



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 26, 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**
8. **CITY MANAGER'S REPORT**
9. **MINUTES**
 - A. **August 5, 2009**
 - B. **August 12, 2009**
10. **MAYOR'S REPORT**
11. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2ND READING - None**
 - B. **RESOLUTIONS - None**
12. **NEW BUSINESS**
 - A. **CONSENT CALENDAR**
 1. **RAFFLE – Dover High School Boosters**
 2. **RAFFLE – Dover High School Football Boosters**
 3. **TAG – Dover Little Green Cheerleading**
 4. **PARADE – Dover Knights of Columbus**
 5. **BLOCK PARTY – Schmidt Family**
 6. **ROAD TOLL – Muscular Dystrophy Association**
 7. **RESOLUTION: B10003 McCONNELL CENTER DOORS
SPONSORED BY MAYOR MYERS BY REQUEST**



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, August 26, 2009**
Meeting Time: **7:00pm**

8. RESOLUTION: BOOK AND MEDIA PURCHASES SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

B. RESOLUTIONS

- 1. B09090 RIVER STREET PUMP STATION UPGRADE**
SPONSORED BY MAYOR MYERS BY REQUEST
- 2. RIVER STREET PUMP STATION CONSTRUCTION OVERSIGHT**
SPONSORED BY MAYOR MYERS BY REQUEST

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

CITY MANAGER'S REPORT

August 26, 2009



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

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

SELECTED MATTERS FOR THE MONTH: July, 2009

- Assistance to the Community Services Department with various road matters and bid award matter.
- Assistance to the Planning Department regarding signs, hospital matter, NH Supreme Court argument, zoning amendments and parking matters.
- Assistance to the Police Department in the area of prosecution.
- Assistance to the City Council by drafting of resolutions and ordinances revisions, legal opinions, Charter amendment, research, Executive session, and Arts Commission draft.
- Assistance to the Finance Department in contract reviews and preparations, and purchasing matters.
- Assistance to the City Manager with evaluation activities and review of various documents for signature.
- Processing of four (4) RSA 91-A Requests.
- Outside legal counsel expense for FY'10: \$866.47



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

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

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

Councilor Cheney led the Pledge of Allegiance.

Mayor Myers went over the Agenda for the Workshop. He also mentioned that several members of the School Board were present.

1. CITY MANAGER'S EVALUATION

Mayor Myers went over the procedure for the City Manager's evaluation. He said it tied into 14 specific goals that the Council adopted last September, with a rating from 1 to 5: Maintain effective communications; Responsive to requests and suggestions; Update the Council on organizational structure changes; Handles emergencies/crises effectively; Summary of items, programs, services as options to proposed budget; Provide a summary booklet, in addition to the big budget book, for fiscal year 2010; Establish department head goals in conjunction with the presentation of the budget; Hold a budget specific forum for public comment before May 15, 2009; Host quarterly public information sessions; Review codes and ordinances and present proposed changes to the Council; Rebuild/upgrade Channel 22 equipment and offerings; Complete consolidation of the Clerk and Tax Collection offices; Advise the Council of other cost saving opportunities by outsourcing or regionalization of services; and Provide recommended policy changes to meet the challenges of the new economy and banking environment. He went over the Council's individual tallies and the overall average scoring: Ward 1 Councilor Carrier, 4.64; Ward 2 Councilor DeDe, 3.86; Ward 3 Councilor Scott, 2.57; Ward 4 Deputy Mayor Trefethen, 3.57; Ward 5 Councilor Cheney, 2.57; Ward 6 Councilor Callaghan, 2.07; Councilor-at-Large Weston, 3.14; Councilor-at-Large McCusker, 4.50; Mayor Myers 3.57; Council average was 3.39. He said there were 13 pages of written comments. He said the Council had agreed to release all of this information in the form of a Resolution that will be on the Agenda for August 12, 2009, at which time it will be posted on the City's website. He said the three areas where the City Manager scored highest were a perfect 5 with handling emergencies and crises effectively, a 4.5 with hosting quarterly public information sessions, and a 3.78 with providing a budget summary to the Council in conjunction with his fiscal year 2010 budget. He said the three areas where the City Manager scored lowest were a 2.11 on rebuilding/upgrading Channel 22 equipment and offerings, a 2.67 with advising the Council on cost saving opportunities by outsourcing or regionalization of services, and a 2.89 with dealing with recommendations for policy changes to meet the challenges of the new economy in the banking environment. He said the other scores range from a 3.11 to a 3.67. He went over the 1-5 scoring system: 1. below expectations; 2. needs improvement; 3. meets expectations; 4. above standard; 5. exceeds expectations.

