was going against the Master Plan. She said TAC was designed to help or aid the staff with making recommendations to the Council. She said they would depend upon the staff, but it wasn't their decision. She said they all had votes, and sometimes their decisions were overridden. She said TAC has been very instrumental with the Transportation Improvement Program (TIP). She said on May 18, 2009, TAC had a meeting with Strafford Regional Planners about what was important in Dover and the region. She said TAC is Dover's voice to the State, and that would go away without the Commission. She said TAC is now beginning the next Master Plan. She said TAC also works with the Schools, addressing sidewalks and crosswalks. She went over the issues TAC has dealt with. She said if the Council eliminates TAC, they are eliminating citizens. She said the City's staffs are overburdened, and she didn't know who would do the Master Plan. She hasn't received any feedback from the staff that they are in favor of eliminating TAC.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Councilor Cheney said she was surprised to see this Ordinance to eliminate TAC. She said citizens want to represent their priorities. She said this was one committee that she would support keeping.

Councilor Carrier said committees, boards, and commissions are a group of volunteers, and if one thing is reported to the one of the City's departments, then they have done their job. He said these were watchdog committees that help the City, and he is all for that.

Councilor Weston said they are meeting on Monday with a Mr. Pecchi in Durham regarding traffic calming. She said they were going on their own time and it wasn't mandatory. She said she knew of one staff member who would be going, one that couldn't go, and didn't know about the other. She said the dedication on TAC is unbelievable. She said TAC is needed, and it would really be a shame to lose something that works so well.

Councilor Callaghan said with the amount of work and brainstorming that TAC provides, he felt in the long run it would cost the City more in staff time.

Deputy Mayor Trefethen said this was not a personal action on his part, as he suspects others have taken it. He said members of TAC have done a wonderful job. He said he agreed with Councilor Carrier that it was great to have people tell the City about things that the staff didn't see. He said the question was not the commitment, work ethic or the value of TAC members or the chairperson. He said the staff is doing this work for the most part now, and the staff can continue to do the work. He said there is perhaps a better way of doing this or a different way of doing this, but it has nothing to do with how well anyone has been working on the committee. He said the idea of a personal vendetta is false, and he doesn't know how else to say it.

Councilor Weston said before she would bring forward an ordinance to dismantle a committee she would have looked for a better way. She felt the City had to have a replacement for something before it got rid of it. She said she did take it personally, but she also researched it and really found out how important it is. She reiterated that she has not found a staff member that feels this committee should be dismantled. She also felt that TAC was essential on the Master Plan update, and an essential committee within the City.

Councilor DeDe said he took the time to contact representatives from the City, and said the City position is neutral. He said if TAC is dismantled the City will continue to deal with problems. He spoke of his position on the Conservation Commission, and if some members who have a narrow view, and he said that was one of the dangers. He said he was neutral himself on this issue.

Deputy Mayor Trefethen said he will confirm that the City representatives' opinions are neutral on this issue.

Mayor Myers asked the Council if there was any additional discussion about board and commission changes.

Councilor Callaghan said he has heard from time to time that people would like to see term limits. He said he could see the advantages and disadvantages to it. He wanted to throw it out to the Council as an idea.

Councilor Carrier said it was a valid point for some of the boards and commissions, because it can get very stale, and another set of eyes is good. He said sometimes a board or commission has someone that they wouldn't know what to do without.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Councilor Cheney said she had heard from different board and commission members saying that they could be a better chair, or run the meeting better, than someone who has been doing it for years. She had heard more about term limits on chair seats.

Mayor Myers said he believed all boards and commissions elect the chair annually.

Councilor DeDe said they do elect a chair annually, but there was a tremendous amount of pressure to re-elect the chair, and term limits would eliminate that. He said he would be in favor of term limits.

Deputy Mayor Trefethen said he was on the Zoning Board of Adjustment for 16 years, and was the chair for 7 years. He said setting terms limits can be difficult, and felt it would be better to set term limits in the appointments process.

Councilor Callaghan said he has been listening to the Council. His only concern with the Deputy Mayor's idea with the Appointments Committee, basically setting a term limit, is that it has too much of a possibility to become personal, making the decision on a person-by-person basis.

Mayor Myers said maybe there should be a term limit on the chair, and not on the committee. He said they have lots of openings on the boards and commissions, and the City Clerk maintains the full list of openings, and applications to apply for a position on one of the boards or commissions.

Mayor Myers opened the Citizen's Forum for the Boards and Commissions.

Mary Hebbard, 97 Spruce Lane: She spoke to Deputy Mayor Trefethen, and said that the frustration he has been feeling from the other Councilors and the public is because they don't understand why these three committees were pulled out or given scrutiny at this time. She said it could have been brought up during Council Matters of Interest or a workshop proposed to discuss the boards and commissions. She said she didn't object to the amendment to the Arena Commission. She suggested a wording change to 7 members; 5 regular members and 2 alternates. She suggested clarification in Section C that the Recreation Department reports to the City Manager, and he would then report to the Council, or to just eliminate it entirely. She said she agreed with the reasoning that there were historical problems on the Commission, and that was why there was a Council liaison. She said it was stated that there was a Council liaison because it was an Enterprise Fund. If that was true, then there should be a Council liaison on the Dover Utilities Commission, which is involved in the Water/Sewer Enterprise Fund. She said she misses the brief verbal reports from committees. She said she opposes the elimination of the Joint Fiscal Committee, because any communication between the School Board and the City Council should be allowed, encouraged, and promoted. She said there have been admissions from both sides of communication problems, but there is a willingness to work through it. She spoke about TAC. She said that people don't want to bother people in authority with their problems, but are willing to go to volunteers. She said they need a historical record of what the issues were, what the discussions were, and what the solutions were. She said she supports keeping TAC in place for those issues. She spoke on term limits. She said she agreed with Councilor DeDe that some boards, such as the DUC or Zoning Board, need that historical memory.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Richard Hebbard, 97 Spruce Lane: He said there was a motion to have a Citizen's Forum after Item #1. He asked why the School Board and Mr. Huml were then allowed to speak at that time. He asked why the Citizen's Forum wasn't on the Agenda. He spoke about TAC. He said that Deputy Mayor Trefethen said it wasn't personal. He said TAC does a lot of things, which Councilors Callaghan and Weston covered. He said he had issues with the public trying to go before the staff. He said the staff were set in their ways, know what they want, and they don't always get it if they go before a committee. He said TAC should maintain their status so that not only one person is making the decision. He said there are members on the DUC who know nothing about water and sewer issues. The Appointments Committee didn't want him and he does have experience.

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

2. DISCUSSION ON CHARTER PROPOSAL

A. TAX ASSESSMENT REVIEW BOARD

Councilor Weston said she has been working on this for several months. She said the Tax Assessing Board would consist of three residents with voting privileges, who show demonstrated knowledge of property appraisal and assessment. She said the Board would also include the City Assessor as a permanent non-voting ex officio chair of the Board. She said the purpose of the Board would be to hear property-owner abatement requests. She said the procedure now is that the citizens receive their tax bills and have until March 1st to file an abatement request. The City must respond by July 1st. She said if the citizen does not agree with the new assessment, then they can either go to Superior Court, or to the New Hampshire Board of Tax and Land Appeals (BTLA), where the average wait is 2 to 3 years. She said right now the tax abatement request goes back to the person who set the assessment. She said with the Tax Assessment Review Board, it would have three sets of objective eyes looking at it, non-political, at no added cost to the City. It would streamline the abatement process, and it's a sign of good customer service. She said it was her hope not to have these abatement requests end up in Superior Court or the BTLA. She said this is not a Board of Assessors, will not be assessing properties, or signing warrants to the State. She said it would be made up of three citizen members on rotating terms, so there is always two who have experience. She said Dover was the exception by not having this type of Board. She listed several towns that have had this type of Board for decades. She said this Charter Amendment would be placed on the ballot in November. She said it was written in collaboration with the City Attorney, and will go to the Attorney General's office for validation. She said this Board would take what is now a one man decision and expand it to a three people. She said the Assessor isn't completely out of it, but he doesn't have a vote because he was the person who did the assessment in the first place. She said the Board would have a non-political appearance, no cost to the City, would streamline the abatement process, and would enhance customer service. She asked the other cities if anything has gone wrong with this process, and they said no, it only helps the Assessor and the citizens. She spoke about an article in the July 26th edition of the New Hampshire Sunday News regarding abatements, and how New Hampshire has been lucky with few abatement



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

requests, but expects them to increase this fall. She said having this Charter Amendment on the ballot in November allows the City to get this Commission going and be able to address the abatement requests in a timely fashion. She said if this doesn't get on the ballot, then it is sending a message to voters that they have no business voting on this item. She said it should at least be on the ballot to let the people decide.

Mayor Myers said he saw that City Assessor Wil Corcoran was present, and asked the City Manager if he was present to answer questions.

City Manager Joyal said Councilor Weston had asked for some data to be assembled, and Mr. Corcoran has done that and also put together a packet of information that explains the abatement process. He asked the Council if Mr. Corcoran could walk them through the abatement process.

Mayor Myers said he would like to get that background.

Councilor DeDe asked, if the Tax Assessment Review Board makes a decision is that the end of it?

City Manager Joyal asked Councilor DeDe to wait on that answer.

Mr. Corcoran said he would address that point. He gave his presentation on the abatement process.

City Manager Joyal asked Mr. Corcoran to go over the timeline for the abatement process. Mr. Corcoran went over the timeline.

City Manager Joyal said once the tax warrant is signed the citizen has to go through the formal process.

Mr. Corcoran continued with his presentation.

City Manager Joyal said the Tax Assessment Review Board will be advisory in nature. He said there is no provision for an advisory board to overrule the Assessor. He said the Board will not create a situation where the citizen does not have to go to Superior Court or the BTLA.

Mr. Corcoran said the BTLA is getting more aggressive in their responses to abatement requests, because they don't want them hanging out there for two years either. He continued with his presentation, discussing the number of abatements filed.

Councilor DeDe asked Mr. Corcoran if he did assessing for some of the towns that Councilor Weston had mentioned.

Mr. Corcoran said he did.

Councilor DeDe asked what the price was to file a grievance with the BTLA, versus the price to file at the Superior Court.

Mr. Corcoran said to go to court would cost \$100 to file, plus the cost of a lawyer, because it is not wise to go without an attorney. He said the filing with the BTLA is \$65.

Councilor Scott thanked Mr. Corcoran for his presentation. He said he understood that it was better to have a reassessment done during the year before the tax warrant is signed, because he can correct it and the citizen can avoid the abatement process.

Mr. Corcoran said that was correct.

Deputy Mayor Trefethen said he was neutral on the proposal. He suggested to Councilor Weston that the second Whereas in the Resolution was unnecessary. He said he wanted to focus on the Explanatory Note. He said the citizens want to know how it changes things.

He said the Explanatory Note just said what is changing, and doesn't explain how it is changing. He handed out his amended version of the resolution, and admitted that the



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

wording needed some work. He went over it with the Council. He wanted to give the prospective voters more information.

Councilor DeDe said he felt this Board would politicize a process already being done. He said presently Dover has three cases pending; two with BTLA and one in Superior Court. He said it is an inappropriate solution to a problem that doesn't exist. He said State laws are flawed and subjective, and a civilian board can't change that.

Councilor Cheney said the voters should make the choice.

Councilor Scott said he disagreed with Councilor DeDe. He said it is intimidating to go to the BTLA, and felt a citizen board would be more comfortable. He said he didn't see any downside.

Councilor Carrier said Mr. Corcoran had 102 cases, and asked if the Tax Assessment Review Board would be reviewing all 102 cases.

City Manager Joyal said Mr. Corcoran will review all the cases, set up a meeting with the Review Board, the Board will make a recommendation as an advocate for the taxpayer, and ultimately the decision is made by Mr. Corcoran. He said if the citizen is still unhappy, they are still left with having to go through a formal appeals process with the State.

Councilor Scott said he visualizes this board keeping people from going to the Assessor if they know something about assessing.

Mayor Myers said it was not a board that meets without the Assessor.

Councilor Scott said the citizens could call up members of the Board to ask if they have a case.

Mayor Myers said he was uncomfortable with citizens calling up members of the Board outside of a public meeting.

Councilor Callaghan said he looks at this Board as a mediation or advocate group. He said he felt it was a great service that the City can provide.

Councilor Weston spoke about the minutes from the Keene Assessment Review Board, regarding 100 abatements filed. She said in her research with the State, there are exceptions for these boards to make changes to abatements. She said she has heard of cases where the citizen wasn't happy with what the Assessor did for them, and she said this is another place the citizen can go, before they go the BTLA. She said she will meet with the City Attorney regarding the Deputy Mayor's version because she felt there were some areas that worked better. She said this is not another Tax Cap Charter Amendment. She said it is nothing new and the system is working.

Mayor Myers said he has not decided on this issue, and plans to follow up with people over the next week. He also disagreed that every Charter amendment should go to the voter. He said to Mr. Corcoran that he said he has served communities that have these types of boards.

Mr. Corcoran said he served in one community that has this type of board.

Mayor Myers asked how many reviews of these applications a board would take on during a meeting, and how much homework a member would have to do to be prepared for that meeting.

Mr. Corcoran said none. He said they were a Board of Assessors, and they do not get involved unless it goes to appeal.

City Manager Joyal said a Board of Assessors was different than a Tax Assessment Review Board. The Board of Assessors have authority over the Assessor.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Mayor Myers asked what the average time requirement would be for a board to meet to review these abatement requests.

Mr. Corcoran said he worked 1½ days on one abatement request. He said his only concern is the timeline.

City Attorney Krans said Keene processed 85 abatements in 4 weeks. He said there may be preparation beforehand to make these meetings go so quickly.

Councilor Weston said the minutes from Keene that she had and the minutes indicate that they did 19 cases in 1 hour and 25 minutes. She said the Assessor does all the prep work, and the people on the board are like a jury.

Mayor Myers said that would be four minutes per case.

Councilor Cheney said she would be glad that the Assessor would be on the Board, because of his knowledge of State law.

Councilor Scott told the Mayor that he was assuming that the board would be duplicating what the Assessor was doing. He said he didn't feel that would be the case. He said the board would just take a look at the ones that there was no agreement on, and when the citizen felt he was not being treated fairly.

Mayor Myers said he just wanted to get a sense of the amount of time would be needed for someone on this board. He said he was surprised to hear that Keene can do it in 4 minutes per case.

Deputy Mayor Trefethen said he personally went through the abatement process with the Assessor a few years ago. He said he spent much more than 5 minutes in the office. He said Mr. Corcoran talked about his informal process for an abatement that he conducts year round, and he has taken care of a lot of them before the formal process. He asked if the informal process would still happen if this review board is created.

City Manager Joyal said he expected it to stay.

Deputy Mayor Trefethen said it wasn't proper for a citizen to call a member of the review board, but asked if there would be an application for them to fill out. He said he wasn't sure what was gained by the homeowners. He said they also have to wait for the meeting to occur, and be able to attend it. He said he didn't want to lose the informal process that is in place now.

Councilor Carrier made a motion to suspend Council rules to continue the meeting after 10:30 pm; seconded by Councilor Cheney.

Roll Call Vote: 8/0.

Councilor Carrier said his concern was if he felt the assessed value on his house was \$50,000 too high, and he went before the review board where the Assessor said that it was the value of the house, if in four minutes the review board went along with the Assessor. He said he would be upset if the board didn't do their homework.

Councilor Scott said in 2008 there were 102 cases, where 60 were granted and 24 were denied. He said they were only talking about the 24 that were denied. If the members are competent in the materials, they can review the material to give their opinions.

Councilor Weston clarified that of the 19 cases that Keene had on May 8, 2009, 12 people did not show for the hearing. She said the review board only heard 7 cases.

Councilor Carrier said he just wanted to make sure the members are doing their homework.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Councilor Callaghan said the board would be reviewing just the contested cases. Councilor DeDe addressed the general public and said it would be interesting to read the newspaper. He said from what we're hearing, the public might get the feeling that this board will make the decisions, but they won't. He said the Assessor makes the decision, and the board will not have any power. He said this board will only make recommendations. It also won't lower property taxes.

Deputy Mayor Trefethen suggested that the Council move on to the next Charter Amendment.

Mayor Myers asked the Council if they had any other Charter amendments to discuss this evening.

Councilor Callaghan referred to the draft Charter amendment on the Councilors' desks for the General Legal Counsel. He said Councilor Cheney will be added as a co-sponsor on this Charter amendment. He said this Charter amendment would move the City Attorney to be under the supervision of the Council. He went over the several reasons why he put this forward to the Council. He said this was very similar to Keene, New Hampshire, because they have a similar situation. He said it is really housekeeping lines to make it clear that the City Manager doesn't hire, supervise, or manage the City Attorney. He read the explanatory notes and some of the background materials to the Council. He referred to the Charter Commission meeting minutes and read some excerpts to the Council. He referred to Councilor DeDe's letter dated May 12th, and read it to the Council. He said he thinks it is time to do this and get it to the voters.

Councilor DeDe said he would have supported this change at that time. He said the City didn't have a City Attorney at that time. He said the City Manager, Paul Beecher, moved a Police Lieutenant over to the City Hall and referred to this employee as the City Attorney, who was a dues-paying Prosecutor in the Police Department. He said that individual did report to the City Manager, did his bidding, and in his opinion acted obstructively to the City Council. He said the new City Manager, Mike Joyal, as a first action removed the City Attorney from City Hall. He said after an extensive search, the review panel appointed Allan Krans as the new City Attorney. He said the City Attorney from day one has advised everyone and anyone for the benefit of the incorporated City of Dover. He said he does report to the City Manager. He said having a real City Attorney instead of a puppet has convinced him that the present Charter is correct as is. He said the City Attorney is readily available to the Council.

Deputy Mayor Trefethen said he did believe it should go on the ballot. He said he felt it wouldn't change any of City Attorney Krans' actions. He said he felt the Explanatory Note needed more clarification. He referred to his handout on the suggested changes he would recommend. He asked Councilor Callaghan why he didn't want the General Legal Counsel to be subject to the merit plan.

Councilor Callaghan said the City Attorney would be under contract with the Council. He said the City Manager is not on the merit plan. He said voters need to know that the Council would be negotiating a contract with the City Attorney.

Councilor Cheney said she had been interested in this for a long time. She said it was clear from the minutes of the Charter Commission that legal counsel should report to the Council. She read the Charter Commission minutes to the Council. She felt it had to be on the ballot.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, July 29, 2009**
Meeting Time: **7:00 pm**

Mayor Myers said to Councilor Callaghan that the intent of this Charter Amendment is to lend the City Attorney back to the City Manager, but it was not written anywhere.

Councilor Callaghan said no, it isn't.

Mayor Myers said that may be Councilor Callaghan's intent, but if this passes in November there may also be a completely different makeup of the Council, and there is no commitment to that.

Councilor Callaghan said he didn't address that because he didn't want to get into the employment contract.

Mayor Myers asked Councilor Callaghan how many other towns do this.

Councilor Callaghan said he knew of three, and then he quit his research.

City Manager Joyal said there are only 15 communities in the State with a Council/City Manager form of government.

City Attorney Krans said there were 234 cities and towns in New Hampshire; 231 do it our way and 3 do it differently.

Mayor Myers asked what happens to the present contract with the City Attorney if this passes.

Councilor Callaghan said he didn't know.

Mayor Myers said there may be an expensive severance package, and he is going to go look at that contract.

Deputy Mayor Trefethen asked the Council to give Councilor DeDe a pass on a 4-year old letter. He said he could have written that letter. He said he didn't have an issue with the current City Attorney reporting as he does, because he didn't believe it would change the City Attorney's action.

Councilor Weston said it should read January 2008 after additional factors, instead of 2005.

Councilor Callaghan said he had a concern, if the Council had an issue with the City Manager, that the Council would have to hire an attorney, and the employee would use the corporate attorney.

Deputy Mayor Trefethen said the perception is wrong. He said it's working and there isn't a problem.

Mayor Myers opened Citizen's Forum.

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

3. ADJOURN

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

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 – 11

Chapter:

Chapter 3, Article IV, 3-60 Boards and Commissions –
Arena Commission

The City of Dover Ordains:

1. Purpose

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by amending Section 3-60 entitled “Dover Arena Commission”

2. Amendment

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, is hereby amended as follows:

~~A. The Dover Arena Commission shall consist of five regular members and 2 alternate members, said members to be citizens of Dover, appointed by the City Council, for a term of three (3) years and to serve without compensation. The Commission shall also include a City Councilor approved by the majority of the Council who shall serve as an ex-officio member for the duration of his or her term, and who shall keep the Council informed with monthly reports.~~

~~B. The Dover Arena Commission shall perform the following functions:~~

~~(1) Aid, assist and advise the Community Services Director in formulating future plans for maintaining, equipping, operating, regulating and setting a fee schedule for the Dover Arena.~~

~~(2) The Commission shall inform itself of the ways and means by which it plans and programs may be best achieved and may advise the Community Services Director, the City Council and the public of the manner in which these objectives may best be accomplished.~~

“3-60. Dover Arena Commission

A.MEMBERSHIP: The Dover Arena Commission shall consist of five (5) members. There shall be two (2) alternate members.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years. The terms for initial member appointments shall be made to allow for subsequent appointments to occur on a staggered basis with three members appointed for three (3) year terms, two members appointed for two (2) year terms and two members appointed for one (1) year terms.

C. AUTHORITY AND DUTIES: The Dover Arena Commission shall serve in an advisory capacity to the City Council and City Manager regarding the operations and maintenance of the Dover Ice Arena. The Commission shall review and develop recommendations for the arena facility and programs including:

1. Making recommendations to the City Council and City Manager for the ongoing maintenance and operations of the arena, its related, programs, capital improvements, budget and fee schedule.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 – 11

Chapter:

Chapter 3, Article IV, 3-60 Boards and Commissions –
Arena Commission

3. Takes Effect

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 – 11

Chapter:

Chapter 3, Article IV, 3-60 Boards and Commissions –
Arena Commission

Document History:

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

Document Actions:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 – 11

Chapter:

Chapter 3, Article IV, 3-60 Boards and Commissions –
Arena Commission

BACKGROUND:

The changes in this ordinance eliminate the City Council representative and update the recipients of the advice of the Commission.

The Arena Commission was established in 1978. The ordinance has been amended several times to reflect changes in the operation of the arena. Further changes are needed at this time.

Recently, the arena operation changed from a stand alone enterprise fund to a part of the Recreation Department. With this change, the reason for having a City Councilor on the commission is no longer valid.

The creation of boards, commissions and committees of the City of Dover result from specific needs arising in the course of city business. Conditions and needs of the City of Dover change over the course of time.

Due to changing conditions within the City of Dover and City government, the membership and/or purposes of some boards, commissions and committees need to change to meet the current needs of the City.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11A.2.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 - 12

Chapter:

Chapter 3, Article IV, 3-71 Boards and Commissions – Joint Fiscal Committee

The City of Dover Ordains:

1. Purpose

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by amending Section 3-71 entitled “Joint Fiscal Committee”

2. Amendment

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, is hereby amended as follows:

Ordinance 3-71 Joint Fiscal Committee is repealed in its entirety.

3. Takes Effect

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11A.2.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 - 12

Chapter:

Chapter 3, Article IV, 3-71 Boards and Commissions – Joint
Fiscal Committee

Document History:

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

Document Actions:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11A.2.

Ordinance Number:

Ordinance Title:

Chapter:

O – 2009.07.08 - 12

Chapter 3, Article IV, 3-71 Boards and Commissions – Joint
Fiscal Committee

BACKGROUND:

The Joint Fiscal Committee was established in 2002. The purpose was to facilitate communication about fiscal matters between the Dover School Board and the Dover City Council.

The Committee is comprised of six members, three each from the School Board and the City Council.

Over the past 12 months, the committee has met twice and talked about routine, well known matters.

There are a multitude of opportunities for cooperation and communication between the City Council and the School Board. The enactment of a recent charter amendment that “caps” spending at a known index level is another reason this committee is no longer relevant.

Boards, commissions and committees are established to meet the needs of the City and its citizens. As conditions change, the need changes.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.3.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 - 13

Chapter:

Chapter 3, Article IV, 3-70 Boards and Commissions –
Transportation Advisory Commission

The City of Dover Ordains:

1. Purpose

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by amending Section 3-70 entitled “Transportation Advisory Commission”

2. Amendment

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, is hereby amended as follows:

Ordinance 3-70 Transportation Advisory Commission is repealed in its entirety.

3. Takes Effect

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.3.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 - 13

Chapter:

Chapter 3, Article IV, 3-70 Boards and Commissions –
Transportation Advisory Commission

Document History:

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

Document Actions:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.3.

Ordinance Number:

Ordinance Title:

O – 2009.07.08 - 13

Chapter:

Chapter 3, Article IV, 3-70 Boards and Commissions –
Transportation Advisory Commission

BACKGROUND:

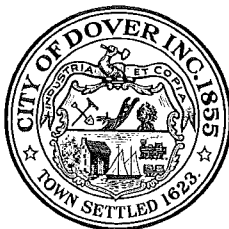
The Transportation Advisory Commission was established in 2001. The commission was assigned several duties, many of which the commission only occasionally addresses.

The commission is comprised of nine (9) members. The current staff members assigned to the commission are the City's Parking and Transportation Planner, the Police Sargeant assigned to coordinate Parking and Traffic enforcement and the City's Assistant City Engineer. Five out of the nine members are staff or *ex officio* members.

The Police Chief has powers to implement restrictions for emergency situations. Professional planners have the expertise to investigate parking and traffic matters as well as the resources to conduct neighborhood meetings to gain input from residents and citizens.

Over the past twelve (12) months the commission has met regularly and dealt with routine matters, which could easily be handled by staff members.

The City Manager is the chief administrative officer of the City with the authority to assign staff to handle these issues currently coming before the Transportation Advisory Commission, and the same staff members, or the equivalents, could continue to do the relevant work of the commission and make recommendations to the City Council through the City Manager.



09 JUN 20 AM 10:22

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: Cocheco Valley Humane Society

Federal Tax ID number for Organization: 22-2561784

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

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

Address: 262 County Farm Rd., Dover, NH Email Address: SpecialEvents@cvhsonline.org

Purpose of Permit: raffle

Date of Event: Sept. 26, 2009 Specific Time: 3:00 pm

Location of Event: Henry Law Park

(Raffle Permit only)

Prize (s) To Be Awarded: Dog-related items

Amount of Donation: 1.00 ticket Date of Drawing: Sept. 26, 2009 Specific Time: 3:00 pm

Place of Drawing: Henry Law Park

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

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

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

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

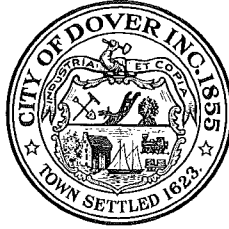
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: [Signature] Date: July 22, 2009

Licensing Board approval: [Signature] Date: 8/13/09

Revised 03/17/08

OK
W/



CITY OF DOVER
09 JUN 20 AM 10:22

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Cocheco Valley Humane Society

Federal Tax ID number for Organization: 22-2561784

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

Contact Person: Laura Clark Day Time Telephone: 603-749-5322, x 113

Address: 262 County Farm Rd, Dover Email Address: specialevents@cvhsonline.org

Purpose of Permit: Annual Walk for the Animals

Date of Event: Sept. 26, 2009 Specific Time: 1:00 pm

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

(Raffle Permit only)

Prize (s) To Be Awarded: _____

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

Place of Drawing: _____

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

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

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

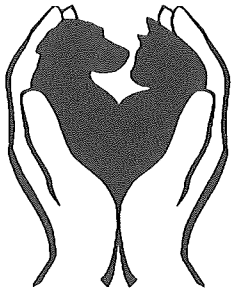
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

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

Signature: [Signature] Date: July 22, 2009

Licensing Board approval: [Signature] Date: 8/3/09
Revised 03/17/08

[Signature]



Cocheco Valley
Humane Society

Pet-a-Palooza Annual Walk for the Animals
Parade Route
Saturday, September 26, 2009
1:00 pm

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

Parade will be led by Dover Mounted Police.



CITY OF DOVER
09 AUG -4 AM 11:11

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: DOVER SHARE FUND
Federal Tax ID number for Organization: 02-0268636 (Comm. Action Fiscal Agent)
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Marcia Flinkstrom Day Time Telephone: 207-752-0411

Address: PO Box 385 Dover, NH 03820 Email Address: mflinkstrom@comcast.net

Purpose of Permit: Raffle fund raiser

Date of Event: Raffle tickets will be sold by SHARE FUND
Specific Time: _____

Location of Event: Board members during August & Sept. and at Apple Harvest Day @ St. Thomas Epis. Church Booth

(Raffle Permit only)

Prize (s) To Be Awarded: Garden Arbor / GC to greenhouse

Amount of Donation: \$350.00 Date of Drawing: 10/3/09 Specific Time: end of festival

Place of Drawing: Apple Harvest Day - St. Thomas Epis. Church Booth

* 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

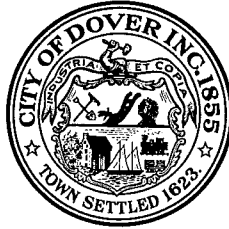
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

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: Marcia Flinkstrom Date: 8-3-09

Licensing Board approval _____ Date: _____

Revised 03/17/08



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Greater Dover Chamber of Commerce
Federal Tax ID number for Organization: 02-0129246
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Kirt Schuman Day Time Telephone: 603/742-2218

Address: 550 Central Ave Email Address Kirt@DoverCh.org

Purpose of Permit: Apple Harvest Day Raffle

Date of Event: Oct. 2 and 3 Specific Time: All Day

Location of Event: Downtown

(Raffle Permit only)

Prize (s) To Be Awarded: Various prizes donated

Amount of Donation: 1/- \$50 Date of Drawing: Oct 3rd Specific Time: Afternoon

Place of Drawing: Downtown - Central Ave

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

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

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

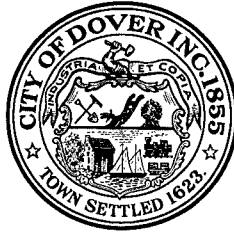
I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

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

Signature: [Signature] Date: 7/31/09

Licensing Board approval [Signature] Date: 8/3/09
Revised 03/17/08

OK
W/P



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Greater Dover Chamber of Commerce

Federal Tax ID number for Organization: 02-027246

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

Contact Person: Kirt Schuman Day Time Telephone: 603/942-2218

Address: 550 Central Ave Email Address: Kirt.edwards@h.org

Purpose of Permit: Apple Harvest Day Road Closures,

Date of Event: October 3, 2009 Specific Time: 6 AM to 6 PM

Location of Event: + Henry Low Ave 3pm to 10pm on 10/2/09

(Raffle Permit only)

Prize (s) To Be Awarded: _____

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

Place of Drawing: _____

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

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

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

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

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

Signature: [Signature] Date: 7/31/09

Licensing Board approval [Signature] Date: 8/3/09
Revised 03/17/08

OK w/f



Greater Dover Chamber of Commerce & Visitor Center

July 31, 2009

Dover City Council
C/o City Clerks Office
288 Central Avenue
Dover, NH 03820

Dover City Council:

I am writing on behalf of the greater Dover Chamber of Commerce 2009 Apple Harvest Day Committee to request the city's permission for use of the following properties.

This year's event will be held on Friday October 2 and Saturday, October 3, 2009. As in past years, we would like permission to use Henry Law Park and to close off a portion of Central Avenue from **Third Street to Washington Street** for the purpose of craft booths and activities. The advertised hours for the event are between 9 AM and 4 PM, however, we will need the road blocked from 6AM to 6PM on Saturday October 3rd.

We've been in contact with the Dover Police Department with regards to this request.

We are also requesting an exemption from Chapter 113 -7 of the city code as a 'street fair'.

Central Avenue will feature approximately 150 craft booths, food vendors and various acts of entertainment throughout the day. There will also be performances in the Cocheco Falls Courtyard, Rotary Arts Pavilion, as well as Henry Law Park.

Please contact me at 742-2218 if you require any additional information about the event.

Sincerely,

Kirt Schuman
Executive Director



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Greater Dover Chamber of Commerce

Federal Tax ID number for Organization: 02-027246

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

Contact Person: Kirt Schuman Day Time Telephone: 603/742-2218

Address: 550 Central Ave Email Address: Kirt@dovernh.org

Purpose of Permit: Road Race

Date of Event: Oct. 3, 2009 Specific Time: 8:30 AM - 9:30 AM

Location of Event: _____

(Raffle Permit only)

Prize (s) To Be Awarded: _____

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

Place of Drawing: _____

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

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

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

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

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

Signature: [Signature] Date: 7/31/09

Licensing Board approval [Signature] Date: 8/6/09

Revised 03/17/08

OK
w/ [Signature]



Greater Dover Chamber of Commerce & Visitor Center

July 31, 2009

Dover City Council
City Clerks Office
288 Central Avenue
Dover, NH 03820

Dover City Council:

I am writing on behalf of the greater Dover Chamber of Commerce 2009 Apple Harvest Day Committee to request a parade permit for the inaugural running of the Apple Harvest Day 5k.

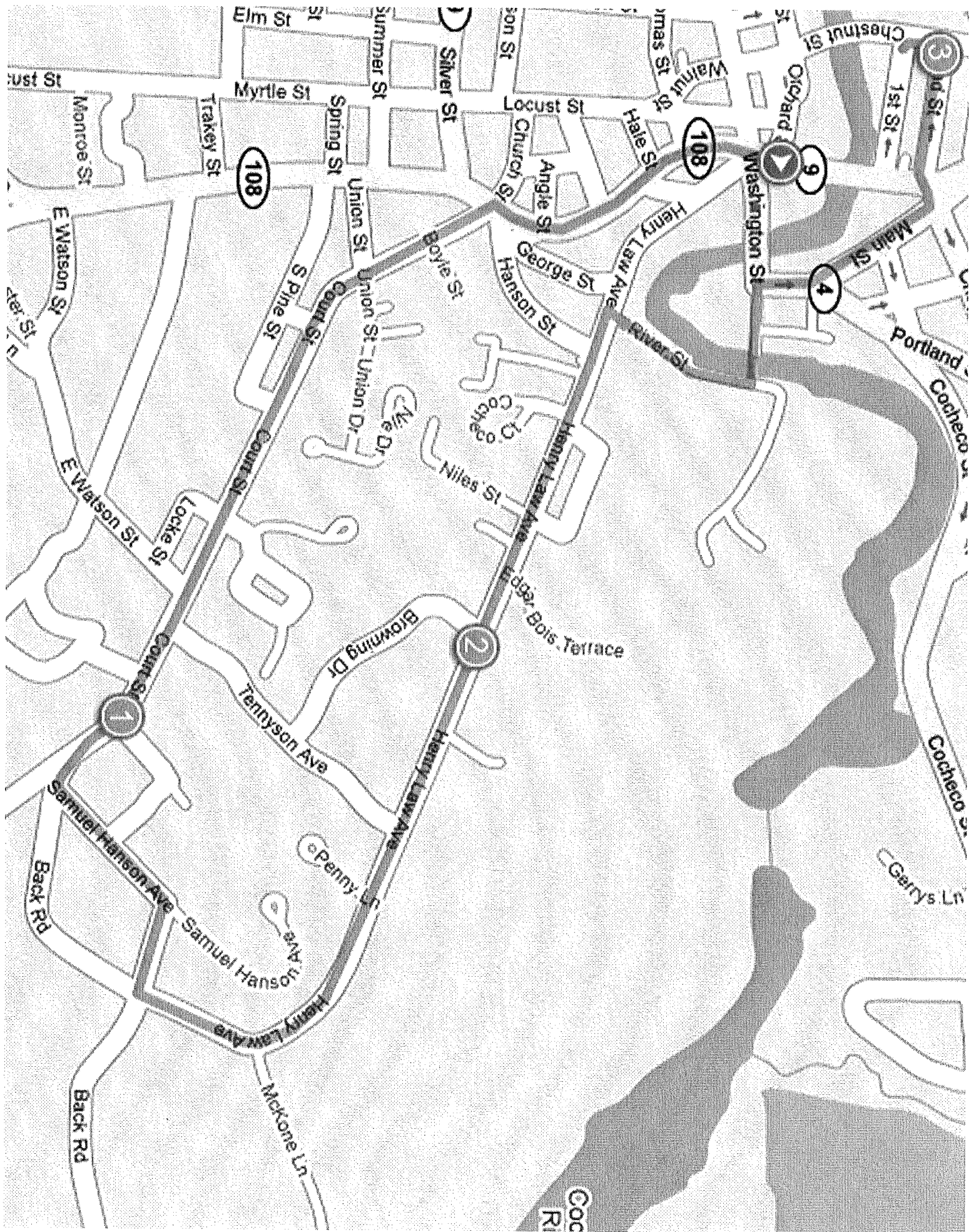
The event will be held in conjunction with Apple Harvest Day and will take place at 8:30am on Saturday, October 3, 2009.

We've been working with the Traffic Bureau of the Police Department, who supports this request. The race route is attached.

Please contact me at 742-2218 if you require any additional information about the event.

Sincerely,

Kirt Schuman
Executive Director





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2009.07.22 - 98**

Resolution Re: **Donald and Rita MacLeod Memorial Scholarship Fund**

WHEREAS: The late Rita Yvonne MacLeod, through her will, bequeathed a scholarship in honor of herself and her beloved late husband Donald O. MacLeod, both of Dover, NH; and

WHEREAS: The memorial scholarship is to benefit two students, each from a needy family, who graduate Dover High School and will attend the University of New Hampshire; and

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

The City of Dover accepts receipt of the scholarship in an amount of \$8,000.00 to be held in trust, for the purpose of awarding two scholarships in the amount of \$4,000.00 each. The principal of the fund, all earnings and further contributions will be expended over time for the award of the scholarships in accordance with provisions prescribed in the Last Will and Testament of the late Rita Yvonne MacLeod, as provided in the background section of this resolution.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R – 2009.07.22 - 98**

Resolution Re: **Donald and Rita MacLeod Memorial Scholarship Fund**

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor Dean Trefethen		
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 – 2009.07.22 - 98**

Resolution Re: **Donald and Rita MacLeod Memorial Scholarship Fund**

RESOLUTION BACKGROUND MATERIAL:

Upon acceptance of the trust by the City Council, said moneys shall be turned over to the Trustees of Trust Funds, to be held as a trust and invested in common with other funds held in trust.

The principal, any investment income and any new donations to the trust will be dispersed for the purpose of providing for two (2) scholarships in the honor of Donald O. MacLeod and Rita Yvonne MacLeod of Dover, NH.

As provided in the Last Will and Testament of the late Rita MacLeod, the intention is to provide for two scholarships, each in the amount of \$4,000.00, for a total amount of \$8,000.00 to be provided. One scholarship, in the amount of \$4,000, to be awarded in annual increments of \$1,000 for each year of college, to a boy of a needy family who is graduating Dover High School and will be attending the University of New Hampshire. A second scholarship, in the amount of \$4,000, to be awarded in annual increments of \$1,000 for each year of college, to a girl of a needy family who is graduating Dover High School and will be attending the University of New Hampshire.

In the event a scholarship recipient does not continue to attend the University of New Hampshire in what would be deemed Year 2, Year 3, or Year 4 of the scholarship, the award of the scholarship will cease. Any funding remaining for the scholarship will then be awarded to a new recipient based on the above intentions of Ms. MacLeod's Will.

The intent is that in the event a scholarship recipient (as an example a boy) does not continue to attend UNH in what would be Year 3 of the scholarship that the \$1,000 for year 3 and year 4 would not be awarded to this boy. The scholarship would cease. The remaining \$2,000 (\$1,000 per year) that had not been awarded would then be awarded to a new boy, of a needy family, who is graduating from Dover High School and attending UNH. The \$2,000 would be awarded at \$1,000 per year for a period of 2 years provided the boy attended UNH in Year1 and Year 2.

Upon written request from the Dover School District to the Trustees the scholarship funds will be released.

All funds of the trust will be managed and reported on by the Trustees of Trust funds in accordance with State law.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

WHEREAS: The Owner of land on Indian Brook Drive has offered to maintain and landscape the frontage area owned by the City of Dover in front of the Owner's building at his own expense;

WHEREAS: Licenses for landscaping have been used successfully on Indian Brook Drive and the corner of Glenwood and Central Avenues to provide attractive landscaping on public property;

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

The City Manager is authorized to enter into a License Agreement regarding landscaping for a portion of city-owned land on Indian Brook Drive.

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 – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

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 – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

RESOLUTION BACKGROUND MATERIAL:

LICENSE AGREEMENT

This LICENSE AGREEMENT ("**LICENSE**"), is made as of the _____ day of _____, 2009 by and between the **CITY OF DOVER, NEW HAMPSHIRE**, a New Hampshire municipal corporation having offices at 288 Central Avenue, Dover, New Hampshire 03820 ("**City**"), and **FORTUNA NORTH, LLC** with a mailing address **340 CENTRAL AVENUE SUITE 202, DOVER , NH 03820** ("**Licensee**").

RECITALS

A. The City is the owner of a certain right of way in the City of Dover, County of Strafford, State of New Hampshire (the "**City Parcel**"), being more particularly shown as "**INDIAN BROOK DRIVE**" on a certain plan entitled "**EXIT 9 PROFESSIONAL OFFICE BUILDING**" prepared by **TRITECH ENGINEERING** dated **JULY 20, 2007**, (the "**Plan**"), which Plan is attached hereto as Schedule A and made a part hereof.

B. Grantee is the owner of a certain lot or parcel of land off Indian Brook Drive in the City of Dover, County of Strafford and State of New Hampshire, depicted on the Plan, and being further designated by the City of Dover as Tax Map/Lot **D-17C** (the "**Licensee's Parcel**").

D. On **FEBRUARY 13, 2007** the Planning Board for the City of Dover, New Hampshire approved the Licensee's Site Plan prepared by **TRITECH ENGINEERING** for the development of a **PROFESSIONAL OFFICE BUILDING** (the "**Project**") on Licensee's Parcel.

E. Licensee requests a license upon, over and across a portion of the City Parcel for the benefit of Licensee in order to install and maintain landscaping, and the City agrees to issue such license pursuant to the terms and conditions as more fully set forth in this license

LICENSE

Now therefore, in consideration of the mutual covenants herein set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Licensee hereby agree as follows:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R – 2009.08.12 – 99**

Resolution Re: Indian Brook Drive Landscaping

1. **License.**

A. The City hereby grants to Licensee, and Licensee accepts from the City, an exclusive license over, across and through the City Parcel to install, maintain and improve landscaping over, across, and through that portion of the City Parcel beginning at the intersection of Indian Brook Drive and Members Way and extending nine hundred (900) feet in a southwesterly direction along the northwesterly sideline of the Indian Brook Drive roadway and having a varying width throughout (the “**Landscape Area**”), and to landscape the Landscape Area, in its discretion, including without limitation, lawn care, the planting, removal and trimming of shrubs, bushes, plants and trees, and the right to install, maintain, repair and replace the same. Said right also includes the right of the Licensee to install walkways and benches. The obligation to maintain the improvements on the Landscape Area does not, however, extend to any below-ground utilities, wires, pipes, lines or other services. In the event that the City requires access to those utilities, it shall repair and replace the land surface to its prior condition, at its cost, and Licensee shall repair and replace the landscaping and improvements made by Grantee in the Landscape Area at the expense of the Licensee.

2. **Term.** The term of this License is five (5) years. Notwithstanding the foregoing in the event the City determines, in its reasonable discretion, that the landscaping creates a serious traffic hazard for the motoring public or other reasonable public safety grounds exist that would justify revoking the License, then the City may request the Licensee to release Licensee’s rights under this License or to modify its rights under this License.

3. **Maintenance.** Licensee shall maintain and keep the City Parcel in a good state of repair, and shall repair any damage, which endangers public safety, to the City Parcel as a result of Licensee’s exercise of its rights hereunder.

4. **Indemnification.** Licensee shall indemnify the City against claims and demands for damages to person or property, costs, expenses (including reasonable attorneys’ fees and costs), arising from Licensee’s exercise of its rights hereunder, except if caused by the negligence or misconduct of the City, its agents, contractors, subcontractors and/or employees. Notwithstanding any provision contained in this License to the contrary, no member, manager, officer, or employee of Licensee shall have any personal liability hereunder.

5. **Transferability and Assignment.** This License is not transferable or assignable without the consent of the City

6. **Notice.** Any notice required to be given under this License shall be in writing, and shall be deemed properly served if delivered in person, or by overnight mail by a commercially recognized carrier, or on the third (3rd) day after deposit in the United States mail, as certified or registered mail, return receipt requested, postage prepaid, and sent as follows:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

If to Licensee, at:

And if to the Licenser, at: City of Dover
288 Central Avenue
Dover, NH 03820
Attention: Christopher Parker

8. Governing Law. This License shall be governed and construed in accordance with the laws of the State of New Hampshire.