Councilor Scott said he felt the evaluation process is very positive. He said it is not supposed to pat someone on the back, but point out areas where improvement could be made for the benefit of the individual, the Council, and the City. He said the Council had very interesting discussions and there are differences in opinions as to the strong points and weak points. He said after



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

hearing what other people had to say, he would like the opportunity to modify and change some of his comments.

Mayor Myers said the Council will continue to discuss this and see if there is a consensus to do that. He also wanted the Council to know that the City Manager finds the written comments most valuable.

Councilor DeDe said the Council had a great deal of time to prepare this evaluation and he would be opposed to anyone modifying what has been submitted.

Councilor Carrier thanked the Mayor for putting everything together for the evaluation. He said he would also be opposed to changes being made to what has been presented. He said the Council has had plenty of time.

Mayor Myers wanted the Council to know that Executive Assistant Colleen Bessette was a big asset to him in compiling all of the information in many different formats.

Councilor Cheney thanked the Mayor for compiling the information. She said she wasn't opposed to any changes being made.

Councilor Callaghan said last year the Council was allowed to make changes, and he was in favor this year as well.

Mayor Myers said the Council was doing this as individuals. He said he was not going to support changing what has been submitted, because last year it was not just changing numbers but comments as well. He said he would support a Councilor adding an addendum page with their name, saying that following the evaluation process, these are the comments they have.

Deputy Mayor Trefethen said he could live with the addendum idea. He asked when it would stop if the Council allowed the changes, and then other Councilors wanted to make more changes. He said he was confident in his own evaluation and didn't want to make any changes. He said the addendum idea is the only way to go, and should only be allowed once.

Councilor Scott said the Council was a deliberative body that comes from very different backgrounds. He said after hearing the points that other Councilors thought were important, he wanted to modify his comments on what was more important or less important. He felt closing the door didn't make much sense. He said the City Manager will get an improved evaluation if the Council takes into consideration all the comments made by the other Councilors.

Mayor Myers said the Council had three options: leave the evaluation as is, allow scoring and comment changes to the evaluation, or allow an addendum sheet to be submitted in addition to what has been presented.

Mayor Myers asked for a show of hands from the Council on the option of leaving the evaluation as is:

Vote: 1.

Mayor Myers asked for a show of hands from the Council on the option of allowing scoring and comment changes:

Vote: 4.

Mayor Myers asked for a show of hands from the Council on the option of allowing an addendum sheet. He commented that some Councilors were voting twice:

Vote: 7.

Mayor Myers said he wanted this to go out with the Agenda for the August 12th meeting, so that the public has an opportunity to read it ahead of time.

Councilor Cheney said she was pleased with the evaluation process this year. She said the City Manager has a lot of skill, knows Dover, and is a very hard worker. She said that was



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

reflected in her comments. She said where he is marginally below expectations is mostly with the dissemination of data to the Council. She said it was imperative that the Council has information and has it in a timely manner. She hopes that the new software will help. Mayor Myers thanked the City Manager. He said he felt the overall evaluation was positive. City Manager Joyal thanked the Council for all their comments. He thanked all the department heads for their help as well.

2. STATE IMPACT ON LOCAL BUDGET

Mayor Myers said the City Council passed the City Budget back in June 2009, which included the City, School, and County. He said several weeks ago the State legislature passed their budget, and that impacted the City's budget. He said it dealt mainly with a reduction in revenue totaling \$606,000 on the City's portion of the budget. He said the State is no longer picking up a portion of the retirement system employer contributions, which is just under \$68,741 for the City side and in the area of \$90,000 for the School side. He said the total impact to the City's side of the budget is just under \$675,000, which equates to a \$0.255 increase to the tax rate. He said if the Council said the City Manager needed to find the \$70,000 and just cover the revenue shortfall, it equates to a \$0.23 increase to the tax rate, which is a 1% increase above and beyond what the Council passed in June. He said if the Council did nothing and the revenue was adjusted accordingly, and the tax rate was adjusted the \$0.23, the City still falls under the constraints of the formula of the tax cap. He said the average property is assessed at \$230,000, which will equate to a \$59.00 increase above and beyond the budget that was passed in June. He said if the Council was going to do something it would have to be a budget amendment that would require a 2/3 vote. He said it would have to occur by the first meeting in September, to have it go to public hearing and finalized before our numbers went to the Department of Revenue Administration (DRA) to set the tax rate. He asked the City Manager if that was correct.