9. Sign Restrictions. The Licensee shall refrain from the use of Electronic Message Centers, electronic reader boards, electronic changeable copy signs or similar electronic technology for all signage on City property.

10. Real Property Taxes. The Licensee shall pay real and personal property taxes pursuant to RSA 72:23 including assessments on structures and improvements of the Licensee. Failure of the Licensee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate this License by the City.

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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

IN WITNESS WHEREOF, the parties hereto have caused this License to be executed by their duly authorized representatives on the date first above written.

CITY OF DOVER, NEW HAMPSHIRE

Witness
Print Name: _____

By: _____
J. Michael Joyal, Jr., City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this, the _____ of _____, 2009, before me, the undersigned Officer, personally appeared J. Michael Joyal, Jr., who acknowledged himself to be the City Manager of the City of Dover, and that he, as such City Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act of the City of Dover.

Notary Public
My Commission Expires: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R – 2009.08.12 – 99**
Resolution Re: Indian Brook Drive Landscaping

GRANTEE:

FORTUNA NORTH, LLC

Melanie Morin
Witness
Print Name: Melanie Morin

[Signature]
By: Chad Kageleiry
Its: Managing Member

STATE OF New Hampshire
COUNTY OF Strafford

On this, the 10th of June, 2009, before me, the undersigned Officer, personally appeared Chad Kageleiry, who acknowledge himself to be the Managing Member of Fortuna North, LLC, a New Hampshire limited liability company and executed the foregoing instrument for the purposes contained herein and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of FORTUNA NORTH, LLC.

Melanie Morin
Notary Public
My Commission Expires January 16, 2013
MELANIE MORIN, Notary Public



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2009.08.12 – 100**

Resolution Re: B09102 Household Hazardous Waste Collection Service

WHEREAS: Sealed bid B09102 was requested and received for household hazardous waste collection day on July 27, 2009 at 2:00 pm; and

WHEREAS: Three qualified firms responded with price quotes for different chemicals that would be collected for the project in its entirety; and

WHEREAS: Low bid meeting specifications was submitted by MXI Environmental Service LLC of Langhorne PA at varying rates for various household hazardous waste chemicals.

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 MXI Environmental Services LLC for household hazardous waste day in September 2009 in the amount of \$30,000.00 and corresponding rates provided July 27, 2009. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000-43240-4420-0000-00-30	Recy. Collection Services	\$30,000.00	\$30,000.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2009.08.12 – 100**

Resolution Re: B09102 Household Hazardous Waste Collection Service

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2009.08.12 – 100**

Resolution Re: B09102 Household Hazardous Waste Collection Service

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B09102 was requested and received for household hazardous waste collection on July 27, 2009 at 2:00 pm. Three qualified vendors responded with various price quotes for the various chemicals collected. Low bid meeting specifications was submitted by MXI Environmental Services LLC After review by the cities Solid Waste Coordinator it was determined that MXI Environmental Services LLC was the bid most advantageous to the City of Dover as it is uncertain the exact amount of collections on the Household Hazardous Waste Collection Day.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	17	Number of Responses:	3
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	45 days	Estimated Delivery:	9/06/08
Recommended Award to:	MXI Environmental Svs	Fund:	GF
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#: 12.A.9.

Resolution Number: **R – 2009.08.12 – 100**

Resolution Re: B09102 Household Hazardous Waste Collection Service

Vendor List

Clean Venture, Inc.
133-138 Leland Street
Framingham, MA 01702

Enviro-Safe Corp
Attn: Kevin Poulin
263 Howard St
Lowell MA 01852

Clean Harbors Environmental
Services, Inc.
P.O. Box 9149
Norwell, MA 02061-9149

ONYX Environmental Services
218 Canton Street
Stoughton, MA 02072

Care Environmental Corp.
10 Orben Drive
Landing, NJ 07850

APT Environmental Inc
PO Box 162
Milton VT 05468

PSC Environmental
275 Allens Ave
Providence RI 02905

Advanced Environmental Tech.,
Corp.
398 Cedar Hill Street
Marlboro, MA 01752

CSI Environmental Services
63 Hunt Road
Amesbury, MA 01913

Franklin Environmental Services,
185 Industrial Road
P.O. Box 617
Wrentham, MA 02093

United Industrial Services
14 West Main Street
Meriden, CT 06451

Jones Environmental Services,
Inc.
263 Howard Street
Lowell, MA 08152

Onyx Environmental Services
398 Cedar Hill Street
Marlboro, MA 01752

Advanced Environmental
Management Services, Inc.
P.O. Box 4000
Windham, ME 04062

MXI Environmental Services
26319 Old Trail Rd
Abington VA 24210

Clean Harbors of Natick
10 Mercer Road
Natick, MA 01760

Onyx Environmental Services
398 Cedar Hill Street
Marlboro, MA 01752



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.9.

Resolution Number: **R – 2009.08.12 – 100**

Resolution Re: B09102 Household Hazardous Waste Collection Service

Bid Results

B09102 HOUSEHOLD HAZARDOUS WASTE RESULTS		MXI 26319 Old Trail Rd Abingdon, VA 24210	Clean Harbors 42 Longwater Dr. Norwell, MA 02061	Care Env 10 Orben Dr Landing, NJ 07850
Aerosols/Propane/Fire Ext	55 gal	110.00	225.00	225.00
Flammable Liquids	55 gal	n/b	150.00	185.00
Flammable Liquids	cy box	375.00	n/b	n/b
Pesticides	55 gal	235.00	275.00	250.00
Mercury	5 gal	50.00	150.00	n/b
Oxidizers	55 gal	200.00	250.00	220.00
Acids	55 gal	200.00	n/b	220.00
Asbestos	55 gal	50.00	150.00	n/b
Resins Adhesives	cy box	n/b	962.50	400.00
Resins Adhesives	55 gal	200.00	275.00	170.00
Bulk Organics	55 gal	165.00	n/b	n/b
Misc. Chemicals	55 gal	200.00	n/b	n/b
Misc. Chemicals	5 gal	125.00	n/b	n/b
Processable Paints	cy box	n/b	525.00	n/b
Processable Paints	55 gal	n/b	150.00	185.00
Batteries Dry/Nicad	55 gal	n/b	n/b	175.00
Motor Oil	55 gal	n/b	n/b	175.00
Antifreeze	55 gal	n/b	n/b	175.00
Fixed Costs				
Site Set Up - Mobiliztion/Demobilization				
Fee		1500	1500	1000
Transportation		n/b	n/b	no charge
Labor		n/b	n/b	no charge
Materials		n/b	n/b	no charge



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10

Resolution Number: **R – 2009.08.12 – 101**
Resolution Re: Liquid Propane B09086

WHEREAS: Bid B09086 was requested and received for Liquid Propane on July 29, 2009 at 2:00 pm for a one year agreement.

WHEREAS: The city has approximately twenty three (23) locations where LP gas is utilized and supplied on an “as needed” or pre-arranged schedule. Based on last years usage indicates a need for approximately 50,000 gallons to be purchased from September 1, 2009 to August 31, 2010; and

WHEREAS: Low bid meeting specifications was submitted by Eastern Propane of Rochester NH at the rate of \$1.40 per gallon.

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 Eastern Propane& Oil given the rate of \$1.40 per gallon provided 6/29/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
Accounts listed in background	liquid propane	see background	see background

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10

Resolution Number: **R – 2009.08.12 – 101**
Resolution Re: Liquid Propane B09086

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10

Resolution Number: **R – 2009.08.12 – 101**
Resolution Re: Liquid Propane B09086

RESOLUTION BACKGROUND MATERIAL:

Bid B09086 was requested and received for Liquid Propane on July 29, 2009 at 2:00 pm for a one year agreement. The city has approximately twenty three (23) locations where LP gas is utilized and supplied on an “as needed” or pre-arranged schedule. Based on last years usage indicates a need for approximately 50,000 gallons to be purchased from September 1, 2009 to August 31, 2010. Low bid meeting specifications was submitted by Eastern Propane of Rochester NH at the rate of \$1.40 per gallon.

account	Description	Appropriation	Balance as of 8/3/09
1000-42280-4623-0000-00-22	Fire & Rescue	15,000.00	14,534.19
1000-41951-4623-0000-00-30	Cemetery	400.00	400.00
5320-43256-4623-0000-00-30	WWTP	48,376.00	45,952.78
5300-43320-4623-0000-00-30	CS Water	30,000.00	29,639.19
5320-43250-4623-0000-00-30	CS Sewer	6,300.00	6,239.63
1000-45149-4623-0000-00-35	Arena	6,600.00	6,172.72
Total		106,676.00	102,938.50

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	18	Number of Responses:	3
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until 8/31/10	Estimated Delivery:	As needed
Recommended Award to:	Eastern Propane	Fund:	various
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#: 12.A.10

Resolution Number: **R – 2009.08.12 – 101**
Resolution Re: Liquid Propane B09086

Vendor List

Irving Oil Co.
3000 Lafayette Road
Portsmouth, NH 03802-0177

Downeast Energy Steve
63 Fourth Street
Dover, NH 03820

Hanscom's Truck Stop Attn: Sam
500 Maplewood Avenue
Portsmouth, NH 03801

Dennis K. Burke Joe Cote
284 Eastern Avenue
Chelsea, MA 02150

Simply Green Bio Fuel
909 Islington Street
Suite 15
Portsmouth, NH 03801

Webber Energy Fuel
420 Rte 108
Somersworth NH 03878

Home Town Oil, LLC
755 Banfield Road
Portsmouth, NH 03801

Total Energy Solutions
100 international Drive
Suite 260
Portsmouth, NH 03801

Hartmann Oil Company, Inc.
P. O. Box 1068
Exeter, NH 03833-1068

Fortier and Sons
216 Green Street
Somersworth, NH 03878

Eastern Propane & Oil
PO Box 1800
Rochester, NH 03866

Borderline Fuels, Inc.
Frank Amedeo
35 Centre Road
Somersworth, NH 03878

Dead River Co.
100 West Road, Suite #2
Portsmouth, NH 03801

Save on Fuel
11 Pond Road
South Berwick, ME 03908

H & H Oil Co.
437 Portsmouth Ave.
Greenland, NH 03840

Proulx Oil and Propane
Jim Proulx
PO Box 1
Simons Lane
Newmarket NH 03857

Hometown Oil
755 Banfield Rd
Portsmouth NH 03801

Simply Green Bio Fuel
Shannon Hill
547 Central Ave
Dover, NH 03820



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.10

Resolution Number: **R – 2009.08.12 – 101**
Resolution Re: Liquid Propane B09086

RESULTS B09086 **Liquid Propane Gas**

Vendor Bid stated Contract Period 9/1/08-08/30/09	Option One Locked in rate	Option Two Fix price over rack on day of delivery
Eastern Propane & Oil 28 Industrial Way Rochester NH 03866	\$1.40	Selkirk monthly Plus .042 per gallon
Ferrell Gas Central St Middleton MA 01949	\$1.52	\$.40 over weighted average cost
Hanscom Truck Stop Inc Po Box 4670 Portsmouth NH 03801	NB	NB



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2008.08.12 - 102**
Resolution Re: B09094 #2 Heating Fuel

WHEREAS: Bid B09094 was requested and received for #2 Heating Fuel on July 30, 2009 at 2:00 pm for a one year agreement, and

WHEREAS: The city has six (6) locations where #2 heating fuel is utilized and supplied on an "as needed" or pre-arranged schedule. Based on last years usage the bid indicated a need for approximately 25,250 gallons to be purchased at a guaranteed rate from September 1, 2009 to August 31, 2009; and

WHEREAS: Due to the ever changing price of fuel, a locked in rate was the preferred method of purchasing. The bid meeting specifications and being recommended was submitted by Hanscom's Truck Stop, Inc at the rate of \$2.14 per gallon including all applicable taxes with no change in price for over or under estimated usage.

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 for one year to Hansom's Truck Stop Inc for #2 heating fuel at the rate of \$2.14 per gallon provided on 6/30/09. The amount of this authorization shall be limited so as to not exceed available funding.

Financing

Account	Description	Appropriation	Balance 8/3/09
1000-41941-4624-0000-00-30	Gov Bldg Heating Oil	45,000.00	45,000.00
1000-41951-4624-0000-00-30	Cemetery Heating Oil	6,000.00	6,000.00
3410-45141-4624-0000-00-35	Camp Sun and Fun Oil	1,000.00	1,000.00
5320-43256-4624-0000-00-30	WWTP Heating Oil	25,000.00	25,000.00
5320-43250-4624-0000-00-30	Sewer heating oil	6,000.00	6,000.00
	total	83,000.00	83,000.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2008.08.12 - 102**
Resolution Re: B09094 #2 Heating Fuel

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2008.08.12 - 102**
Resolution Re: B09094 #2 Heating Fuel

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B09094 was requested and received for #2 heating fuel on July 30, 2009 at 2:00 pm. The city has six locations where #2 heating fuel is utilized and supplied on an “as needed” or pre-arranged schedule. Based on last years usage the bid indicated a need for approximately 25,250 gallons to be purchased from September 1, 2009 to August 31, 2010. Factors that could influence these estimates for upcoming year are:

- 1) Energy performance contracting that is currently underway
- 2) Added Dover Armory and have no history of usage
- 3) Weather

One vendor offered a bid that did not meet specifications of RFB for an alternative fuel called Bio-heat which the city will be investigating with energy experts as to whether an acceptable alternative to #2 heating oil for future bid process.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	18	Number of Responses:	3 bid and 1 alt
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until 8/31/10	Estimated Delivery:	As needed
Recommended Award to:	Hanscom's Truck Stop	Fund:	GF /water/sewer
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#: 12.A.11.

Resolution Number: **R - 2008.08.12 - 102**
Resolution Re: B09094 #2 Heating Fuel

Vendor List

Irving Oil Co.
3000 Lafayette Road
Portsmouth, NH 03802-0177

Downeast Energy Steve
63 Fourth Street
Dover, NH 03820

Hanscom's Truck Stop Attn: Sam
500 Maplewood Avenue
Portsmouth, NH 03801

Dennis K. Burke Joe Cote
284 Eastern Avenue
Chelsea, MA 02150

Simply Green Bio Fuel
909 Islington Street
Suite 15
Portsmouth, NH 03801

Webber Energy Fuel
420 Rte 108
Somersworth NH 03878

Home Town Oil, LLC
755 Banfield Road
Portsmouth, NH 03801

Total Energy Solutions
100 international Drive
Suite 260
Portsmouth, NH 03801

Hartmann Oil Company, Inc.
P. O. Box 1068
Exeter, NH 03833-1068

Fortier and Sons
216 Green Street
Somersworth, NH 03878

Eastern Propane & Oil
PO Box 1800
Rochester, NH 03866

Borderline Fuels, Inc.
Frank Amedeo
35 Centre Road
Somersworth, NH 03878

Dead River Co.
100 West Road, Suite #2
Portsmouth, NH 03801

Save on Fuel
11 Pond Road
South Berwick, ME 03908

H & H Oil Co.
437 Portsmouth Ave.
Greenland, NH 03840

Proulx Oil and Propane
Jim Proulx
PO Box 1
Simons Lane
Newmarket NH 03857

Hometown Oil
755 Banfield Rd
Portsmouth NH 03801

Simply Green Bio Fuel
Shannon Hill
547 Central Ave
Dover, NH 03820



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.11.

Resolution Number: **R - 2008.08.12 - 102**
Resolution Re: B09094 #2 Heating Fuel

RESULTS **Re-Bid B09094** **#2 Heating Oil**

Vendor Bid states contract period of 09/01/09-08/30/10	Option One Fixed Price per Gallon for estimated 25,250 gal Price includes applicable taxes	Option Two Fixed price over rack price on day of delivery
Hansom Truck Stop Inc PO Box 4670 Portsmouth NH 03802- 4670	\$2.14 Overages or shortage no change in price	\$0.14 over rack price of CH Sprague day of delivery
Hometown Oil LLC 755 Banfield Rd Portsmouth NH 03801	\$2.18 Overages and shortages will be billed at the market rate	\$0.12 over rack price on day of delivery
Webber Energy Fuels 420 Route 108 Somersworth NH	\$2.369 Overages will be billed at cost plus According to price on day of delivery	\$0.18 over rack price on day of delivery
Simply Green 547 Central Ave Dover NH 03820 Alternate Product.	<i>Alternate product (BioHeat)</i> \$2.14 Overages would be charged at daily rate If city uses less than 95% of estimated we will be required to purchase the difference - charged at daily rate.	N/A



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R - 2009.08.12 – 103**
Resolution Re: B09085 Off Road Diesel Fuel

WHEREAS: Bid B09085 was requested and received for Off Road Diesel Fuel on August 09, 2009 at 3:00 pm for a one year agreement, and

WHEREAS: The city has six locations where diesel fuel is utilized and supplied on an “as needed” or pre-arranged schedule. Based on last years usage the bid indicated a need for approximately 16,000 gallons to be purchased from September 1, 2009 to August 31, 2010, and;

WHEREAS: The low bid deemed most advantageous to the city was submitted by Hanscom’s Truck Stop Inc at the rate of \$.15 over Journal of Commerce Portsmouth Low rack price on day of delivery with no change in price for over or under estimated usages. This vendor awarded the contract last year and has performed exceptionally.

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 Hanscom’s Truck Stop, Inc, as needed, given the rate of \$.15 per gallon over Journal of Commerce Portsmouth Low on day of delivery provided per bid on 8/3/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320-43256-4626-0000-00-30	wwtp vehicle fuels	7,000.00	7,000.00
5320-43250-4626-0000-00-30	sewer vehicle fuels	15,000.00	15,000.00
6310-49200-4626-0000-00-55	fleet services vehicle fuels	5,000.00	3,397.22
1000-43121-4626-0000-00-30	Street vechile fuels	28,600.00	28,600.00
5300-43320-4626-0000-00-30	Water Vehicle Fuel	24,750.00	24,750.00
	total	80,350.00	78,747.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R - 2009.08.12 – 103**
Resolution Re: B09085 Off Road Diesel Fuel

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 - 2009.08.12 – 103**
Resolution Re: B09085 Off Road Diesel Fuel

RESOLUTION BACKGROUND MATERIAL:

Bid B09085 was requested and received for Diesel fuel on August 3, 2009 at 2:00 pm. received with Hanscoms Truck Stop, Inc. being the low bidder at the rate of \$.15 over Journal of Commerce Portsmouth low with no change in price for overages or shortage of estimated quantity.

The city has six locations where diesel fuel is utilized and supplied on an “as needed” or pre-arranged schedule. Locations include several pump station and WWTP along with the highway garage and the Liberty North End Fire Station. Based on last year’s usage (with exception of the new fire station) the bid indicated a need for approximately 16,000 gallons to be purchased at a guaranteed rate from September 1, 2009 to August 31, 2010.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	18	Number of Responses:	2 with 1 alternate
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until 8/31/09	Estimated Delivery:	As needed
Recommended Award to:	Hanscom’s Truck Stop, Inc. Portsmouth NH 03801	Fund:	various
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#: 12.A.12.

Resolution Number: **R - 2009.08.12 – 103**
Resolution Re: B09085 Off Road Diesel Fuel

Vendor List

Irving Oil Co.
3000 Lafayette Road
Portsmouth, NH 03802-0177

Downeast Energy Steve
63 Fourth Street
Dover, NH 03820

Hanscom's Truck Stop Attn: Sam
500 Maplewood Avenue
Portsmouth, NH 03801

Dennis K. Burke Joe Cote
284 Eastern Avenue
Chelsea, MA 02150

Simply Green Bio Fuel
909 Islington Street
Suite 15
Portsmouth, NH 03801

Webber Energy Fuel
420 Rte 108
Somersworth NH 03878

Home Town Oil, LLC
755 Banfield Road
Portsmouth, NH 03801

Total Energy Solutions
100 International Drive
Suite 260
Portsmouth, NH 03801

Hartmann Oil Company, Inc.
P. O. Box 1068
Exeter, NH 03833-1068

Fortier and Sons
216 Green Street
Somersworth, NH 03878

Eastern Propane & Oil
PO Box 1800
Rochester, NH 03866

Borderline Fuels, Inc.
Frank Amedeo
35 Centre Road
Somersworth, NH 03878

Dead River Co.
100 West Road, Suite #2
Portsmouth, NH 03801

Save on Fuel
11 Pond Road
South Berwick, ME 03908

H & H Oil Co.
437 Portsmouth Ave.
Greenland, NH 03840

Proulx Oil and Propane
Jim Proulx
PO Box 1
Simons Lane
Newmarket NH 03857

Hometown Oil
755 Banfield Rd
Portsmouth NH 03801

Simply Green Bio Fuel
Shannon Hill
547 Central Ave
Dover, NH 03820



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.12.

Resolution Number: **R - 2009.08.12 – 103**

Resolution Re: B09085 Off Road Diesel Fuel

RESULTS

B09085 Off Road Diesel Fuel

Vendor	Option One Locked in rate	OR Option Two Fix price over rack on day of delivery
Hanscom's Truck Stop Inc 500 Maplewood Ave Portsmouth NH 03801	NB	\$.15 No change if over or under estimated quantity
Webber Energy Fuels 420 Ste 108 Somersworth NH 03878	NB	\$.15 plus taxes over rack price additional gallons billed at cost plus according to price of day of delivery Price good for today (8/3/09) and subject to change daily
Simply Green 547 Central Ave Dover NH ALTERNATE Bio-Diesel Fuel	NB	\$.19 over Newington rack Overages would be charged at daily rate If city uses less than 95% of estimated we will be required to purchase the difference - charged at daily rate.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.13.

Resolution Number: **R - 2009.08.12 – 104**
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 city council awarded the bid to this vendor on June 24, 2009.

WHEREAS: Subsequent to council action, contract negotiations have broken down with the selected vendor with the vendor refusing to perform according to the provisions of the Request for Bid. It is the recommendation to award to next low bidder Waste Zero at rates provided \$192.60 per 1000 thirty gallon draw string bags and \$116.00 per 1000 fifteen gallon draw string bags.

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 Waste Zero. 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.13.

Resolution Number: **R - 2009.08.12 – 104**
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.13.

Resolution Number: **R - 2009.08.12 – 104**
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.

On June 24, 2009 a resolution was created listing the bid deemed most advantageous 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. Subsequent to this action contract negotiations have broken down and vendor is refusing to perform according to provisions of the request for bid. .

1. The Vendor has refused to supply a performance bond as required by the bidding documents unless the City waives all quality issues regarding the bags.
2. The City was not able to reach an agreement with the Vendor to resolve the issues in dispute.
3. In order to supply the short term needs of the City, a supply of Dover bags has been ordered from the previous supplier.

Award Information:

It is the recommendation to award to next low bid submitted by Waste Zero at rates provided on 5/26/09.

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.13.

Resolution Number: **R - 2009.08.12 – 104**
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.13.

Resolution Number: **R - 2009.08.12 – 104**
 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 B 143.36 C 129.36	A 117.28 B 105.92 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 Inlet, SC 29576			\$192.60 Store door delivery \$220.60	\$116.00 Store door delivery \$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	



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.14.

Resolution Number: **R - 2009.08.12 - 105**
Resolution Re: Woodard and Curran Automate the SCADA Control
Functionality at River St

WHEREAS: Sealed Request for Proposals B98046 were requested and received for qualified professional engineering Services on April 1998 to identify the long term technical needs of both the city water and wastewater divisions.

WHEREAS: The city identified Woodard and Curran as best qualified to meet the needs and requirements of the city based on interviews, experience and past performance in the municipal SCADA (Supervisory Control and Data Acquisition) arena; and

WHEREAS: The next site the city wishes to modify and automate the SCADA control functionality at is the River Street location grit and screening system. Woodard and Curran is prepared to complete this phase for the sum of \$17,460.00

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Woodard and Curran of Portland ME for engineering services in the amount of \$17,460.00. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320-43250-4741-4573-07-30	Sewer Pump Station	\$ 650,000.00	\$ 608,139.40

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.14.

Resolution Number: **R - 2009.08.12 - 105**
Resolution Re: Woodard and Curran Automate the SCADA Control
Functionality at River St

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.14.

Resolution Number: **R - 2009.08.12 - 105**
Resolution Re: Woodard and Curran Automate the SCADA Control
Functionality at River St

RESOLUTION BACKGROUND MATERIAL:

Sealed Request for Proposals B98046 were requested and received for qualified professional engineering Services in April 1998 to identify the long term technical needs of both the city water and wastewater divisions. The city identified Woodard and Curran as best qualified to meet the needs and requirements of the city based on interviews, experience and past performance in the municipal SCADA (Supervisory Control and Data Acquisition) arena. The next site the city wishes to modify and automate the SCADA control functionality at is the River Street location. Woodard and Curran are prepared to complete this phase for the sum of \$17,460.00.

See attached proposal

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	no
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	Until Completion	Estimated Delivery:	As needed
Recommended Award to:	Woodard and Curran	Fund:	Water CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Over \$10,000

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

980 Washington Street | Suite 325
Dedham, Massachusetts 02026
www.woodardcurran.com

T 800.446.5518
T 781.251.0200
F 781.251.0847

July 2, 2009



Mr. Bill Boulanger
City of Dover, NH
Wastewater Treatment Plant
484 Middle Road
Dover, NH 03820

Dear Bill:

Enclosed is our proposal for the integration of the River Street grit and screenings system into the City's iFIX SCADA system for the City of Dover. Also included are our Standard Terms and Conditions.

The fee for this work is \$17,460.00 (Seventeen Thousand, Four Hundred Sixty Dollars). Pricing is valid for 60 days from the date of this proposal. Billing will be monthly and payment terms are Net 30 days.

Please examine the enclosed proposal, and if accurate, indicate your approval and acceptance in the space provided. Please return one copy of this signed acceptance to our office and keep the other copy

Bill, thank you for the opportunity to provide you with this information. I'll contact you within the next couple of weeks to discuss the proposal in more detail. In the meantime if you have any questions or if I can be of assistance, please feel free to call me at (508) 280-7683.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink, appearing to read "G. Alders", is written over a horizontal line.

Gary Alders
Project Manager

#P222274.00

Enclosure(s)

City of Dover, NH

River Street WWTF

GRIT & SCREENINGS SCADA INTEGRATION

BACKGROUND

The City of Dover is upgrading the grit and screenings process at the River Street Pump Station. The process design has been undertaken by Wright Pierce and control panel programming is to be undertaken by the contractor's integration subcontractor.

Woodard & Curran's Electrical Instrumentation and Control Services (EICS) group has been the primary SCADA integration company for the City of Dover for the last 6 years. As such we have been asked to provide a proposal to integrate the River Street grit and screenings control panels into the City's iFIX SCADA system.

At Woodard & Curran, the commitment and integrity of our people drive results for you. You experience this power every day in our actions, solutions, and promises kept.

BASIS FOR THIS STATEMENT OF WORK AND ASSUMPTIONS

This Statement of Work is based upon the following:

- An excellent working knowledge of the City of Dover's SCADA system gained over several years of design, implementation and support
- Review of design drawings as provided by Wright Pierce
- Discussions with Wright Pierce design engineer
- Discussions with City of Dover Utility Systems Supervisor Bill Boulanger

WORK OVERVIEW

Task 1 – Review Control Panel Submittals

The work under this task includes the following:

- Review grit and screenings control panel submittals and provide comments to the contractor and City

Task 2 – Attend Project Meetings

The work under this task includes the following:

- Attend project kick off meeting
- Attend construction meetings as required

Task 3 – Review PLC Programs and Data Table Submittals

The work under this task includes the following:

- Review the PLC programs and Data Tables created by the contractor's integration subcontractor for compatibility with the City's SCADA system
- Provide comments to the contractor and the City

Task 4 – Review OIT Screens

The work under this task includes the following:

- Review the OIT screens created by the contractor's integration subcontractor for compatibility and consistency with the City's SCADA system
- Provide comments to the contractor and the City

Task 5 – Program iFIX SCADA tags

The work under this task includes the following:

- Configure and test new grit and screenings control panel in iFIX communications driver
- Create and test up to 150 new tags in the iFIX SCADA database
- Create and test up to 8 new historical tags in the iFIX SCADA database
- Create and test up to 65 new iFIX SCADA alarm tags and import them into WIN-911 alarm monitoring software

Task 6 – Configure iFIX Screens

The work under this task includes the following:

- Configure and test up to 16 new iFIX graphical screens for the grit and screenings system. The new iFIX graphical screens will be based on the Panelview graphical screens provided by the contractor's integration subcontractor.



Services:

- Supervisory control and data acquisition (SCADA) systems
- Control and information technology planning
- Engineering design and specifications
- Hardware selection and configuration
- Control panel design and fabrication
- Programming
- System simulation and testing
- Installation supervision and startup
- Documentation and training

- Configure and test up to 4 new iFIX SCADA trend screens for the grit and screenings system.

Task 7 – Reporting Software

The work under this task includes the following:

- Modify the City's SCADA reports to incorporate new data from the grit and screenings system

Task 8 – Startup and Training Assistance

The work under this task includes the following:

- Provide the City's operations staff with up to 24 hours of onsite startup assistance during commissioning of the new grit and screenings system;
- Provide the City's operations staff with up to 16 hours of onsite trainings on the new grit and screenings SCADA functionality.

Task 9 – O&M Documentation

The work under this task includes the following:

- Provide O&M documentation for iFIX SCADA screens and alarms created for the River Street grit and screenings system

Success & innovation solutions

By combining the engineering functions of a multidisciplinary consulting engineering firm with the implementation expertise of control systems integrators, Woodard & Curran has the right combination of expertise to seamlessly complete your project.

FURNISHED BY CLIENT

1. Reasonable site access to W&C staff
2. Notification of meetings and work schedules

DELIVERABLES BY W&C

1. Modified iFIX SCADA database, screens, historical tags, alarms, reports and O&M documentation as outlined in the tasks above

FEES

The fees for the work described herein are as follows:

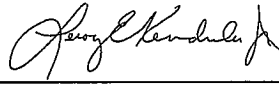
- Integration of River Street grit and screenings system into the City's iFIX SCADA system

\$17,460.00

**Note: Pricing is valid for 60 days from the date of this proposal.*

Please examine this proposal, and if accurate, indicate your approval and acceptance in the space provided. Please return one copy of this signed acceptance to our office and keep the other copy for your files. If necessary, please reference a purchase order number if required for billing purposes.

Date: July 2, 2009

By: 

Title: Senior Vice President

Accepted:

The undersigned hereby states that they are the person or duly authorized agent of the person or organization contracting for the above services on the above described project; and that the terms and conditions stated are understood and herewith agreed to and accepted. Woodard & Curran is hereby authorized to proceed with the services outlined above.

Date: _____

By: _____

Title: _____



WOODARD & CURRAN

TERMS & CONDITIONS

STANDARD TERMS & CONDITIONS

The following Standard Terms and Conditions, together with the attached Scope of Services dated July 2, 2009 ("Scope of Services"), constitute the terms of this agreement ("Agreement") between Woodard & Curran Inc. ("Engineer"), with an address of 35 New England Business Center, Andover, MA 01810 and CITY OF DOVER, NH ("Client"), with an address of 484 MIDDLE ROAD, DOVER, NH 03820 with respect to the performance of the Scope of Services (the "Project") and any additional services.

WHEREAS, it is the desire of the Client to contract the services described in the Scope of Services; and Engineer desires to perform the services described in the Scope of Services.

NOW THEREFORE, the parties hereto agree as follows:

1. Scope of Services

Engineer, as representative of the Client, shall perform the services described in the attached Scope of Services.

- 1.1 Assumptions. The Engineer's Scope of Services and the compensation are conditioned upon, and are subject to, the assumptions set forth in the Scope of Services.
- 1.2 Change in Scope of Services. Client may, at any time, by written order, request changes to the Scope of Services or work to be performed. If the Scope of Services is changed in a manner that will increase or decrease Engineer's costs or the time required to perform the services under this Agreement, there will be an equitable adjustment to this Agreement that must be signed by both parties.

2. Engineer's Responsibilities

Engineer shall be responsible for the following:

- 2.1 Engineer will perform all work in accordance with the attached Scope of Services.
- 2.2 Engineer will perform all work in a professional manner that is consistent with other professionals performing similar work in the geographic area at the time services are rendered.
- 2.3 Engineer shall comply with all laws and regulations applicable to Engineer's performance of the Scope of Services.
- 2.4 Engineer shall assign a project manager to act as Engineer's representative with respect to services to be rendered under this Agreement.
- 2.5 Engineer shall have all licenses and permits required by the Scope of Services.

3. Client's Responsibilities

Client shall do the following in a timely manner so as not to delay the services of Engineer:

- 3.1 Designate in writing a person to act as Client's representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define Client's policies and decisions with respect to Engineer's services described in the Scope of Services. Such person shall have complete authority to bind Client financially with respect to the payment of services to be rendered under this Agreement.
- 3.2 Provide all criteria and full information as to Client's requirements for the Project, including design objectives and constraints, performance requirements, and any budgetary limitations; and furnish copies of all design and construction standards which Client will require to be included in any drawings and specifications.
- 3.3 Provide Engineer with all available information pertinent to the Project including previous reports and any other documents and data relative to design or construction of the Project, all of which Engineer shall be entitled to use and rely upon with respect to the accuracy and completeness thereof, in performing the services under this Agreement.
- 3.4 Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by Engineer; and provide written comments within a reasonable time so as not to delay the services of Engineer.
- 3.5 Give prompt written notice to Engineer whenever Client observes or otherwise becomes aware of any development that may affect the Scope of Services or timing of Engineer's services.
- 3.6 Ensure Engineer, its agents and representatives have safe access to the Project site, buildings thereon, and other locations as required to perform the Scope of Services.

4. Subcontracts

- 4.1 If requested by Client, the Engineer will recommend the Client's engaging the services of laboratories, testing services, subconsultants, or third parties to perform suitable aspects of the Services. Invoices for such third-parties will be reviewed by the Engineer, and the Engineer will make recommendations to the Client regarding payment. Payment to these third-parties will be made directly by the Client. The Engineer will recommend the use of such third parties with reasonable



WOODARD & CURRAN

TERMS & CONDITIONS

care, but does not guarantee their services and will not be liable for their errors or omissions.

- 4.2 In the alternative, Engineer may subcontract any portion of the Scope of Services to a subcontractor approved by Client, and the Engineer will add a 10% surcharge on invoices paid directly by the Engineer for laboratories, testing services, subconsultants, or other third-parties, and that surcharge will be reflected on Engineer's monthly invoices submitted to Client.

5. Billing and Payment

- 5.1 Client shall pay Engineer on a Lump Sum basis as set forth in the attached Scope of Services.
- 5.2 Payment will be due upon receipt of Engineer's invoice. Payments due Engineer and unpaid under the terms of this Agreement shall bear interest from thirty (30) days after the date payment is due at the rate of one and one half (1.5) percent per month (18 percent per annum) until paid in full. In the event that Engineer is compelled to take action to collect past due payments, the Client will reimburse Engineer for all costs and expenses of collection including, without limitation, all court costs and reasonable attorney's fees and costs.
- 5.3 If the Project is suspended or abandoned in whole or part, Engineer shall be compensated for all services performed prior to receipt of written notice from the Client of such suspension or abandonment, together with Reimbursable Expenses and Miscellaneous Direct Expenses then due plus Project closeout costs actually incurred. If the Project is resumed after being suspended for more than three (3) months, Engineer's compensation shall be equitably adjusted between the Client and Engineer.
- 5.4 No deductions shall be made from Engineer's compensation on account or sums withheld from payments to contractors, nor shall payment to Engineer be contingent upon financing arrangements or receipt of payment from any third party.
- 5.5 If the Client fails to make payment when due Engineer for services, Reimbursable Expenses, or Miscellaneous Direct Expenses, Engineer may, upon seven days' written notice to Client, suspend performance of services under this Agreement. Unless payment in full is received by Engineer within seven days of the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services, Engineer shall have no liability to Client for delay or damage caused Client or others because of such suspension of services.

- 5.6 If Client objects to all or part of any invoice, Client shall notify Engineer in writing within two weeks of the date of the invoice, and shall pay that portion of the invoice not in dispute within 30 days after the date of receipt of the invoice. Provided that an objection is made in good faith, the parties shall immediately make every effort to settle the disputed portion of the invoice. If the dispute is resolved in favor of Engineer, interest shall accrue on the unpaid portion of the invoice in accordance with Section 5.2 of this Agreement.

6. Ownership and Use of Documents

- 6.1 All documents including drawings and specifications prepared or furnished by Engineer (and Engineer's independent professional associates, subcontractors and consultants) pursuant to this Agreement are instruments of service in respect of the Project and Engineer shall retain an ownership and property interest therein whether or not the Project is completed. Client may take and retain copies for information and reference in connection with the use and occupancy of the Project by Client and others. However, such documents are not intended or represented to be suitable for reuse by Client or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by Engineer for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Engineer or to Engineer's independent professional associates, subcontractors and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Engineer to further compensation rates to be agreed upon by Client and Engineer.
- 6.2 Submission or distribution to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as publication in derogation of Engineer's rights under this section.

7. Limitation of Liability

- 7.1 The total liability, in the aggregate, of Engineer and Engineer's officers, directors, employees, agents, and independent professional associates and consultants, and any of them, to Client and any one claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to Engineer's services, the Project or this Agreement, from any cause or causes whatsoever, including, but not limited to, the negligence, errors, omissions, strict liability, breach of contract, breach of warranty of Engineer or Engineer's officers, directors, employees, agents or independent professional associates or consultants, or any of them, shall not exceed the total compensation received by Engineer under this



WOODARD & CURRAN

TERMS & CONDITIONS

Agreement, or the total covered amount available under Engineer's insurance policies, whichever is greater.

- 7.2 Neither party shall be responsible or held liable to the other for special, indirect, or consequential damages, including, but not limited to, loss of profit, loss of investment, loss of product, business interruption, or liability for loss of use of facilities or Client's existing property, however the same may be caused.

8. Insurance

- 8.1 Engineer is protected by Worker's Compensation Insurance, Employer's Professional Liability Insurance, and by General Liability Insurance each (with the exception of Workers' Compensation) with a minimum limit of \$1,000,000 per occurrence and in the aggregate. Engineer will furnish client a certificate of insurance, upon written request, evidencing such coverage and limits. The Client and Engineer waive all rights of subrogation against: 1) each other and their subconsultants, subcontractors, agents and employees, each of the other, and 2) the Client's contractor (if any) and its subcontractors, for damages caused by fire or other perils to the extent covered by property insurance maintained by the Client or its contractor. The Client shall require a similar waiver from any contractor.

9. Indemnification Hold Harmless

- 9.1 Engineer agrees to indemnify and hold Client, its directors, shareholders, employees, and assigns harmless from and against all claims, damages, causes of actions, and fines to the extent such claims, damages, causes of action and fines are based on or arise out of Engineer's negligent acts or negligent omissions.
- 9.2 Client agrees to indemnify and hold Engineer, its directors, shareholders, employees, and assigns harmless from and against all claims, damages, causes of actions, and fines to the extent such claims, damages, causes of action and fines are based on or arise out of Client's negligent acts or negligent omissions.

10. Delays/Force Majeure

- 10.1 Except as specifically set forth in this Agreement, neither party shall hold the other responsible or liable for damages or delays in performance caused by acts of God, interruptions in the availability of labor, or other events beyond the control of the other party, or that could not have been reasonably foreseen or prevented. For this purpose, such acts or events shall include unusually severe weather affecting performance of services, floods, epidemics, war, riots, strikes, lockouts, or other industrial disturbances, protest demonstrations, unanticipated Project site conditions, and inability, with reasonable diligence, to supply personnel, equipment, or material to the Project. Should such acts or events occur, both parties shall use their best efforts to

overcome the difficulties arising and to resume as soon as reasonably possible the normal pursuit of the Scope of Services. Delays within the scope of this provision which cumulatively exceed thirty (30) days in any six (6) month period shall, at the option of either party, make this Agreement subject to termination or to renegotiation.

11. Notice

- 11.1 All notices authorized or required between the parties, or required by any of the provisions herein, shall be given in writing and shall be sent by certified mail, return receipt requested, and deposited with an accepted postal service, postage prepaid, and addressed to the intended party at the address set forth in the first paragraph of these Terms and Conditions. Notices sent in this manner shall be deemed given seven business days after mailed. Notices may also be given by personal delivery, sent via a regionally recognized overnight carrier (i.e. FedEx, UPS), or sent by facsimile, and shall be deemed given when delivered (if by personal delivery or overnight courier) or when faxed.

12. Dispute Resolution

- 12.1 Step Negotiations. The parties shall attempt in good faith to resolve all disputes ("Controversy") promptly by negotiation, as follows. Any party may give the other party written notice of any Controversy not resolved in the normal course of business. Managers of both parties at levels at least one level above the project personnel involved in the Controversy shall meet at a mutually acceptable time and place within five days after delivery of such notice, and thereafter as often as they reasonably deem necessary, to exchange relevant information and to attempt to resolve the Controversy. If the matter has not been resolved within thirty days from the referral of the Controversy to the managers, or if no meeting has taken place within ten days after such referral, either party may initiate mediation as provided hereinafter. All negotiations pursuant to this clause are confidential and shall be treated as compromise and settlement negotiations purposes of the Federal Rules of Evidence and state Rules of Evidence.

- 12.2 Mediation. In the event that any Controversy arising out of or relating to this Agreement is not resolved in accordance with the procedures provided herein, such Controversy shall be submitted to mediation with a mutually agreed upon mediator. The mediation shall be filed at the regional office of the agreed upon mediator closest to the Project site. The mediation shall take place at an Engineer's office unless otherwise agreed to by the parties. If the mediation process has not resolved the Controversy within thirty days of the submission of the matter to mediation, or such longer period as the parties may agree to, the mediation process shall cease. All mediation documents and discussions pursuant to this



WOODARD & CURRAN

TERMS & CONDITIONS

clause are confidential and shall be treated as compromise and settlement negotiations for purposes of the Federal Rules of Evidence and state Rules of Evidence. Nothing herein shall limit the rights and remedies that the parties may have under this Agreement or under other legal and equitable proceedings.

13. Termination

13.1 Either party shall have the right to terminate this Agreement with respect to the Project for convenience, at its option, by sending a written Notice of Termination to the other party. The Notice of Termination shall specify when and which services will be discontinued and when termination shall be effective, provided that no termination shall be effective less than ten (10) calendar days after receipt of the Notice of Termination. No later than thirty (30) calendar days after termination, Client shall pay Engineer for all Services performed and charges incurred prior to termination, including, without limitation, costs and expenses related to putting Project documents and analyses in order and rescheduling personnel and equipment.

13.2 Either party shall have the right to terminate this Agreement with respect to the Project for cause if the other party commits a material breach of this Agreement and fails to cure such breach within ten (10) days. A Notice of Default, containing specific reasons for termination, shall be sent to the defaulting party, and both parties shall cooperate in good faith to cure the default or defaults stated in the Notice of Default. Termination shall not be effective if the breach has been remedied within ten (10) days after the defaulting party's receipt of the Notice of Default or the later date specified in the Notice of Default, or, if the defaulting party has begun to cure such default within such period and such default cannot reasonably be cured within such period, if such defaulting party diligently prosecutes curing such default to completion (provided that such provision shall not apply to Client's failure to timely pay an invoice). In the event of termination for cause, Consultant shall be paid the same as in the case of termination for convenience and the parties shall have their remedies at law as to any other rights and obligations between them, subject to the other terms and conditions of this Agreement.

14. Construction Contract Responsibilities

14.1 When Engineer's services include the performance of any services during the construction phase of the Project, it is understood that the purpose of any such services (including any visits to the Project site) will be to enable Engineer to better perform the duties and responsibilities assigned to and undertaken by it as an experienced and qualified design professional, and to provide the Client with a greater degree of confidence that the completed work of Client's construction contractor(s)

("Contractor") will conform generally to the contract documents and has been implemented and preserved by Contractor(s). Engineer shall not, during such visits or as a result of any observations of construction, supervise, direct or have control over Contractor's(s') work nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or safety precautions and programs incident to the work of Contractor(s) or for any failure of Contractor(s) to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor(s) furnishing and performing its (their) work. Engineer does not guarantee the performance of the construction contract by the Contractor(s), and does not assume responsibility for Contractor's(s') failure to furnish and perform its (their) work in accordance with the contract documents.