City Manager Joyal said if the Council was going to adopt a budget amendment it would have to be done by the end of September, because the City goes to the State in October.

Mayor Myers said several members of the School Board were present, along with School Department Business Manager Laura Verville. He said the City's Finance Director, Dan Lynch, was also present.

Councilor DeDe said the courts have reversed the decision of the legislature, and the \$110 million that they took from the Doctor's Fund for insurance has to be put back. He said the State will be short \$110 million, and it is troubling. He said there is also more coming.

Mayor Myers said the State is trying to decide if they are going to appeal that court decision. He said he was trying to deal with what they knew today.

Deputy Mayor Trefethen said before the Council went any further he felt it would be useful to hear from the School Department on any changes they have.

Mayor Myers said he sent an email to many people asking several questions, including the School Superintendent.

Ms. Verville said it was difficult at this time to determine what kind of savings the School District can anticipate. She said as far as savings from retirements, they are already seeing that the School Board has had to approve an additional position for Garrison Elementary School. She said as enrollments have been increasing, there is a concern that the Superintendent will be



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

coming forward to request three additional positions that weren't budgeted for. She said it was difficult for them to say what they have for that type of savings through attrition. She said she recognizes the positions that have departed and are entitled to severance – basically severance amounts have been under-budgeted for. She said some of the savings will be absorbed through severances. She said they don't have a projection of who will be departing in the 2009/2010 school year. She spoke about the \$94,000 retirement increase. She said on healthcare, it is also too soon for them to say, because open enrollment is open until October 1st. She said as the economy changes they are also seeing employees adding on other family members to their healthcare. She said they were hopeful that they would meet the natural gas expenditures for 2009/2010. She said they didn't meet it in 2008/2009 because of the volatile prices, along with the extra footage for the Woodman Park School.

Deputy Mayor Trefethen said he heard from people in the community that the School is likely to see an increase in tuition payments from Barrington or Nottingham, because students formerly going to private schools will be going to public schools, choosing Dover as one of their options. He asked her about the students from Dover that went to private schools who are changing to go to Dover's schools where there would be no additional revenue. Was she seeing any trends?

Ms. Verville said this was something they were watching. She said it looks like they will be picking up nine students from Barrington and Nottingham. She said they are seeing students from Dover migrating back to the public school. She said there was also the caveat that students from Barrington and Nottingham will move away during the school year. She said in September it seems okay, but then there is the fallout during the year, because the tuition is prorated on a per diem basis.

Deputy Mayor Trefethen asked if the current mix of students was 2/3 Dover residents and 1/3 out-of-town residents.

Ms. Verville said that was correct.

Deputy Mayor Trefethen said this really impacts the High School.

Ms. Verville said that was correct.

Deputy Mayor Trefethen asked if it was too early to tell the increase.

Ms. Verville said it was too early.

Councilor DeDe said he was under the impression that the satellite schools, Barrington and Nottingham, had to commit to a minimum number, and now he's hearing that it is actually on a per diem basis throughout the year.

Ms. Verville explained that if Barrington said they had 100 students enrolling, then they declare that count on March 10th. Barrington commits to paying 95%. She said if students leave throughout the year for whatever reason, the student's tuition is a per diem rate.

Councilor DeDe said while there is a commitment for a certain number in March, the City doesn't get that if the student leaves.

Ms. Verville said that was correct.

Mayor Myers asked if Barrington was locked into the 95% that they committed to in March, even if a bunch of students left.

Ms. Verville said they were locked into the 95% of the commitment.

Deputy Mayor Trefethen said the Dover Schools may have 120 students from Barrington and if 20 move, Barrington is still only responsible for 95% of the 100 committed to in March.

Ms. Verville said that was correct.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

Mayor Myers asked if any action with the State legislature cut catastrophic aid, school building aid, or any other area that the School didn't anticipate for.

Ms. Verville said the building aid will be funded. She said catastrophic aid will be calculated in August and September, but they are looking at about 70% being funded, probably around \$240,000.

Councilor Weston said the School had to make up for \$94,000, and asked if they were going to do it within their budget, or if they were going to have to ask for a budget amendment.

Ms. Verville said that she and the Superintendent have not had any conversations saying that they would be asking for a budget amendment. She said they hope to make it up within the budget.

Mayor Myers said he sent the email to as many people as he could think of to get some answers. He asked the City Manager to give his response to his questions.

City Manager Joyal went over the impacts on the City side of the Budget. He said the Mayor was correct with his overview of the impact to the City's budget. He said the Mayor asked him to look through the budget and see if there were any areas where the City had more current data, i.e. utility rates, utility costs, and energy costs, and see how they stacked up to what was projected in the budget and adopted by the Council. He referred to a handout on the utility portion of the budget, which represents the funds for utilities, and went over it with the Council. He referred to the right-hand column, which showed the savings, and one instance of additional cost, from what was budgeted. He said they expect a net savings of around \$103,000 just in utility usage. He spoke about the increase to the retirement costs of \$15,000 from people who retired that the City didn't anticipate. He spoke about the additional expense of \$5,000 for two people who were out on disability leave that was not anticipated. He said they have one employee who will be returning from military leave, and the expense that wasn't budgeted for to replace him while he was gone. He said they will have another employee going on military leave later this year. He said the combination of those two military leaves added \$1,000 to the budget. He said a portion of the School Resource Officer was supposed to be funded for by the School through a grant, and the Superintendent has informed the Police Chief that the School may not be getting as much from the grant as anticipated, but he felt he could make up the difference. He said they were expecting a loss of \$2,500 to \$5,000. He said the net result is that the budget has about \$6,400 of wiggle room in a \$100 million budget.

Mayor Myers asked about the Resolution to capture dollars before it rolled into Fund Balance in order to be allocated towards General Street Repairs, and if they had an estimate of anything to cover that.

City Manager Joyal referred to another handout, which was a very preliminary and unaudited analysis of the Fund Balance, and went over it with the Council. He said the Council's Resolution to use up to \$200,000 for General Street Repairs is not going to happen, because the funds are not available.

Deputy Mayor Trefethen said the Unreserved Fund Balance was lower because of losses in investments, and not because the Council dipped into that money.

City Manager Joyal said in general terms the City started with \$5.5 million in Fund Balance, came in \$800,000 short in revenues and \$210,000 short from the McConnell Center. Add back the savings in expenditures, and the City has actually reduced the Fund Balance by \$93,000.

Deputy Mayor Trefethen asked about the money for the McConnell Center and if it will get paid back.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

City Manager Joyal said that was correct. He said the Pro Forma that was put together for the McConnell Center indicated that there would be a shortfall for the first four or five years, before it would start recovering from a deficit. He also wanted to highlight the change in Deferred Revenue in property taxes. He said that line reflects the tax year as it comes to a close and there are outstanding tax bills, and the City has to defer the revenue for what will not be collected, the properties that will go to lien. He said last year the City saw about 50% of the property taxes remained uncollected and went to lien. He said that figure shows up as Deferred Revenue. He said the City is projecting that the same percentage will remain uncollected this year. He said the net impact is zero.

Mayor Myers referred to the first handout and said there was no significant change in the price of asphalt.

City Manager Joyal said that was correct.

Mayor Myers asked if there were going to be any energy savings realized from any of the Energy Efficiency Program projects.

City Manager Joyal said there probably won't be any savings this fiscal year, because most of the projects won't be implemented until next spring, due of the schedule of the Arena and it needing to be opened during the winter.

Councilor Callaghan said the Council needed to agree that this money be found within the existing budget, and not allow a tax increase to move forward. He felt the Council owed it to the taxpayers.

Mayor Myers asked Councilor Callaghan if he was looking to do that strictly on the City's side of the budget, School's side of the budget, or a combination thereof.

Councilor Callaghan said he was looking to do it only on the municipal side of the budget at this point. He said the School hasn't figured out how to handle the \$200,000 reduction in their budget, and he didn't know what others areas they can cut. He felt the City should make the first effort to come close to that kind of money.

Mayor Myers said the reduction in the revenues did nothing to the School's expenditure amounts. The City did not cut them \$200,000 toward expenditures, but adjusted revenue, which in turn raised the amount of dollars that will be raised through property taxes. He said he didn't disagree that the City should look for a way to pay for this without going to the taxpayers, but City employees took wage freezes and many took wage cuts, and that did not happen on the School's side. He also pointed out that revenue was cut to the City's side of the budget, but the School received an additional \$800,000 in revenues coming from the State above and beyond what they received last year. He said while their property tax impact was 2%, their actual spending increased by 3.8%. He referred to the phrase used by the Governor and several Senators: In the aggregate City and Towns received more money this year from the State than last year. He said the problem with aggregate, with every City and Town, is it went to the School side of the equation, and it cut from the municipal side of the equation. He said he wasn't opposed to looking for savings on the municipal side of the budget, but was opposed to looking for savings only on the municipal side of the budget.