14.2 If Engineer's contract with the Client so requires, Engineer shall review (or take other appropriate action in respect of) shop drawings, samples and other data which Contractor(s) is (are) required to submit, but only for conformance with the design concept of the Project and compliance with the information given in the contract documents. Such review or other actions shall not extend to means, methods, techniques, sequences or procedures of manufacture (including the design of manufactured products) or construction, or to safety precautions and programs incident thereto. Engineer's review or other actions, as described above, shall not constitute approval of an assembly or product of which an item is a component, nor shall it relieve the Contractor(s) of (a) its (their) obligations regarding review and approval of any such submittals; and (b) its (their) exclusive responsibility for the means, methods, sequences, techniques and procedures of construction, including safety of construction.

15. Health and Safety

15.1 Engineer and its employees shall follow health and safety precautions which meet federal, state and local regulations. If asked to conduct any activities which do not conform to said regulations, or which Engineer determines in its sole discretion to be unsafe or unhealthy, Engineer shall have the option to stop work immediately and inform Client of unacceptable health and safety conditions, and both parties shall enter into good-faith negotiations to remedy the unacceptable conditions. If no remedy can be agreed upon, Engineer and Client may terminate this Agreement with respect to Scope of Services in accordance with the terms stated herein.

15.2 Engineer will not implement or be responsible for health or safety procedures other than for its own employees. Engineer shall not share any responsibility for the acts or omissions of other parties on the Project or have control



WOODARD & CURRAN

TERMS & CONDITIONS

or charge of, or be responsible for safety precautions and programs of Client or other contractors. Unless otherwise agreed in the Scope of Services, Engineer's observation and testing of portions of the work of other parties on a project site shall not relieve such other parties from their responsibilities for performing their work in accordance with applicable plans, specifications and health and safety requirements. Client agrees to notify such contractors or other parties accordingly.

16. Pre-Existing Conditions and Subsurface Risks

16.1 Where the Scope of Services includes or requires on-site work, visits, investigations, or explorations, Engineer and Client agree to the following:

16.1.1 Hazardous Substances. Client acknowledges that Engineer has neither created nor contributed to the creation of any hazardous waste, hazardous substance, radioactive material, toxic pollutant, asbestos, or otherwise dangerous substance (collectively referred to as "hazardous substance"), or dangerous condition at the Project site. Consequently, Client agrees to defend, indemnify and hold Engineer harmless from and against any and all claims, damages, losses, fines, suits or causes of action (collectively referred to as "claims") relating to personal injury; property damage; non-compliance or liability arising under environmental laws including, but not limited to, RCRA, CERCLA or similar federal or state laws, to the extent the claims are based on or arise from the existence or release of any hazardous substances. The term "property" as used herein means all real and personal property, including, without limitation, tangible and intangible rights and interests, economic or other losses, or other rights with respect thereto.

16.1.2 Client's Duty to Notify Engineer of Hazards. Client shall provide Engineer with all information known to Client with respect to the existence or suspected existence of any hazardous substances at, on, or in close proximity to the Project site. Client will advise Engineer immediately of any information which comes into Client's possession regarding the existence of any such potentially hazardous substances, or any condition known to Client to exist in, on, under or in the vicinity of the Project site which might present a potential danger to human health or the environment.

16.1.3 Engineer shall take reasonable precautions for the health and safety of its employees while at the Project site with consideration for the available information regarding existing hazards.

16.1.4 Control of Project Site. Client acknowledges that it is now and shall remain in control of the Project site at all times. Engineer shall have no responsibility or liability for any aspect or condition of the Project site,

now existing or hereafter arising or discovered. Engineer does not, by entry into an agreement with Client or its performance of services under any such agreements, assume any responsibility or liability with respect to the Project site; nor shall any liability or responsibilities be implied or inferred by reason of Engineer's performance of any work at the Project site.

16.1.5 Right of Entry. Unless otherwise agreed, Client will furnish right-of-entry on the land for Engineer to make the planned borings, explorations, or field tests. Engineer will take reasonable precautions to minimize damage to the land from use of equipment, but has not included in its fee the costs for restoration of damage that may result from Engineer's operations, or the operations of any person or entity engaged by Engineer in the performance of services under this agreement. If Engineer is required to restore the land to its former condition, such work will be accomplished and the costs, plus fifteen percent (15%), will be added to Engineer's fee.

16.1.6 Subsurface Risks. Client recognizes that special risks occur whenever engineering or related disciplines are applied to identify subsurface conditions. Even a comprehensive sampling and testing program, implemented with appropriate equipment and experience by personnel under the direction of a trained professional who functions in accordance with a professional standard of practice may fail to detect certain hidden conditions. For similar reasons, actual environmental, geological, and geotechnical conditions that the Engineer properly inferred to exist between sampling points may differ significantly from those that actually exists. The Client acknowledges these risks.

16.1.7 Engineer will exercise reasonable and professional care in seeking to locate subterranean structures in the vicinity of proposed subsurface explorations at the Project site. Engineer will contact public utilities and review plans and information, if any, provided by public utilities, public agencies and Client. So long as Engineer observes such standard of care, Engineer will not be responsible for any unavoidable damage, injury or interference with any subterranean structures, pipe, tank, cable or any other element or condition if not called to Engineer's attention prior to commencement of services or which is not shown, or accurately located, on plans furnished to Engineer by Client or by any other party, or which could not have been reasonably identified by Engineer.

17. Samples

17.1 Non-Hazardous Samples. Engineer will dispose of all soil, rock, water, and other samples thirty (30) days after submission of Engineer's initial report. Client may request, in writing, that any such samples be retained



WOODARD & CURRAN

TERMS & CONDITIONS

beyond such date, and in such case Engineer will ship such samples to the location designated by Client, at Client's expense. Engineer may, upon written request, arrange for storage of samples at Engineer's offices at mutually agreed storage charges. Engineer will not give Client prior notice of intention to dispose of samples.

17.2 Hazardous Samples. Although the Client shall have the obligation to dispose of any "hazardous" samples, if samples collected from the Project site contain substances defined as "hazardous" by federal, state, or local statutes, regulations, codes, or ordinances, Engineer shall, at its option, have the right to: (1) dispose of samples by contract with a qualified waste disposal contractor; (2) in accordance with Client's written directions, ship such samples by an appropriately licensed transporter to a licensed disposal site; or (3) return such samples by an appropriately licensed transporter, to Client. Client shall pay all costs and expenses associated with the collection, storage, transportation, and disposal of samples. If Client requests in writing, that any such sample be retained for a period in excess of thirty (30) days, Engineer will store such samples at Client's expense and Client will pay an additional fee as charged by Engineer in accordance with its standard laboratory schedule for storage of samples of a "hazardous substance."

18. Miscellaneous

18.1 This Agreement shall be governed and construed in accordance with the laws of the State of Massachusetts.

18.2 The prevailing party in any lawsuit, appeal, bankruptcy or other legal proceeding relating to this Agreement or its appendices shall be entitled to recover from the non-prevailing party all reasonable attorneys' fees, costs and expenses incurred by the prevailing party, and in all efforts to collect any recovery by the prevailing party. Any action to enforce or interpret this Agreement shall be commenced or maintained only in the judicial or administrative tribunal in the jurisdiction of the State of Massachusetts, and each party waives any venue, convenient forum, removal, jurisdiction, or other rights to the contrary.

18.3 Section headings in this Agreement are included herein for convenience of reference only, and shall not constitute a part of the Agreement or for any other purpose.

18.4 The Client and Engineer respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such party with respect to all covenants of this Agreement. Neither the Client nor

Engineer shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

18.5 This Agreement represents the entire and integrated Agreement between the Client and Engineer, and supersedes all prior negotiations, representations or agreements, either written or oral, and may be amended only by written instruments signed by both Client and Engineer.

18.6 If any provision of this Agreement is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable and binding on the parties.

18.7 Any estimates or opinions of Project or construction costs are provided by Engineer on the basis of Engineer's experience and qualifications as an engineer and represents its best judgment as an experienced and qualified engineer familiar with the construction industry. Since Engineer has no control over the cost of labor, materials, equipment or services furnished by others or over competitive bidding or market conditions, it cannot guarantee that proposals, bids or actual Project costs or construction costs will not vary from any estimates or opinions of costs prepared by Engineer. Similarly, since Engineer has no control over building operation and/or maintenance costs, Engineer cannot and does not guarantee that the actual building system operating or maintenance costs will not vary from any estimates given by Engineer. No fixed limit of construction costs is established as a part of this Agreement.

(Signatures on next page)



WOODARD & CURRAN **TERMS & CONDITIONS**

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below:

ENGINEER:

WOODARD & CURRAN INC.

CLIENT:

CITY OF DOVER, NH

By: 

Printed: Leroy E. Kendricks, Jr., PE
Title: Senior Vice President
Thereunto duly authorized
Date: July 2, 2009

By: _____

Printed: _____
Title: _____
Thereunto duly authorized
Date: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.15.

Resolution Number: **R – 2009.08.12 – 106**
Resolution Re: B10002 Library Carpet Replacement

WHEREAS: Sealed bid B10002 was requested and received for the replacement of the Dover Library Carpet on August 4, 2009 at 2:00 pm; and

WHEREAS: Low bid meeting specifications was submitted by Kingdom Contract Flooring at the total price of \$37,768.35.

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 Kingdom Contract Flooring in the amount of \$37,768.35 and corresponding rates provided 8/4/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance	Charge
4010-45500-4725-1205-10-39	Library Building Improvement	\$71,500.00	\$71,500.00	\$31,768.35
8699-45500-4831-0000-00-39	Trust Disbursement by Agent	\$18,899.99	\$18,899.99	\$6,000.00
			total	\$37,768.35

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.15.

Resolution Number: **R – 2009.08.12 – 106**
Resolution Re: B10002 Library Carpet Replacement

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.15.

Resolution Number: **R – 2009.08.12 – 106**
Resolution Re: B10002 Library Carpet Replacement

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B10002 was requested and received for replacing carpet at Dover Library on August 4, 2009 at 2:00 pm. Low bid meeting specifications was submitted by Kingdom Contract Flooring of Plaistow NH in the total amount of \$37,768.35. The rooms planned for carpet replacement are areas to include:

Bottom floor: Technical Services office, bi-level Children's Room, Story Room, and Elevator floor.

Main Floor: Stacks, Mezzanine, Asst. Director's alcove, Circulation Desk area, Circulation Office, Reference Room, Browse Room, Computer Room, Staff Room, 1988 addition, stairway from Staff Room to basement.

Top Floor: Library Director's office, Learning Center, foyer outside kitchenette, Lecture Hall, Trustees Room, Historical Room, Balcony Surround, Stairways and landing leading to Main Floor.

The old carpet is, in many areas, 22 years old with significant wear patterns, stains, holes, snags and unraveling, and is well past its useful "life"

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	24	Number of Responses:	8 & 1 NB
Warranty:	1 year	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	Aug – Sept 2009
Recommended Award to:	Kingdom Contract Flooring	Fund:	CIP & Trust
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.15.

Resolution Number: **R – 2009.08.12 – 106**
Resolution Re: B10002 Library Carpet Replacement

Vendor List

Cadieux's Flooring
PO Box 155
Stratham, NH 03885

Blier Flooring
16 Sixth Street
Dover, NH 03820

Sprague Floor Covering
159 Portland Avenue
Dover, NH 03820

Somersworth FloorScapes
430 Route 108
Somersworth NH 03878

Tri City Flooring
62 Market Street
Somersworth, NH 03878

Hoyt's Carpet & Tile
17 Second Street
Dover, NH 03820

Hogan Flooring
David Hogan
71 Broadway
Dover, NH 03820

Brocks
298 North Main Street
Rochester, NH 03867

A&E Flooring
59 Londonderry Tpk
Hookset NH 03106

Pro United Inc.
PO Box 790
Greenland, NH 03840

Spectrum Floors Inc
1600 Candia Rd
Manchester NH 03109

Capital Carpet Flooring
12 Walnut Hill Prk
Woburn MA 01801

Katz Warehouse Carpets
Lafayette Road, US Rt. 1
Rye, NH 03870

Portsmouth Quality Flooring
2040 Lafayette Road
Portsmouth, NH 03801

Kingdom Contract Flooring
9 Blossom Rd
Plaistow NH 03865

Star Flooring
RTE 33
Greenland, NH 03840

Pro_United Inc
124 Heritage Ave
Portsmouth NH 03801

Target NE
185 Sewall Rd
Wolfeboro NH 03894

R Fraser Company, Inc.
148 Derry Street
Hudson, NH 03051

Paul White Tile
22 Marin Way
Statham NH 03885

Tinkers Flooring
108 Pine Hill Road
Wolfeboro, NH 03894

Color Shed, LLC
125 Daniel Webster Highway
Meredith, NH 03253

East Coast Flooring
51 Harvey Road Unit A
Londonderry, NH 03053

Gorman Thomas Inc
20 Commerce Park N
Bedford NH 03110



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.15.

Resolution Number: **R – 2009.08.12 – 106**
Resolution Re: B10002 Library Carpet Replacement

Bid Results

Vendor	Price
Kingdom Contract Flooring 9 Blossom Road Plaistow, NH 03865	37,768.35
Cadieux Flooring Inc 145 Portsmouth Ave Stratham, NH 03885	42,559.00
Continental 9319 N 94 th Way #1000 Scottsdale, AZ 85258	47,636.49
A&E Flooring Inc 59 Londonderry Turnpike Hooksett, NH 03106	49,421.00
Brock's 298 North Main Street PO Box 2005 Rochester, NH 03866-2005	50,297.00
Cardoza Flooring LLC 227 Union Square Unit 1 Milford, NH 03055	50,758.78
Hogan Flooring LLC 71 Broadway Dover, NH 03820	55,998.03
Flooring associates 19 South Perimeter Road Londonderry, NH 03053	58,596.00
Paul White Tile 22 Marin Way Stratham, NH 03885	NO BID



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.08.12 – 107**
Resolution Re: 2009 CITY MANAGER EVALUATION

- WHEREAS: The City Manager is the City of Dover's Chief Executive Officer, and the sole employee of the Dover City Council; and
- WHEREAS: An annual examination of the City Manager's performance by the City Council was conducted; and
- WHEREAS: A scoring system and comment analysis was completed by the Dover City Council for the City Manager's Performance Evaluation

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

The attached scoring sheet and comments be adopted by the Council for the FY 2009 evaluation of Dover City Manager J. Michael Joyal, Jr..

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#: 12.B.1.

Resolution Number: **R – 2009.08.12 – 107**
Resolution Re: 2009 CITY MANAGER EVALUATION

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.08.12 – 107**

Resolution Re: 2009 CITY MANAGER EVALUATION

RESOLUTION BACKGROUND MATERIAL:

See Attached Documents

Scoring Grid

Councilor Comments

City Manager J. Michael Joyal, Jr. Evaluation on August 5, 2009		Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	At Lg-Weston	At-Lg McCusker	Mayor	Total Score per Expectation	Average Score per Expectation
1	Maintain effective communications.	5	4	2	3	2	1	3	5	4	29	3.22
2	Responsive to requests and suggestions.	5	4	2	4	2	1	3	4	4	29	3.22
3	Update the Council on organizational structure changes.	4	5	2	5	2	2	3	5	5	33	3.67
4	Handles emergencies/crises effectively.	5	5	5	5	5	5	5	5	5	45	5.00
5	Summary of items, programs, services as options to proposed budget.	5	4	2	5	3	1	3	5	3	31	3.44
6	Provide budget summary booklet for FY10 budget.	5	5	3	4	3	3	3	5	3	34	3.78
7	Establish Department Head goals.	5	3	2	3	3	5	3	4	2	30	3.33
8	Hold a budget specific forum for public comment before 5/15/08.	4	4	4	2	3	1	3	4	2	27	3.00
9	Host quarterly public info sessions.	5	4	4.5	5	4	4	4	5	5	40.5	4.50
10	Review codes, ordinances and present proposed changes to Council	5	4	1	3	2	2	3	4	4	28	3.11
11	Rebuild/upgrade channel 22 equipment/offerings.	4	2	2	1	1	1	2	4	2	19	2.11
12	Complete consolidation of Clerk/Tax services and moving of offices.	5	3	2.5	4	3	1	3	5	5	31.5	3.50
13	Advise on cost savings opportunities by outsourcing/regionalization of services.	4	2	2	3	2	1	3	4	3	24	2.67
14	Provide recommended policy changes to meet challenges of new economy/banking environment.	4	5	2	3	1	1	3	4	3	26	2.89
Subtotal Score per Councilor:		65.00	54.00	36.00	50.00	36.00	29.00	44.00	63.00	50.00	427.00	3.39
Average Score per Councilor:		4.64	3.86	2.57	3.57	2.57	2.07	3.14	4.50	3.57	Total Ranking	

Scoring:

- 1 = Below Expectations (well below reasonable expectations)
2 = Needs Improvement (performance has been marginally below expectations)
3 = Meets Expectations
- 4 = Above Standard (performance has been above standard which is commendable)
5 = Exceeds Expectations (performance has been above reasonable expectations)

**FY2009 CITY MANAGER EVALUATION
J. MICHAEL JOYAL, JR.**

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

CHENEY: There are three parts to this: a - verbal and written to all council and councilors equally b - keep us informed on issues and problems c - negotiations with organized labor

There have been requests that in the past would be quickly filled and now it seems to depend on which Councilor is asking. There seems to be a new thought morphing into a rule, as it is spoken more and more often that requests of the City Manager be "the will of the Council". This is an impediment to the process. I do not think the day is far away that a Councilor will need a resolution to get data. It is nearly the case in every request by certain Councilors that it be "the will of the Council". I certainly know Councilors have offered to file 91-A requests to get information. It was not this way in the past when the City Manager had just started, but over time, if not definitely the way, it is certainly dependant again on which day the request comes or from which Councilor the request comes from. This practice seems to be getting a firm root, with some support. This is getting to be of concern. The City Manager never used to mention extraordinary staff time or unreasonable requests, but now those are expected replies. Finally for this part, it has been asked several times that data provided to the Council may optionally be in an excel format or in some format where the data may be fully utilized electronically (ie: copied/searched), the response given to this is that he is afraid the data will be modified and misrepresented it to the public, which presupposes an ethical violation before the fact. It has also been requested that the PDF data provided online be text searchable, this is more often if at all, not the case.

There have been events that have happened where the Council does not find out through the City Manager. Sometimes that is o.k. It is a judgment call on the City Managers' part. Recently a park bench was moved and that has caused attention to issues of public/private use within the downtown area. This will be an important focus especially where trees are cut, property moved and areas claimed for use. I think Public Works projects should be posted so that the public knows when work is being done in their neighborhoods. The City Manager does keep us up-to-date on matters in the City Manager's Report section of the Agenda this requirement was expanded in our Council Rules that he provides such data.

Negotiation information is being conveyed in a more time sensitive manner to the Council due to a Council Rule resolution that passed to have the information to the Council in ample time for review and vote by Councilors. I would like more historical tabular data given for projections over time with a graph.

MYERS: The City Manager continues to provide the City Council with information and answers to questions. Some analysis type information regarding pending agenda items needs to be delivered in a more timely fashion to allow for better understanding by all before the City Council votes on an issue. Updates on labor negotiations have occurred when needed, though the process has been at a standstill for most of the past 12 months.

TREFETHEN: While the CM does a lot of communicating at all levels, some of the communications miss the mark. They are sometimes too detailed for the intended audience or not detailed enough. In producing charts with statistics, attention must be paid to readability by the receiver.

WESTON: CM improved here from last year but there is still room for improvement. We as a council now receive updates prior to the information being in the local newspaper but there have been recent repeated questions posed to CM that went unanswered.

DEDE: Maintain effective communications: Throughout the year, the City Manager has kept the council apprised of any and all situations, from legislative bulletin issues in Concord, to updates on flooding

when it occurred, updates on Ice and Snow situations when they occurred and other issues such as problems with water-main breaks, Willand Pond algae events and inquiries from citizens.

CARRIER: Any time I have ever requested something from Mike or forwarded a request to him by someone else he has responded in a timely manor.

SCOTT: See comments on 2 below.

CALLAGHAN: The CM responds to all communication in a timely fashion. However, effective and productive communication is not just about getting a response. The response must provide the facts that answers the questions asked or provide the information requested in a succinct way. Communicating with the CM is not always productive. Some responses are verbose, or off point, or inaccurate, or tactical, or incomplete, and misleading. Sometimes questions are answered by questions rather than a provision of the information requested. Sometimes the response to a request for communication is a deferral to the will of the Council.

Another form of communication is unsolicited. This would include providing important documents, letters, and reports. In this process the CM would not isolate, amend, define, opinionate, or omit any of the information. Topics for self generated communications should be relative to sensitive issues for taxpayers, residents, boards and commissions, etc, and produced proactively.

Communications from the CM that should have Council input or approval should not be published until either of those has been discussed in public session. The CM should not consider him exempt for the council as a body in the relation of 91-A. He is technically a member of the body since he sits with the Council, partakes in all discussions, and the meeting does not take place without him or a designee. His release of information to the media and the Council are technically the making of decisions without council approval.

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

CHENEY: The City Manager is always responsive to requests for assistance by a Councilor on behalf of a constituent and a request by a constituent that I can know of. I have not seen anything to the contrary.

MYERS: The City Manager continues to take public input regarding ideas/concerns and listens to the City Council when it, as a body, gives direction. The City Manager reports continue to be tweaked for the better and provide a tremendous amount of information which is available to the public.

TREFETHEN: The CM is always responsive in a timely manor to any request for information I've made. He always acknowledges and considers suggestions.

WESTON: A more timely response for information would be appreciated.

DEDE: The City Manager has been entirely responsive to requests made by the Council and also to the reasonable requests of both councilors and citizens. The City Manager has continued to be our most valuable resource for information on City of Dover issues.

CARRIER: Mike always will take in any suggestions from someone – chew it up and then make a sound judgment.

SCOTT: The City Manager is very selective in his communication with councilors. He answers some requests he receives from councilors. Other requests he ignores. These comments pertain to items 1 and 2. The City Manager produces a lot of reports and consumes a great quantity of paper. Many of the reports and statistics he produces are of minor value to the Dover City Councilors.

Here are some of the requests from councilors that the City Manager has not provided.

- a. Documentation on the sale of City owned land in Dover's industrial park.
- b. During budget sessions the City Manager has been unwilling or unable to provide details of prior year disbursements by account number.
- c. The City spending on information technology is over \$500,000, twice what it was 3 years ago and it is difficult to obtain financial details. Requests for financial data are often met with delay and excuses. For

the past 30 years virtually all accounting systems have the ability to select and sort by department and product code and print out a report. That the City Manager would have to assign a person to the task of querying our accounting data base is illogical and demonstrates a weakness in the area of information technology. This weakness raises the basic question of whether the City Manager has sufficient accounting and computer knowledge for the position of CEO of a \$100 million operation.

d. Many months ago each of the Councilors were asked to spend some time with Alan Gould of Municipal Resources to understand risks. We have not yet received with a report on the findings of this effort.

CALLAGHAN: It explains itself in the responses in words to the effect: If it is the will of the council; it is on the website; It is not available in that format; tell me more specifically what you want; that will take a lot of staff time; I won't give that to you in that format; If you want the information you need to tell me why.

Suggestions go well if they suit his agenda.

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

CHENEY: The City Manager makes many organizational changes. He will inform us that he needs these to streamline or to keep current service levels within the City. The City Manager sometimes will show statistics of savings and productivities. Structural changes are presented as absolutely essential. Sometimes these discussions, unnecessarily so, go into a personal overtone as if by not accepting changes at face value we are questioning the value of the employee being structured or questioning the knowledge of our City Manager, when in fact the Councilors may need more information.

MYERS: Through the recent budget deliberations, we heard about changes to the Recreation Department and Community Services that reduced the number of FTE's, provided a sharing of the workload, and streamlined the organization. This follows the restructuring of the Clerk/Tax Collector offices and the Inspection Division which both added efficiencies and cost savings.

TREFETHEN: Always.

WESTON: The CM does well here. During our budget presentations, he did explain what he has done to help streamline the organization. The CM should consistently review the overall operation of the City and streamline where possible but he also needs to take into consideration the importance of some of the programs that he has proposed to cut.

DEDE: No response.

CARRIER: I believe Mike does the best he can with us but relies heavily on his staff such as Attorney Krans to filter out any changes.

SCOTT: a. My concern here is that there is no written report indicating a cost analysis of the benefits of changes. b. Meager financial details presented on the salary benefit cost impact by adding another layer of management with a new Deputy Director of Public Works.

CALLAGHAN: Only at budget time or when he wants to give someone more money.

4. Handles emergencies and crises effectively

CHENEY: The City Manager handles all emergencies and crises effectively. The City's Department Heads and employees are an incredible asset to him at these times. The old saying "It is their job to make him look good." Is certainly demonstrated. The City Manager handles situations well. Very good.

MYERS: Absolutely. The December ice storm is the most obvious example, but there are others of lesser magnitude that didn't necessarily grab the headlines. These would include preparedness for the swine flu and participation in all opportunities for Dover to qualify for Federal stimulus dollars.

TREFETHEN: The ice storm of Dec 2008 was an example of the CM's effectiveness. Staff from all departments was utilized to their fullest and efficiently. Appropriate interaction with other government agencies (other cities and towns, county) and utilities was also demonstrated. There was also plenty of information given to the media to keep the public informed.

WESTON: City Manager goes above and beyond here. The amount of hours and dedication that he puts in during emergencies goes unmatched.

DEDE: Emergencies are dealt with effectively from the first moment of an occurrence through the Fire Department, the Police Department and Community Services with direct involvement and personal oversight of the City Manager. In addition, radio and channel 22 broadcasts keep the public informed on a moment-by-moment basis.

CARRIER: Kudos to Mike – Reference the ice storm crisis as he was on top of it. Also any serious legal or budget problems he calls for emergency budget meetings pronto.

SCOTT: The City Manager puts in long hours and has met challenges in city wide emergencies. He is tireless in the amount of effort he puts into his job.

CALLAGHAN: The executive team and their employees handle these situations in a way I cannot imagine how to improve on.

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

CHENEY: One of the problems is each year there is a major change of moving around how things are recorded. (ie: McConnell and Arena) I am hoping with the new Finance Director and software package that will be implemented that these types of changes are minimized or at least can be documented in a straightforward manner to help Councilors and the public follow these impacts in the accounts. The summary lists of exclusions and inclusions impacts are given to the council.

MYERS: This was completed, though more emphasis was placed on the options for adding or removing dollars from the budget than the list of new expenditures, items of significant increase or decrease, and items removed from previous budget.

TREFETHEN: The CM provided options to the Council concerning how the budget could be amended, both increases and decreases. The Council was well informed about what adjustments to the budget would do to the bottom line or how it would affect staff effectiveness.

WESTON: When presenting the budget, the CM brings forth possible areas to be cut. Very often, they are rationalized by "Wants vs Needs". I also think that he should look further than this. By eliminating certain programs that on the surface appear not to be a real need, could have adverse effects on the community.

DEDE: In each budget presentation, the City Manager has provided isolated budgetary items and their costs for review by the Council. This facilitates a Councilor to assess the 'saving' to be gained by eliminations, and the City Manager also provides costs for programs that the council might wish to add back in to his budget proposal, when cuts are recommended by the CM.

CARRIER: Mike is always looking for better options to help the city out and advising council.

SCOTT: His concentration on areas to minimize cost increases seem misplaced. Close to 70% of the cost of Dover's government is driven by the number of people on the payroll and the cost of their benefits.

No CEO should start with the assumption that his organization is properly staffed. As we look around to our peer communities we see for example that Dover's cost of people and benefits is 20% higher than that of Rochester, which has a greater population and more miles of road than Dover.

Dover still has about 10 municipal employees per 1,000 of population and our peer communities of Hudson, Londonderry, Merrimack, Salem have an average of 7.5 people per thousand of population. Our payroll target should be 50 less staff. At an average cost of staff plus benefit of over \$60,000 our people cost target should be about \$3 million less than currently.

The job of Dover's CEO should not be to find justification of current staffing levels, but finding ways to do a satisfactory job with less staff.

There has been widespread criticism of the decision of Dover's CEO last year to close down the Teen Center and reduce hours at our swimming pools as a budget balancing action. Reduction of children's activities hurts a large percentage of families and kids. Using natural attrition of head count through normal turnover and reorganizing staff tasks hurts no one.

It is important that Dover's CEO look closely and analyze the number and cost of people in our major departments.

Public Works is a major area where lower costs should be possible.

The Fire Department is another high cost area.

It was a big mistake for the City Manager to propose accepting Federal funding for a short period of time to add staff to the Fire Department, leaving Dover with increased costs after federal funding expires.

The City Manager did contain cost increases in the Police Department.

There is one major item that has not been addressed. The \$43 million of unfunded liability of retirees' health care has been avoided. That amount is about 40% of our current \$100 million annual spending. This problem must be faced.

CALLAGHAN: Just because we got a document does not mean the job was done acceptably. The document has to accomplish something to the benefit of the city, which in our case must lower taxes. The current operating and CIP budgets are too high. The CM was asked to keep the CPU-I at 2%, he did, but found several other ways to defeat the purpose of that request, and as a result we have raised the taxes and fees inappropriately. The CIP was to remain at a level that was equal to or less than the retired debt; it is approximately \$2.5M over retired debt. The CM has to take a harder stand on control of costs and bring to the Council options that do not hurt the amenity services that keep our City a great place to live, and must find other ways of cutting costs.

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

CHENEY: This was positive particularly for general use for those that did not need the big budget book.

MYERS: We are much closer to where this booklet needs to be. A little bit more detail to the general commentary that was laid out would be helpful. Some of it could come from the line listed above which is: the list of new expenditures, items of significant increase or decrease, and items removed from previous budget.

TREFETHEN: I think the intention of this goal was a booklet with more detail than the brochure that was created, although the brochure was useful and well done.

WESTON: No response.

DEDE: As requested, the CM presented a budget summary to make it easier for the Council and the public to review the overall budget without the line-by-line analysis included in the full budget proposal book.

CARRIER: Mike did provide us with a summary book for FY10 budget and did a good job.

SCOTT: This should not be an item of the City Manger performance. This is an accounting issue that should be normal administration handled by the Finance Director extracting and summarizing available data.

CALLAGHAN: The budget summary should identify, in a table for each, what the profit or loss is for the sensitive projects such as the McConnell Center, Arena, Children's Museum, Pools, Land Conservation, Snow Plowing, Road Improvements (for which roads), Road Maintenance (for which roads), Library, Police Department, Fire Department, Emergency Events, etc., that are the focus point of many inquiries.

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

CHENEY: The Department Head goals are complete.

MYERS: The City Manager did deliver a comprehensive list of Department Head goals but it was not until after the budget. My thoughts are that the goals need to be presented with/before the budget so that staffing, major projects, and customer service can be factored in to the spending level.

TREFETHEN: While I know they were established and updated, they were not available with the budget.

WESTON: No response.

DEDE: The City Manager did provide a copy of goals established for each Department Head, but it might have better been prepared prior to the budget proposal to encourage Dept Heads to incorporate those goals into his proposal before the fact. Nonetheless, the City Manager supervises the activities of each Department on a daily and weekly basis.

CARRIER: Mike works very closely with his Department Heads and expects 150% from them. He always sets new goals and standards for them.

SCOTT: With the many changes of organization it is difficult to compare and measure improvements.

Were department managers given budget instructions to come in with zero increase?

CALLAGHAN: Department Heads do a good job putting together their goals.

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

CHENEY: Done.

MYERS: While the City Manager did hold neighborhood type meetings where budget discussion certainly came up, there was not a specific budget public forum held outside of City Council meetings.

TREFETHEN: The CM held one or two of his quarterly public sessions by the 5/15 date but they were not exclusive to the budget, although that topic was discussed. I believe this goal puts the responsibility on to the wrong person. After the budget is presented by the CM, it really becomes the Council that needs to be holding public comment sessions, which was done.

WESTON: This was done and wish that we could do something that would encourage more citizens to come out during these meetings. Possible publicizing the meeting in a different manner would help.

DEDE: The City Manager did hold a public budget hearing prior to May 15th.

CARRIER: I believe Mike did a good job on this but we were so cramped with workshops on different items it was hard to fit it all in.

SCOTT: That was done several times. But this effort should be increased. Homeowners are inclined to speak in small groups. Speaking in large groups is intimidating to some. Several public forums should be held during the year to invite public comments.

CALLAGHAN: The intent was to have the City Manager hold a public forum with his staff and provide an opportunity for interactive communications. The Council's public hearings, Councilor Quarterly Discussions, and the Coffee with the Mayor, can not be used in lieu of the requirement.

9. Host quarterly public information sessions. Topics may include roads and sidewalks, parking/traffic/crosswalks along with other pertinent topics that may arise during the course of the year.

CHENEY: This was completed and the City Manager coordinated with the different Councilors to hold Dover Discussions and he made sure schedules lined up. Other Councilors attended if they could and wanted to. This should be continued.

MYERS: These were held throughout the year, in various neighborhoods and with the inclusion of Ward and At-Large Councilors.

TREFETHEN: Underway. Plenty of opportunity for anyone to address the CM on any topic.

WESTON: I was glad to see that the CM did follow through with "Dover Discussions." By providing snacks and beverages gave the citizens that extra feeling of comfort of feeling welcome and with respect.

DEDE: The City Manager did hold meetings for the Wards at which any of the public could and did participate. Attendance was fair, which is more the fault of citizens than the City Manager.

CARRIER: He called for these sessions with the different wards and did a good job.

SCOTT: These sessions were an improvement over prior years. It is recommended that each ward be scheduled 4 times a year. In small ward groups many people do not feel intimidated by speaking up. The residents on Tolend Road should have met with the City Manager several times before the decision was made to delay improvement of that treacherous road.

CALLAGHAN: These should have been advertised longer and in more media locations. There should be some summary of how the meeting works so people can come better prepared. There should be no discouragement of any topic at these forums.

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

CHENEY: When this started I was not satisfied with the process. Wording was changed, resolutions were presented and the changes were not being presented by a Councilor to study and represent the changes. I asked for this to change and it has.

MYERS: This has been occurring on a regular basis and was an expectation that the City Manager had of the City Attorney. I'm sure it will continue and further recommendations will be forthcoming.

TREFETHEN: On going.

WESTON: This is presently being done. The CM has directed the City Attorney to review and update the city ordinances that are coming to the Council.

DEDE: Several Ordinances were presented for housekeeping during the year. While there was some 'word-smithing', the ordinances were brought into compliance and made consistent with state regulations.

CARRIER: Mike worked with his Department Heads and especially Attorney Krans to constantly review and update codes, ordinances, and changes to the Council and fully provided us with all matters of interest.

SCOTT: The changes proposed by planning and zoning are much too massive to be handled as one large proposal and rushed through without giving homeowners full understanding of the impact on their real estate values.

Malcolm McNeill's comments 'who decides' such things as use of materials and architectural designs was well put. Do we leave these decisions to a volunteer group of various backgrounds appointed to the Planning Department. These changes take a lot of freedom from the people.

I disagree with this amount of power transferred from the people to City Hall. Most of the public was not aware of these massive zoning and planning changes until they received a memo on July 17 of the meeting to be held 7 days later. These large changes should not be sprung on the people in such a large dose. Most people are working hard at their jobs and they don't have the time to follow all of these changes.

The large number of changes and the compressed time span was wrong. The City Manager should communicate the impact on property values of these changes most of which are not in the interest of homeowners.

The city administration is supposed to serve the people and not vice versa.

CALLAGHAN: All changes to any codes or ordinances which are mandated by State RSA should have those specific RSAs cited and referenced in the local code or ordinance being revised. A consolidated list of these should be available on the website.

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

CHENEY: This change had an original vision and direction to reach the goals of the funding for which the Comcast customers are being charged. Some of the money has been used now. This issue needs discussion with the Council. It is my understanding the City Manager is trying to put this in the School Department's hands. Originally the Council voted on the Contract that would bring the main connection to the High School and then expand into the McConnell Center. Inadequate reasons are being given for not adhering to the original plan. Even if there were not room at the High School to make a production area, there should still be a line brought over. If that cable would simply sit there or not should not determine if this important backbone piece is not installed as planned. The High School program people and the youth may surprise us and find a way to work it in, without this there will be a select few that will have to bus to McConnell to learn, taking time, contributing to traffic issues and parking. All the funds will be used up at the McConnell and the High School will not get their line. Put the line in let the High School see what they can do. These initial dollars were supposed to be spent that way. I am disappointed that the City Manager is not moving directly ahead with this.

MYERS: This has not occurred yet. Upgrades and improvements have been made to the City web-site, but that was not specific to this goal. A Cable Committee has been working to coordinate a comprehensive project on channel 22 between the City and School, but this has not come to fruition. Part of the delay was most likely in seeing if a deal was going to be reached, however, there are still performance issues with regard to production quality and reliability, and timeliness of content on the "slide show".

TREFETHEN: The proposal for the School Department to take over the operation of channel 22 and an additional channel has languished thru no fault of the CM. However, regardless of what may happen in the long term, the facilities currently in Council Chambers need to be completely upgraded and rebuilt and done immediately. The number of service outages and program problems must be eliminated without delay.

WESTON: This has been a directive for the past few years. To date, there have not been any apparent improvements to Channel 22. There continues to be disruptions with both the video and audio portions of the channel. As recently as this past Saturday (July 25, 2009) there was a disruption in the replay.

DEDE: Unfortunately, the Channel 22 buildup has been stymied due to uncertainty as to the will of the School Board to become directly involved in the operations of the proposed Channel 22 studio.

CARRIER: Mike offered us total input as to what was needed but it is more of a budget item to offer better service.

SCOTT: Who authorizes spending in this area is not clear. It has come to my attention that close to \$100,000 of franchise fees from Comcast that were supposed to go to the School Department for their TV studio has been instead put into the McConnell account to offset the heavy annual losses of the McConnell Center. This is an initiative that should not have been taken by the City Manager without the authority and approval of the Council. This initiative was never mentioned to the Council nor permission requested or granted.

CALLAGHAN: Channel 22 continues to be broadcast in poor quality, information remains out of date, the recording and broadcast system has failed occasionally. We have not received the services that we are entitled to in the contract. The broadcast locations have not been established as required. We are pushing for the school to take the burden of cost and management.

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

CHENEY: This was handled well and because of previous budget changes was needed. This budget change (before it was given to the Council) was another structural change that may have deserved (as in other structural changes) a workshop or more discussion.

MYERS: The physical structure has been completed and the cross-training continues. The project came in within the approved budgetary limits as required. This is a long-term win for users and taxpayers.

TREFETHEN: Done. It took longer than desirable, but mostly not the CM's fault.

WESTON: This job has been completed but there are still a few organizational things that still remain as a problem. That is access to the City Clerk. Anyone needing to contact the City Clerk is required to stand in line at the Clerk/Tax office. These people have to wait in line just to as to speak to the Clerk. This area needs to be streamlined.

DEDE: The CM has successfully managed the construction of the new Tax Collector/Clerk offices and the cross training is under way. In the coming year, the experience level of this staff will begin to pay significant dividends in productivity.

CARRIER: He worked well with his staff and completed this well.

SCOTT: This is to some extent a duplication of item 3. We have not seen a report of the costs a year before the change and the cost benefits after the changes. These cost benefits should include the large cost of new furniture.

CALLAGHAN: This project was necessary, but we have spent way too much money on it. We have fewer people in City Hall with the School Department moving, Building Inspection Services moving, one less planner, and other cutbacks in personnel. We are needlessly building conference rooms and more offices. The Police Department should have been provided a lot more space. I have had complaints from constituents about the new and expensive looking counters and office furnishings.

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

CHENEY: Outreach is ongoing with Somersworth regarding Willand Pond issue. This is in large part do to large support in the community for a severe urgent issue. I did not see outsourcing this year, although in the energy contract there will be fundamental measures implemented that the City has been aware of for some time and had not implemented. I mentioned under this category before that I would like to see comparatives, discussion of how much would we expect to save for what? The Council will need specifics and presentations for solutions that will not cost money or commit the City to bonding.

MYERS: Emergency dispatch is the one area that comes to mind and right now that is being studied. The City Manager and Police Chief made a case for keeping/having all domestic violence cases handled at the County level, and were successful. More efforts need to occur in this broad area.

TREFETHEN: More to be done. However, we must remember that just because we want to do it doesn't automatically mean the other entities want to, so this doesn't happen just by the CM's efforts.

WESTON: We have been advised that the CM is looking into regionalization of some services and the privatization of others. We have no received any current updates where we stand on this.

DEDE: We evaluated one possible outsourcing with UNICO but the bid was significantly higher than what UNICO presented to the School. It was not feasible. The CM also attempted to outsource the Arena, however the only 'offer' was to have the City pay them to operate it, and still be responsible for the debt. It was not a good deal.

CARRIER: When the occasion for discussion arose on the cost saving measures he advised us on how best to implement.

SCOTT: Unaware of what financial progress has been made in this area. There have been discussions of potential savings in having a central county dispatch. There have been no reports showing costs, benefits and problems.

CALLAGHAN: I have seen no change in the bid solicitation process that would indicate further cost savings. I have not seen any proposals to outsource current operations of the City, on operations/services the city cannot do. There has been no information provided on the potential of moving Human Services to the County. Examples of operations/services for outsourcing include street cleaning, snow plowing, tree and brush removal, winter sidewalk maintenance, lawn care, the arena operations, the outdoor pool operation, etc.

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

CHENEY: I do not recall specific discussions. Need more discussion on policies of fund balancing and emergency funds and support for funding of retirement needs.

MYERS: City Manager has continued to provide trends/information on any issues the City faced regarding collection rates, revenue projections and bond rating.

TREFETHEN: Actions and suggestions so far have been minor. This also takes the cooperation of other entities, primarily the Council.

WESTON: No response.

DEDE: The City Manager, working with the Finance Director had continued to seek the best return on City deposits, however the interest rates are still significantly less than the prior year. More importantly, the City Manager worked with all of the employees and their unions to negotiate contracts that do not include raises or cost of living adjustments. The City Manager also took a reduction in pay and was responsible for pay reductions for all of the City Department heads. (in a couple of cases, Department Heads had already frozen their salaries the year before, so took no current year increase, and therefore were not asked to 'give back' in a second year. No other City Manager that I am aware of in this state

matched our City Manager's example. No other group of employees that I know of, including the School Department within our City were asked to or volunteered to reduce their salaries or forego wage increases. This was over and above what might be expected.

CARRIER: I know Mike worked close with our Finance Director and did keep council informed with most all impacts we may face with our present economy and banking environment.

SCOTT: Please identify and provide a list of policy changes with costs and benefits attached to these changes. The Council should be made aware of the specifics and costs associated.

CALLAGHAN: As the economy fails and almost everyone is struggling, we continue to spend more and raise taxes, user fees, etc.

SUMMARIES

CHENEY: Mike's strong points continue to be his knowledge of Dover; its operations and his accessibility. He works very hard for Dover. This year I have seen resistance to giving information to individual Councilors. I am very concerned about the openness and access to data. With the new software package Unifund there will be a web interface available for public use this allows the public to producing reports by supplying queries and clicking on premade queries in batch or real-time to get information. I hope this feature is enabled as soon as possible.

I do understand his position is difficult, but I would prefer him to be as willing to help individual Councilors investigate and get data regardless of the information this reveals to the public. When Mike first started as the City Manager the theme was to move forward, forget bias and get past the practices of the previous City Manager, Mike always gave information to Councilors, fast, without question, this is not the case now. This Council is heading to some major difficulties in representing the public if it does not have compliance to requests for data.

It is sometimes said that a good employee makes the employer look good. He is the Council's employee. Mike has helped individual Councilors he should continue that practice thoroughly and surrender information, no matter if it may or may not be positive information. The City Manager should seek to have and maintain a general view and direction of what the City Council is conveying to him. The budget process would be a good area for improvement where I will suggest again that new items are only put in after existing programs are funded and new items thoroughly assessed as to a need or a want.

MYERS: Michael Joyal, Dover City Manager, has many of the qualities and attributes one would look for when hiring a corporate CEO, and in this case, a City Manager for the City of Dover. His knowledge of the various operational aspects of this City runs the gamut from broad general knowledge to the intricate details of many departments. Beyond that, he has developed a superior team of responsive Department Heads who seek to provide the best possible service to Dover residents while being extremely efficient with the dollars spent.

Michael has the leadership skills and knowledge needed to work within financial constraints in order to maintain infrastructure, appropriate staffing for public safety and customer service, while not sacrificing long-term vision and needs for short-term gratification. His professionalism, ethical behavior and work ethic are to be commended.

Continued efforts are needed to ensure timeliness of communications on certain issues. Public outreach through formal and informal settings has occurred regularly and needs to continue. Michael is present and approachable at many events through the year.

While my overall scoring of Michael indicates a 3.57, on a scale of 1-5, there were a few task specific expectations that were delayed in being implemented which brought the score down to that level. My evaluation of his overall annual performance, inclusive of everything as opposed to 14 specific items, would fall in the "4" range. From my perspective, Michael has earned a very positive evaluation and my comments and scoring reflect that.

TREFETHEN: Overall, I believe the CM is performing at an above average level. I also believe he could be performing at an even higher level but the Council has interfered on many of his initiatives by blocking personnel moves and a minority trying to “micro-manage” the City. Too much of the CM’s time is spent responding to issues certain Councilors persist in bringing up, many of which are out of the realm of Council responsibilities.

WESTON: Mike has many strengths but there are areas of needs improvement.

There is no question of his dedication to the City of Dover. He puts in long hours and has a handle on all of his employees.

When there are shortfalls within the budget, he is able to come up with money from other areas within the budget or is able to postpone secondary expenditures so that there would be no need for a budget over ride.

Areas that need improvement: The McConnell Center is a beautiful structure but continues to have a shortfall of revenue. Subsidies are not the answer here. He must find ways for this project to at least break even. Last thing we need is another Arena.

As I have stated before, communication is very important. It is not only important to have communication with ones employees but also with the entire council. I believe for the Council to become more functional, Mike needs to reach out to ALL Councilors.

Turn around for furnishing requested information needs to be improved.

Finally, there is one thing that I am disappointed in with Mike. Over the course of the past few weeks, there was a constituent who questioned the missing bench in front of Café’ On The Corner. When the CM finally answered a number of questions about this, he basically said that there was no money in the budget to replace this particular bench thus leaving the Council to believe that there was nothing that he could do.

Recently the Mayor released a series of e-mails that showed that there was a bench available located on River St that “had to be removed” and that Doug Steele would have it placed in front of Café’ On the Corner. This did not occur.

In order to have a functional city operation, one must exhibit forthrightness. It is obvious now that there appears to be a breach.

DEDE: The monthly City Manager’s report has listed the ongoing events that met the evaluation requirements as passed by the City Council.

CARRIER: I have been on the Council for less than a year and in that time not only have I learned a lot but I have had several helpful discussions with Mike. He has always taken time to explain fully any questions that I or anyone has had. He always promotes better government and does his homework for the Council all the time. There is never a time that he does not make himself available to the Council and others but people have to understand that he cannot always sit down and chat for two hours because he will not get his work done.

In summary, he does a great job, knows his stuff, and if more people would stop second guessing him we would be further along.

SCOTT: One does not measure a CEO by attitude and efforts but for results. A CEO evaluation should provide constructive criticism and illustrate weak points.

On the plus side the City Manager works long hours.

Negatives: Non responsive to numerous requests for financial information.

1. Unfamiliar with State Right to Know Law.
2. Management of major projects is weak.
3. Some accounting changes initiated by CEO obscures problems.

4. Answers due to the Council: Has not provided details requested of land sales at Dover's industrial park; not provided Councilors with prior year disbursements by account; financial data should be easy to pull off any accounting system without additional staff time required.
5. Unfamiliar with the State Right to Know Law: Believes 3 veteran Councilors plus two new ones, a group referred to as the "will of the Council" – can authorize the withholding of the details of disbursement of public monies. It is against the law.
6. Examples of weak management on major projects: The McConnell Center Construction - was supposed to cost \$2.5 million. Its cost now approaching \$9 million. Losses running \$1,000 per day. Charging various Departments for rent, not charged earlier masks major problems. Indian Brook Road Construction - authorized payment of over \$150,000 of unjustified extras. Poor Administration of Dickinson Waterfront Project - Dickinson provided with a long term option on City land without the payment of 1 million dollars in cash. This is an annual gift of \$60,000 of free interest to Dickinson. By turning this project over to the Housing Authority does not remove the ultimate responsibility of City Manager on this project.

CALLAGHAN: On the positive side: The City Manager is definitely visible and available. He answers email any day at most any time on any day of the week. I have no clue how many hours a week he works, but I cannot say that there has ever been a time that I questioned his whereabouts. He is a workhorse's workhorse.

As eluded to in the rating commentary, he needs to work on becoming more forthcoming, more proactive in the distribution of information, more cooperative and inclusive in providing requested information, less crafty in his communications, more tolerant to employer repetition, more concise in his communications, more open to city employee access, and become proficient in lowering operational costs.

An unsolicited overall rating would be a 2.

Supplementary commentary submitted by Councilor Scott following evaluation workshop.

300 word commentary on City Manager Evaluation

My major criticism of the Dover CEO has to do with the withholding of financial data from the council and public.

Examples where the CEO has not been forthcoming.

- A. The heavy and continuing losses on McConnell center.
The CEO should have informed the council and public of the overruns. The auditors not the CEO advised that McConnell center was losing \$1,000 per day. Spreading these costs to the budgets of the Police, School and Recreation - not paying rent earlier is not the solution.
- B. Sale of city owned land at Dover's industrial parks.
Documentation on the sale of valuable City owned land has been requested and not provided.
- C. Details of cash disbursements of prior years by department and account number
Requests for such data have not been honored. Almost any accounting system has the ability to select, sort and print a report by expense code and by department. The excuse that there is not a person to assign to this task is not valid.
- D. \$150,000 of overruns on Indian Brook Construction.
A skilled construction estimator and Dover resident and taxpayer, demonstrated with detailed documentation that the \$150,000 of extras requested by SUR was unjustified.
- E. Management of Dickinson waterfront project
This project has been poorly managed from both a legal and financial standpoint.
Two years ago Dover sold a valuable piece of land, appraised at over \$4 million to the Dickinson company for \$1 million of cash plus over \$3 million in other work to be done. If Dickinson can not pay the \$1 million in cash Dover should hire an attorney to reverse this deal.
Turning management of this project over to the Dover Housing authority does not absolve the City Manager of his ultimate responsibility on this project.

For your information, following our discussion Wednesday evening I went back and reviewed my ratings. I increased my rating on item 12 decreased my rating on 11 13 and 14.

The overall change is not much going from a 2.57 to a 2.39.

However these decreases reflect the concern I have on the availability of information coming from the office of the CEO.

This is the major area of improvement I would welcome.

These last two items address the question of total staffing which

Represents about 70% of the total cost of the municipal government.

As a major cost I feel more efforts must be placed upon this area of staffing as the area on which to focus. We must not ask the taxpayer to forward any more money to the city either in the form of real estate taxes or higher fees.

We must not burden the most vulnerable people in Dover with any further increase of taxes and fees. They come out of the same pocket.

Dover has the reputation of being a high cost city for both residents, development and business.

I am becoming aware of more and more people in Dover getting laid off and this tragedy is likely to continue for the next two maybe three years. Some will lose their houses as they run out of cash.

The main area to take a good look at is Public works. This is an area where the expertise of the city manager can make a difference. Bob Keays always told me Public works was overstaffed. Rather than justify the current staffing I would like to see the City manager do a zero based budgeting. If he can reduce the cost of public works by a several people with some reorganization. Even though the city made a mistake accepting grants for fire department staffing that should be an area to be reviewed. If he can make some progress in this area I will be glad to increase my evaluation ratings in the future.

Although of lesser importance and following our conversations last night I am making the following increases and decreases in my evaluation

1. 2 no change
- 2 2 no change
3. 2 no change
- 4 5 no change
- 5 2 no change
- 6 3 no change
- 7 2 no change
- 8 4 no change
- 9 4.5 no change
- 10 1 no change

11	2	1	decreased
12	2.5	3	increased
13	2	1	decreased
14	2	1	decreased3

Total	36	33.5
Average	2.57	2.39



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2009.08.12 – 108**
Resolution Re: **2009 CITY MANAGER CONTRACT AMENDMENT**

- WHEREAS: The City Council recently completed an evaluation of the City Manager's performance for Fiscal Year 2009 finding that overall he had met expectations with performance approaching a score of above standard; and
- WHEREAS: Despite the City Council's recognition of the City Manager's commendable performance, he has offered to forgo a contractually obligated wage increase and also volunteered to further incur an overall wage reduction of \$2,317 to aid in addressing the local fiscal constraints created by not only a world-wide fiscal crisis but also the impact of downshifting by the State of NH; and
- WHEREAS: The City Manager's offer for a pay reduction will allow his existing employment agreement to be amended to reflect his current annual rate of \$119,219 being reduced down to \$116,902 retroactive as of the first full pay period beginning July 1, 2009; and
- WHEREAS: The City Manager has requested that the City Council afford him the opportunity to engage in occasional teaching and consulting work provided there is no added cost to the City and the City Council is notified whenever he undertakes such an engagement;
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Mayor shall be authorized to sign and execute on behalf of the City of Dover, a municipal corporation within the County of Strafford and the State of New Hampshire, an amended Employment Agreement reflecting the changes identified above.

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#: 12.B.2.

Resolution Number: **R – 2009.08.12 – 108**

Resolution Re: 2009 CITY MANAGER CONTRACT AMENDMENT

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2009.08.12 – 108**

Resolution Re: **2009 CITY MANAGER CONTRACT AMENDMENT**

RESOLUTION BACKGROUND MATERIAL:

The City Council recently completed the City Manager's annual performance evaluation. The overall evaluation results indicated the City Manager's performance was commendable. The City Manager has offered to forgo a contractually obligated pay increase and to further accept a pay reduction of \$2,317 retroactive to the beginning of the FY2010 fiscal year. In accepting this offer and to formalize this adjustment, an amendment to the City Manager's contract will be required to adjust his current overall annual rate from \$119,219 downward to \$116,902.

The City Manager has also requested that the City Council allow him to pursue occasional teaching and consulting engagements. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the City and the community, the City Manager is requesting an additional contract amendment that will allow him to elect to accept limited teaching or consulting opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with responsibilities required by contract nor shall they result in any added cost to the City. Further the City Manager will be required to notify the City Council whenever accepting such an engagement.

This resolution will authorize an amendment to the City Manager's contract reflecting the above.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.08.12 – 109**
Resolution Re: Collective Bargaining Agreement IAFF

WHEREAS: The City of Dover and representatives of the International Association of Firefighters, IAFF - Local #1312, have been involved in negotiations for a collective bargaining agreement to supersede the Agreement which expired on June 30, 2008; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Council accepts the tentative agreement and the City Manager is hereby directed to execute a three (3) year Collective Bargaining Agreement between the City of Dover and the International Association of Firefighters, IAFF - Local #1312.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.08.12 – 109**
Resolution Re: Collective Bargaining Agreement IAFF

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R – 2009.08.12 – 109**
Resolution Re: **Collective Bargaining Agreement IAFF**

RESOLUTION BACKGROUND MATERIAL:

The City participated in negotiations with the International Association of Firefighters, IAFF – Local #1312. Discussions started on November 8, 2007 bringing the contract to this point.

The summary of costs is as follows:

Summary of Change - IAFF (Firefighters) Tentative Agreement Cost Summary

Summary By Union	Wage Amt	Dental	Medical	Ret	Other Fringe	Total Fringe	Wage & Fringe				
FY09 Actual											
IAFF	2,421,816	23,382	465,499	372,181	35,145	896,207	3,318,023				
FY10 Estimate								<u>Change from</u>	<u>Change from</u>		
								<u>FY10 Budget</u>	<u>FY10 3Q</u>		
IAFF	2,443,596	24,913	569,795	414,478	38,096	1,047,282	3,490,878	\$ 7,738.00	0.23%	\$(22,156.00)	-0.63%
FY11 Estimate								<u>Change from</u>	<u>Change from</u>		
								<u>FY10 Estimate</u>	<u>FY11 3Q</u>		
IAFF	2,475,426	25,551	606,516	445,197	38,515	1,115,789	3,591,215	\$ 100,337.00	2.87%	\$ 35,180.00	0.99%
Totals:	7,340,838	73,858	1,841,810	1,231,868	111,758	3,068,278	10,400,118				

Notes:

- FY09:** Wages amount includes actual amount paid for base wage, overtime, holiday, incentive, longevity, and buyout pay.
Dental, Health, and Retirement based on actual rates.
Other Fringe includes actual costs for FICA, Medicare, Life, FSA, Lodging, 70% Washer/Dryer, Physical Fitness, and 457.
- FY10:** Wages amount includes estimate of base wage, overtime, holiday, incentive, and longevity pay.
Actual Increase of 3.7% for Dental and 3.0% for Health. Retirement at 17.28%, as mandated by NHRB.
Other Fringe includes estimated costs for FICA, Medicare, Life, FSA, Lodging, 70% Washer/Dryer Operation, Physical Fitness, and 457.
- FY11:** Wages amount includes estimate of base wage, overtime, holiday, incentive, and longevity pay.
Estimated Increase of 2.6% for Dental and 5.95% for Health. Retirement estimated at 18.52%, as anticipated by NHRB.
Other Fringe includes estimated costs for FICA, Medicare, Life, FSA, Lodging, 70% Washer/Dryer Operation, Physical Fitness, and 457.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R – 2009.08.12 – 110**
Resolution Re: Collective Bargaining Agreement DPFOA

WHEREAS: The City of Dover and representatives of the Dover Professional Fire Officers Association, IAFF - Local #2909, have been involved in negotiations for a collective bargaining agreement to supersede the Agreement which expired on June 30, 2008; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Council accepts the tentative agreement and the City Manager is hereby directed to execute a three (3) year Collective Bargaining Agreement between the City of Dover and the Dover Professional Fire Officers Association, IAFF - Local #2909.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R – 2009.08.12 – 110**
Resolution Re: Collective Bargaining Agreement DPFOA

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R – 2009.08.12 – 110**
Resolution Re: Collective Bargaining Agreement DPFOA

RESOLUTION BACKGROUND MATERIAL:

The City participated in negotiations with the Dover Professional Fire Officers Association, IAFF – Local #2909. Discussions started on November 8, 2007 bringing the contract to this point.

The summary of costs is as follows:

Summary of Change - DPFOA (Fire Officers) Tentative Agreement Cost Summary

Summary By Union	Wage Amt	Dental	Medical	Ret.	Other Fringe	Total Fringe	Wage & Fringe				
FY08 Actual											
DPFOA	1,351,149	10,482	225,633	207,866	17,499	461,480	1,822,629				
								<u>Change from</u>		<u>Change from</u>	
FY10 Estimate								<u>FY10 Budget</u>		<u>FY10 8Q</u>	
DPFOA	1,101,314	11,705	317,491	190,307	15,551	535,054	1,636,368	\$18,847.00	1.03%	\$(11,648.00)	-0.71%
								<u>Change from</u>		<u>Change from</u>	
FY11 Estimate								<u>FY10 Estimate</u>		<u>FY11 8Q</u>	
DPFOA	1,113,703	12,009	339,791	206,258	15,692	573,750	1,687,453	\$51,085.00	3.12%	\$ 15,779.00	0.94%
Totals	3,676,188	34,198	882,816	804,431	48,742	1,670,284	5,148,460				

Notes:

- FY08:** Wages amount includes actual amount paid for base wage, overtime, holiday, incentive, longevity, and buyout pay. Dental, Health, and Retirement based on actual rates. Other Fringe includes actual costs for Medicare, Life, FSA, Lodging, 30% cost of Washer/Dryer, and Physical Fitness.
- FY10:** Wages amount includes estimate of base wage, holiday, incentive, and longevity pay. Actual increase of 3.7% for Dental and 3.0% for Health. Retirement at 17.28%, as mandated by NHRG. Other Fringe includes estimated costs for Medicare, Life, FSA, Lodging, 30% Washer/Dryer Operation, and Physical Fitness.
- FY11:** Wages amount includes estimate of base wage, holiday, incentive, and longevity pay. Estimated increase of 2.6% for Dental and 5.95% for Health. Retirement estimated at 18.52%, as anticipated by NHRG. Other Fringe includes estimated costs for Medicare, Life, FSA, Lodging, 30% Washer/Dryer Operation, and Physical Fitness.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2009.08.12 – 111**
Resolution Re: Collective Bargaining Agreement DPEA

WHEREAS: The City of Dover and representatives of the DPEA, Dover Professional Employees Association, have been involved in negotiations for a collective bargaining agreement to supersede the Agreement which expired on June 30, 2005; and,

WHEREAS: The City and DPEA had been unable to reach a tentative agreement as to the terms and conditions of a revised collective bargaining agreement; and,

WHEREAS: Impasse had been declared and the City and DPEA have been through failed mediation and fact finding; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Council accepts the tentative agreement and the City Manager is hereby directed to execute a three (3) year Collective Bargaining Agreement between the City of Dover and the Dover Professional Employees Association.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2009.08.12 – 111**
Resolution Re: Collective Bargaining Agreement DPEA

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2009.08.12 – 111**

Resolution Re: Collective Bargaining Agreement DPEA

RESOLUTION BACKGROUND MATERIAL:

The City initiated negotiations with the DPEA, Dover Professional Employees Association to negotiate a Collective Bargaining Agreement to supersede the Agreement which expired June 30, 2005. The parties have been through impasse, mediation, and fact finding. Discussions resumed bringing the contract to this point. Since this Agreement covers the time period of July 1, 2005 to June 30, 2008, there is no additional cost associated with this contract because there is no retroactivity involved and all wages and benefits have already been paid for this time period.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.08.12 – 112**

Resolution Re: Charter Amendment – Tax Assessment Review Board

- WHEREAS: The Dover Charter currently has no provisions regarding a local Board of Assessment Review Board;
- WHEREAS: The Tax Assessor conducts informal reviews of assessments at the request of citizens;
- WHEREAS: The Ballot Amendment Question attached pertains to the creation of a local Tax Assessment Review Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The proposed Charter Amendment as attached creating a Tax Assessment Review Board shall be placed before the voters at the next regular municipal election.

REQUIRES A PUBLIC HEARING AND PUBLICATION OF NOTICE OF THE HEARING IN THE NEWSPAPER

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Weston
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.08.12 – 112**

Resolution Re: Charter Amendment – Tax Assessment Review Board

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.08.12 – 112**

Resolution Re: Charter Amendment – Tax Assessment Review Board

RESOLUTION BACKGROUND MATERIAL:

QUESTION: SHALL THE CITY CHARTER BE AMENDED TO ADD A NEW SECTION AND TO CHANGE EXISTING SECTIONS TO READ AS FOLLOWS?

C3-11. Powers and duties

The City Council shall be the governing body of the City of Dover, shall set policies for city government and shall bear full responsibility for the implementation of said policies through the hiring and supervision of the City Manager. **The City Council shall administer the Tax Assessment Review Board.**

Except as herein other provided, the City Council shall have all the powers and discharge all the duties conferred or imposed upon city councils, boards of mayor and aldermen and selectmen of towns by law. Except as other provided in this Charter, all boards, commissions and committees shall be appointed by the Council.

C5-1. City Manager.

The chief administrative officer of the city shall be the City Manager **with the exception of the administration of tax assessment review board to be administered by the City Council.** The Council shall appoint a person especially qualified by experience and training, who received the votes of at least six members of the Council, to be the City Manager. The Council shall fix the Manager's salary and such other conditions of employment not inconsistent with this Charter. The City Manager shall serve an indefinite term of office.

C5-5. Powers and Duties of the City Manager.

The Manager shall supervise and be responsible for the administrative affairs of the city **except for the activities of the tax assessment review board** and shall carry out the policies enacted by the Council. He/she shall be chartered with the preservation of the public peace and health and safety of persons and property and shall see to the enforcement of the ordinances of the city, this Charter and the laws of the state. He/she shall keep the Council informed of the condition and needs of the city and shall make such reports and recommendations as he/she may deem advisable or may be requested by the Council and perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the Council, not inconsistent with this Charter. He/she shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred by municipal ordinance or conferred upon Mayors of cities by general law, except of the appoint of all Boards and Commission, which will be exercised by the City council, unless other wise provided by General Law. He/she shall have the right to take part in the discussion of all matters coming before the Council, but not the right to vote.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.08.12 – 112**

Resolution Re: Charter Amendment – Tax Assessment Review Board

C5-11. Tax Assessment Review Board. (NEW)

There shall be a Tax Assessment Review Board to hear and render decisions on local property tax abatement requests. The jurisdiction of the board shall include the power to abate taxes only for abatements timely filed pursuant to state law. All other assessing functions pursuant to State law shall be performed by the professional tax assessor appointed by the City Manager.

The members of the Tax Assessment Review Board shall be appointed by the City Council. The board shall consist of three (3) residents with voting privileges, plus alternates, and a professional tax assessor. The professional tax assessor shall assist the board as a permanent non-voting ex officio chair of the board. Each voting member shall be qualified by a demonstrated knowledge of property appraisal or assessment and knowledge of the governing laws. Nothing in this section shall remove statutory appeal rights of citizens.

EXPLANATORY NOTE:

- Currently, abatements of property assessments occur through reviews conducted by the Tax Assessor's office at the request of taxpayers. In addition, abatements occur as the result of appeal rights exercised before a state agency or the courts pursuant to State statute.
- These amendments create a local citizen board of volunteers to perform the administrative functions of the tax assessor to a limited degree pertaining to statutory abatement requests. Hearings and decisions on abatements will be conducted and rendered by the Tax Assessment Review Board. Remedies provided by State statute will still be available.
- The professional tax assessor will perform all other assessing functions except hearings and decision-making on abatement requests filed pursuant to state law.
- As the further result of these amendments, the administrative authority of the City Manager is reduced.

YES _____ **NO** _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

WHEREAS: The Dover Charter currently provides for the City Manager to appoint all officers in the Classified Service of the City of Dover including, but not limited to, the City Attorney;

WHEREAS: The proposed Charter amendments address one subject by transferring the responsibility to hire and supervise legal counsel for the municipal corporation from the City Manager to the City Council and diminishing the administrative authority of the City Manager;

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

The proposed Charter Amendment as attached pertaining to the hiring and supervision of General Legal Counsel of the City of Dover and the diminishing of the authority of the City Manager shall be placed before the voters at the next regular municipal election.

REQUIRES A PUBLIC HEARING AND PUBLICATION OF NOTICE OF THE HEARING IN THE NEWSPAPER

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Callaghan
Councilor Cheney

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

RESOLUTION BACKGROUND MATERIAL:

Resolution R-2009.07 - General Legal Council

Background Information

This resolution is brought forward to give the voters in Dover an opportunity to decide whether the City Attorney should continue to be supervised by the City Manager or transfer the supervision to the City Council.

The City Attorney will be available to the City Manager for all forms of legal service, except representing the City Manager for issues of conflict between the City Manager and the City Council.

City Attorney Employee Agreement

There will be no payroll cost to this change based on the City Attorney Employment Agreement; Section 3 provided the City Council chooses to keep the current City Attorney.

There is no reason to change the contract with the City Attorney since it indicates he is an employee of the City. Supervision of the City Attorney is not a part of his Employee Agreement.

The Charter is what states the City Attorney is a direct employee of the City Manager. Provided this Charter Amendment is passed by the voters, the supervision of the City Attorney would transfer to the City Council. The City Attorney Employee Agreement is attached as part of the background material.

Charter Commission Meetings Motion 2005 #19 Legal Review

During the Charter Commission Meeting in 2005 this was debated from many perspectives and gained much public attention. In the final voting the Charter Commission voted not to put it on the ballot in a 5 to 4 vote, thus denying the voters to right to decide.

As a result the City Attorney currently reports to the City Manager who reports to the City Council. Past and current events relating to the Charter and processing of Resolution/Ordinances, have given reason for some voters to complain about the process and the relationship the City Council has with the City Attorney.

It has been 4 years since the Charter Commission made their decision in 2005. The provisions for amending the charter would be well utilized in the interest of the voter. This will empower the voters to tell the City Council what the voters want.

Below are excerpts from the Charter Meeting Minutes, examples of New Hampshire town Charters who currently have the Attorney reporting to their Council, and some additional factors.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

February 14, 2005

John Scruton, 99 Sixth Street He would like to see the City attorney and Finance Director hired by the City Council and answer to the City Council to eliminate any potential conflict of interest.

Richard Dolbec, 480 Sixth Street ... that the City Attorney should report to the City Council ...

March 31, 2005

Reynolds moved to refer to a public hearing, seconded by Landry.

Reynolds explained the motion and the concept that it would be a mixture of approvals for the hiring of the attorney and therefore would be an employee of the "corporation" and not the City Manager.

Discussion ensued regarding who the attorney would answer to and represent. Reynolds moved to amend by having the approval be by the City Council only, seconded by Mone. Further discussion ensued and again it was clarified that the concept is being moved forward, not the language at this point. Motion to amend passed on a 6-2 vote, Dunnington and Bibber opposed. Main motion as amended passed on a 7-1 vote, Bibber opposed.

April 14, 2005

Andrew Galt stated that there needs to be an impartial City Attorney that reports only to the Council and City Manager and feels that the city prosecutor cannot be impartial when they report to a department head as well. He stated whatever form the City Attorney is retained, it should be impartial.

David Scott - agrees with Mr. Galt's comments.

Ron Huml – stated there was an article in tonight's paper that explained how the City Attorney had been appointed by Mr. Beecher and was still the Prosecutor.

April 19, 2005

Joyal stated that there are some proposals coming forth that are fine, but he has reservations with 2 specific proposals. 1st regarding the City Attorney issue, if the amendment is done that requires the attorney to report to the Council he feels it will cause unnecessary bureaucracy and inefficiencies within the government. He explained various scenarios and duties of the City Attorney and stated that if the hiring of a new City Attorney is confirmed by the Council, then that would be fine.

Woods stated she is aware that in other City Charters the Council does appoint various positions such as the Attorney, City Clerk, Finance Director because people are concerned that the power/authority be given to the Council and asked if Joyal is opposed to that.

Joyal stated that the City Manager form of government is meant to have the City Manager be the only employee who is held accountable to the Council and doesn't agree that there are any cities in



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

New Hampshire that have that type of system. Regarding the auditing issue, the City does have a full time auditing firm who reports yearly to the Council.

Discussion again ensued regarding various options for hiring attorneys, contracted, part-time, full time etc and the duties involved.

May 12, 2005

Motion to Send for Legal Review an Amendment to C5-10; Motion #2005-19 (Legal Officer) (Reynolds)

Reynolds moved to refer to legal review, seconded by Landry.

After much discussion motion passed on a 5-4 vote, Krans, Bibber, Boc and Dunnington opposed.

Motion to Send for Legal Review an Amendment to C5-10; Motion #2005-19A (Legal Officer) (Reynolds) WITHDRAWN.

Attached to the agenda is a letter written by Councilor DeDe providing an opinion that the City Attorney should report to the Mayor and Council. Included in the explanation are examples of past events that merit the recommended change. His letter is attached to this background

May 19, 2005

18. Motion to Include in the Preliminary Report an Amendment to C5-10; Motion #2005-19A-L-PR (Legal Officer) (Reynolds)

Reynolds moved seconded by Landry; Mone moved to amend seconded by Gilmore. There was no copy of the amendment for the clerk. The wording of amendment is "*Section 5-10 - There shall be a chief legal officer of the city, who shall be appointed by the city manager, subject to the approval of a majority of the council, who shall serve as legal advisor to the council, the manager and all city departments, officer and agencies, shall represent the city in all legal proceedings except in cases as other provisions may be specifically made by the city manager and/or the council and shall perform any other duties prescribed by this charter or by ordinance*". (19A-L-PR) The amendment failed on a vote of 4-5 with Krans, Woods, Dunnington Boc and bibber opposed. Vote on the main motion before the amendment failed on a vote of 5-4 with Dunnington, Boc, Bibber and Krans opposed.

Other New Hampshire Towns

New Hampshire has 10 counties, 13 cities, 221 towns, and 22 unincorporated places. According to the Dover City Manager, 15 of these have Council/Manager forms of Government.

Portsmouth, NH SECTION 5.5 - NON-INTERFERENCE BY THE COUNCIL

Neither the City Council nor any of its members shall direct or request the appointment or removal of any person to office or employment by the City Manager or any of the administrative officers. Neither the Council nor any member shall give orders to any of the administrative officers, either publicly or privately. *This section shall not be construed; however, to prohibit the City Council or Council members from conducting inquiries of the City Attorney* or the principal financial officer of the City as to legal or financial matters, respectively, involving the City.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

Durham, NH Charter Sec. 4.9. Town attorney.

The Town Council shall engage as needed such attorneys as are deemed in the best interest of the town to provide legal advice to the Council, Administrator, town departments, boards and other agencies and represent the town in any legal proceedings, criminal prosecutions and traffic violations. Such attorneys shall, on Council direction, perform any other duties prescribed by this Charter or by ordinance.

Keene, NH Charter Section 34. General Authority

The City Manager shall have general supervision of the property and business affairs of the City and expenditure of all moneys appropriated by it for City purposes; but his or her authority shall not extend to the calling of elections, making Ordinances, borrowing money, assessing or collecting taxes, granting licenses, laying out highways, assessing damages or any function of a judicial character vested by law in the City Council, nor shall he or she supervise the offices of the City Clerk, City Treasurer, or City Attorney.

Londonderry, NH Charter Section 4.10. Town Attorney

The Council shall engage as needed such attorneys as are deemed in the best interest of the town to provide legal advice to the Council, Manager, town departments, and other or agencies and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall, on Council direction, perform any other duties prescribed by this Charter or by ordinance.

Lebanon, NH-Charter appears to be silent on the issue

Berlin, NH-Charter appears to say supervised by Manager

Claremont, NH- Charter appears to be silent on the issue

Concord, NH- Charter appears to say supervised by Manager

Somersworth, NH- Charter appears to be silent on the issue

Rochester, NH-C Charter appears to say supervised by Manager

Additional Factors

Jan 29, 2005 Council Rules Meeting

During discussion for secondment of the City Attorney to the City Council, Councilor Trefethen highly recommended that the secondment motion be withdrawn, and a charter amendment be proposed that changes the role of the City Attorney and has him report to the City Council, and in



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

November of 2009 the voters can vote, and if that resolution is put out there, he would be more than happy to vote for it because he would love to have the voters decide that question one way or the other.

Budget Meetings 2008

The City Manager, when questioned, did verify his intent to sue the City Council using the City Attorney if the City Council were to adopt a budget which in his opinion would not be allowed by Charter. The City Council would then have to hire it's own attorney to defend itself against their own employee who was using the City Attorney.

This scenario creates a situation for the City Council that should not occur. The City Council has, and is, the ultimate authority and should have unhindered access to the City Attorney for all matter of business before the City Council, including, dealing with controversy with their employee.

QUESTION: SHALL THE CITY CHARTER BE AMENDED TO ADD A NEW SECTION AND TO CHANGE EXISTING SECTIONS TO READ AS FOLLOWS? (New language appears in bold type.)

C3-11. Powers and duties

The City Council shall be the governing body of the City of Dover, shall set policies for city government and shall bear full responsibility for the implementation of said policies through the hiring and supervision of the City Manager. **The City Council shall also hire and supervise the General Legal Counsel.**

Except as herein other provided, the City Council shall have all the powers and discharge all the duties conferred or imposed upon city councils, boards of mayor and aldermen and selectmen of towns by law. Except as other provided in this Charter, all boards, commissions and committees shall be appointed by the Council.

C5-1. City Manager.

The chief administrative officer of the city shall be the City Manager **with the exception of the hiring and supervision of the General Legal Counsel.** The Council shall appoint a person especially qualified by experience and training, who received the votes of at least six members of the Council, to be the City Manager. The Council shall fix the Manager's salary and such other conditions of employment not inconsistent with this Charter. The City Manager shall serve an indefinite term of office.

C5-5. Powers and Duties of the City Manager.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

The Manager shall supervise and be responsible for the administrative affairs of the city **except for the hiring and supervision of the General Legal Counsel** and shall carry out the policies enacted by the Council. He/she shall be charted with the preservation of the public peace and health and safety of persons and property and shall see to the enforcement of the ordinances of the city, this Charter and the laws of the state. He/she shall keep the Council informed of the condition and needs of the city and shall make such reports and recommendations as he/she may deem advisable or may be requested by the Council and perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the Council, not inconsistent with this Charter. He/she shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred by municipal ordinance or conferred upon Mayors of cities by general law, except of the appoint of all Boards and Commission, which will be exercised by the City council, unless other wise provided by General Law. He/she shall have the right to take part in the discussion of all matters coming before the Council, but not the right to vote.

C5-6 Appointment of Department Heads; Suspension; Appeal.

The Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all department heads and officers in the classified service **except the General Legal Counsel. The General Legal Counsel shall be hired and supervised by the City Council.** The manager, for just cause, may suspend or dismiss said officers or other department heads or take other appropriate disciplinary action. **Only the City Council make take disciplinary actions for just cause involving the General Legal Counsel.** Said suspension, dismissal or other disciplinary action shall be effected only upon the Manager's presentation to the said officer or department head of a written specification of the reasons therefore at least thirty (30) days before said action is taken. The said department head or officer involved may, within ten (10) days, demand a public hearing, in which event the department head or officer shall not be removed until such public hearing has been held. The Manager may, however, suspend said officer or department head from duty during said period, but his pay shall continue. The City Manager shall conduct said public hearing. **All disciplinary actions of the City Council involving the General Legal Counsel shall be taken with the same due process protections provided by this Charter.** Nothing herein shall be construed to prohibit an aggrieved individual from seeking recourse to the courts.

C5-10. General Legal Counsel

There shall be General Legal Counsel hired and supervised by the City Council to represent the interests of the municipal corporation. The attorney shall be admitted to practice in the courts of the State of New Hampshire.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.7.

Resolution Number: **R – 2009.08.12 – 113**

Resolution Re: Charter Amendment – General Legal Counsel

EXPLANATORY NOTE:

- Currently, the City Attorney provides general legal counsel and is hired and supervised by the City Manager as the chief administrative officer of the City of Dover.
- Currently, the City Manager is the only employee who is hired and supervised by the City Council, and the City Manager supervises all other City Employees.
- These amendments shift the responsibility to hire and supervise the City Attorney to the City Council.
- These amendments will reduce the administrative function of the City Manager, because he/she will no longer hiring and supervising the City Attorney.
- As the result of this amendment, the City Council will hire and supervise the City Manager and General Legal Counsel.

YES _____ NO _____

Douglas J. DeDe
143 Locust Street
Dover, NH 03820

Alan Krans,
Charter Commission Chair
City of Dover
288 Central Avenue
Dover NH 03820

Dear Chairman Krans,

This note is written as a brief statement as to why I believe the re-introduction of a City Attorney is important and why this position should be reporting to the Mayor and the City Council.

There are many occasions when motions are initiated by Councilors that are reviewed for appropriateness of language. Doubtless there are also many that emanate from the need for approvals of expenses over \$25,000. In either case, it is the Council that is required to act on the motions. It would therefore seem that the source of much of the review work that a City Attorney would process would be either submitted by the Mayor at the request of the Manager or submitted through the initiative of a Councilor.

The events of 2004, when there was a reason for the Council to request an impartial viewpoint, clearly illustrated the difficulty that is involved when a City Attorney, reports to the City Manager. During a meeting between the retained outside counsel and the City Council, a question was posed to G. Wattendorf, of the 'Legal Division'. Wattendorf, an attorney, responded that he could not reply inasmuch as he reported to the City Manager.

The number of times that the City Council might need impartial advice or, for that matter advice in a situation where there was a disagreement with the City Manager, it would seem that the voters are represented by the Council and would want their representatives to have that attorney accountable to the voters through the Council. There can be language added that empowers a City Manager who feels that legal representation is needed in a situation where there is conflict with the Council in a legal interpretation situation, for him/her to retain separate counsel, however the City Attorney should be accountable to the Mayor and Council.

If a City Attorney is appointed by the Council, that attorney doesn't need to please the administration since the position is only accountable to the elected Council. If the position reports to the City Manager and there is conflict, it was stated that the City Manager reports to the Council. That argument was recently put forward even in light of the recent events that dramatically demonstrated that the recently departed City Manager, nonetheless, frequently challenged the Council, and used the attorney in the 'legal division' to do so. The possibility of this recurring in the future alone should sway the Commission to support the idea of a City Attorney that can be appointed and removed only by the City Council. This individual would compensate to a degree for the fact that Councilors only sit for a two-year term, and the complexity of the Charter, Code and State regulations are sufficiently daunting that an experienced individual would provide the continuity that the citizens of Dover deserve.



EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF DOVER, NH
AND
ALLAN B. KRANS, SR.

This Agreement made and entered into this 10th day of November, 2005 by and between the CITY OF DOVER, a municipal corporation within the County of Strafford and the State of New Hampshire (hereinafter called the "CITY"), as party of the first part and ALLAN B. KRANS, SR., of the City of Dover, County of Strafford, and State of New Hampshire (hereinafter called "EMPLOYEE"), as party of the second part;

WITNESETH:

WHEREAS, the City desires to employ the services of the Employee as City Attorney of the City of Dover.

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

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

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

WHEREAS, Employee agrees to accept employment as City Attorney of said City.

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

SECTION 1 - DUTIES AND AUTHORITY OF THE CITY ATTORNEY

City hereby agrees to employ Allan B. Krans, Sr. as City Attorney of said City. Employee accepts such employment and agrees to perform the functions and duties specified in the City Ordinances, and the Laws of the State of New Hampshire, and to perform such other legally permissible and proper duties, and reasonable functions as the City Manager shall from time-to-time assign.

SECTION 2 - TERM

This Agreement shall remain in full force and effect from November 28, 2005 until terminated by the City or Employee as provided in Section 3 of this Agreement. Solely for the purposes of merit review and benefit eligibility, Employee's anniversary date of employment with the City shall remain as November 28, 2005.

SECTION 3 - TERMINATION OF EMPLOYMENT AND SEVERANCE

A. The City Manager, at any time, may terminate the employment of the Employee for cause after thirty (30) days written notice of the basis for the termination.

B. In the event the Employee is terminated by the City Manager for cause, the City agrees that it shall pay to the Employee all unused, accrued vacation leave, together with a lump sum severance payment equal to six (6) months aggregate salary, said amount to be paid to the Employee on or before the effective date of termination of his employment. However, that in the event the employee is terminated for intentional gross misconduct in office or conviction of a felony, the City shall have no obligation to pay the aggregate severance amount provided for in this paragraph.

C. In the event the City in any fiscal year intentionally reduces the base salary, compensation or any other financial benefit of the Employee in a percentage greater than is applied in an across the board reduction in the same fiscal year applicable to all other employees of the City, or in the event that the City refuses, following a thirty (30) day period after receipt of written notice delivered to the Manager, to comply with any of the financial provisions benefiting the Employee set forth herein, or if the City abolishes the position of City Attorney or similar action, the Employee may, at his option, deem himself to have been terminated without cause as of the date of such reduction or refusal to comply with the provision herein claimed to have been violated.

D. In the event the Employee is terminated without cause, the City agrees to pay the accrued vacation leave and sick leave together with a lump sum severance of twelve (12) months aggregate salary plus all benefits for twelve (12) months on or before the termination date.

E. In the event the Employee voluntarily resigns his position with the City, the Employee shall give the City thirty (30) days written notice in advance, unless the parties agree otherwise. Such notice of resignation shall be directed to the City Manager. If the Employee voluntarily resigns, he shall not be entitled to salary after the date of resignation or to the severance benefits specified in this Section except he shall be paid for all unused, accrued vacation leave not to exceed thirty (30) days.

SECTION 4 - SALARY

A. The City agrees to pay the Employee for services rendered under this Agreement, an annual base salary of \$87,500.00, subject to applicable withholdings and deductions, payable in installments at the same time as other employees in the City are paid.

B. Effective beginning November 28, 2006, the City agrees the Employee shall be awarded a merit increase following completion of an evaluation of his performance as specified by Section 5 of this Agreement. Such increase is only to be applied to the Employee's base salary effective the first full pay period following Employee's anniversary date. The amount of the merit increase shall be determined by the City Manager at his sole discretion, but shall not be less than 2% per annum subject to a satisfactory performance review.

C. The City may provide additional compensation or benefits as may be approved by the City Manager from time-to-time, based upon their performance evaluation and review of the Employee.

SECTION 5 - CITY ATTORNEY PERFORMANCE EVALUATION

A. The City Manager shall review and evaluate the Employee's performance as City Attorney at least once every year, provided, at a minimum, one performance evaluation occurs within forty-five (45) days of Employee's anniversary date each year. Said review and evaluation shall be based on the goals and objectives developed by the City Manager and the Employee in accordance with paragraph B of this Section. Upon completing the evaluation, the City Manager shall provide the Employee with a written copy of the City Manager's remarks. There shall be an adequate opportunity for the Employee to discuss the evaluation with the City Manager.

B. Annually during the month of December, or such other month as may be mutually agreed upon, the City Manager and the Employee shall define goals and objectives which they determine necessary for the proper operation of the City and the attainment of the City Manager's policy objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the City and the events that have occurred during the year.

SECTION 6 - HOURS OF WORK

A. The Employee will devote full time and attention to the business of the City and will not engage in any other business during office hours, except with the approval of the City Manager.

B. It is recognized that the Employee must devote a great deal of time outside the normal office hours to the business of the City, and to that end the Employee will be allowed to have flexibility in scheduling his time.

SECTION 7 - PAID LEAVE AND HOLIDAYS

A. The Employee shall accrue twenty (20) days paid vacation leave per year which shall be awarded annually on the Employee's anniversary date. To limit excessive accruals, up to thirty (30) days of accrued unused vacation leave may be carried over from year to year. Employee may opt to be paid for any portion of accrued and unused vacation leave not used during the year.

B. The Employee will receive ten (10) sick days per fiscal year prorated in the first year from the Employee's anniversary date to the end of the fiscal year.

C. The Employee shall be responsible for accurately recording leave usage.

D. The Employee is entitled to time off for the holidays currently recognized by the City on the day they are observed.

SECTION 8 - INSURANCE BENEFITS

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

SECTION 9 - RETIREMENT BENEFITS

A. The Employee shall be allowed to enroll and participate in the NH Retirement System per the requirements established by State of New Hampshire Retirement System.

B. The Employee may enroll in the City's 457 Deferred Compensation Plan.

SECTION 10 - CITY BUSINESS RELATED EXPENSES

The Employee shall be reimbursed for all reasonable business-related expenses incurred in the performance of his duties.

SECTION 11 - PROFESSIONAL DEVELOPMENT

A. The City shall pay for the Employee's individual membership dues and assessments by the New Hampshire Bar Association and its sections and the Strafford County Bar Association.

B. The City agrees to purchase subscriptions, books, training materials, course tuition and other professional association memberships for the Employee dependent upon budget availability.

C. The City agrees to pay the expenses associated with the Employee's attendance at the annual conferences of the New Hampshire Bar Association and the Strafford County Bar Association.

D. The City agrees to pay for all continuing education courses of the Employee to comply with the annual continuing education requirements of the New Hampshire Bar Association.

SECTION 12 - INDEMNIFICATION/THIRD PARTY CLAIMS

A. The City agrees to indemnify and hold harmless the Employee from any and all losses, including Employee's reasonable attorney's fees and other expenses of defense, in connection with any claim, demand, action, or suit, or judgment arising out of any act or omission of the Employee if at the time of the act or omission, the Employee was acting within the scope of his employment and without malice or bad faith.

B. The City agrees to provide liability coverage for the Employee against third party claims through the City's public employee insurance coverage.

SECTION 13 - BONDING

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

SECTION 14 - OTHER TERMS AND CONDITIONS

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

SECTION 15 - SEVERABILITY

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

SECTION 16 - MERGER

The text of this written Agreement and any amendments approved and executed by the City Manager and the Employee constitute the entire understanding between the parties with respect to the employment of Allan B. Krans, Sr. as the City Attorney of the City of Dover.

SECTION 17 - NOTICES

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

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

Employee: Allan B. Krans, Sr., City Attorney
City of Dover, NH
288 Central Avenue
Dover, NH 03820

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

SECTION 18 - GENERAL PROVISIONS

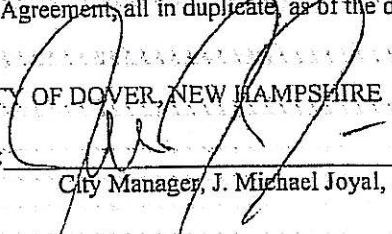
A. This Agreement shall be binding upon the City and Employee, as well as their heirs, assigns, executors, personal representatives and successors in interest.

B. This Agreement shall become effective upon execution.

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

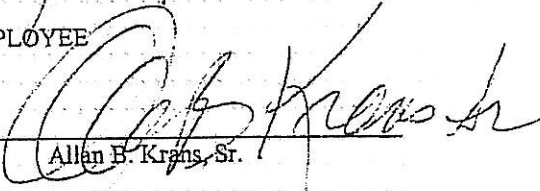
Dated: 11/10/05

CITY OF DOVER, NEW HAMPSHIRE

By: 

City Manager, J. Michael Joyal, Jr.

EMPLOYEE

By: 

Allan B. Krans, Sr.