Councilor DeDe said the School wouldn't have had the \$800,000 if it was up to the legislature. He said it was because they lost a lawsuit and were required to send that money to the cities to the School's side. He said the City's side has borne the brunt of it. He said this has not been caused the by the City of Dover, not by the contributions and sacrifices from the employees for the City of Dover, and not for lack of working on ways to get the budget whittled down. He said



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

it was caused by actions and inactions that took place in Concord. He said there have been cuts made that were very difficult. He said the reality is that when the citizens see their tax bill go up \$58.00 they are not going to think of the two senators and six representatives, but at the nine councilors around the table. He felt after what has been done with the budget this year that there weren't any avenues to turn to. He said he doesn't like that the average tax bill will go up \$58.00, but the reality is that the Council didn't do it.

Mayor Myers clarified that it isn't just \$58.00, but an additional \$58.00.

Councilor Scott said there will be a lot of angry people in Dover who will not be able to pay higher taxes, and will blame the Council.

Mayor Myers said they were open to suggestions.

Councilor Scott said that was why they have a highly paid City Manager. He said he should look at places where they might lay off people. He said he saw in the paper where Concord was considering laying off 700 people.

City Manager Joyal said they don't have that many employees. He said that was the State of New Hampshire.

Mayor Myers asked Councilor Scott if he felt cuts should be made just by the City's side of the budget, or if any of it should occur on the School's side of the budget.

Councilor Scott said he felt it should be both. He said it's the taxpayer that is caught in the vice. He said they had to use extraordinary measures not to increase taxes.

Councilor Weston spoke about the \$200,000 surplus that was moved to the General Street Repairs and said it should go towards the \$675,000 that the City is short. She said when the City removed the \$200,000 revenue from the School's side, the City had to make it up. She said the Council should also reverse that by a budget amendment, and even though the shortfall goes on the School Department, the City at the same exact tax rate could have \$200,000 extra to spend at no tax increase. She said those two items would save the City \$400,000 right off the top, which brings the tax rate increase down by \$0.08.

Mayor Myers clarified that the City Manager's handout showed that the \$200,000 the Council hoped to capture was \$6,000. He said that money didn't materialize.

Councilor Weston said the Council can still change the revenue from the School Department and reverse the Council decision. She said that \$200,000 takes the City's shortfall down to \$475,000, and lowers the tax rate by \$0.08. It would be a beginning.

Deputy Mayor Trefethen clarified that if the Council decides to have a budget resolution; it will open the whole budget, and take 6 votes to change. He said he isn't hearing any consensus that comes close to 6 votes. He said Councilor Weston would need 6 votes to reverse the \$200,000, but will also open the budget to other changes that the Council might want. He said he might be wrong, but he doesn't see it passing with 6 votes.

Councilor Carrier asked if it would be an acceptable practice to lower the percentage of the recommended Fund Balance, with a crisis situation such as this.

City Manager Joyal said he would not recommend doing that, because the Council's current policy is actually low. He would strongly recommend that the City get up to the 10% range. He said by having a lower reserve on hand you're sending a message to the creditors.

Councilor Callaghan said he didn't want to start the whole budget process over again, because it was not as fun as it's supposed to be, but he felt the Council should have a mini budget review again, with ideas that the Councilors have of areas that might be cut.

Mayor Myers said he was disappointed that no one had any suggestions.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

Councilor DeDe clarified that if the City reduced its Fund Balance, then the cost of borrowing money goes up. He said he understood that the citizens are going to be angry with the Council. He hoped their memory lasted long enough for the State elections, because that was where the problem was. He said the City did a tremendous job in putting together a reasonable budget with a great deal of cost containment and sacrifice on the part of a damn fine group of employees. He said in spite of that the State downshifted these things to the City, and it was going to get worse. He said the reality is the City has services it needs to provide. He said when a water main breaks in the middle of the night, there is a group of dedicated employees there fixing it. He said if there is a fire in the City, there is a group of dedicated employees taking care of it. He said no amount of budget planning is going to save the City, when the key to the problem isn't here in the City.

Councilor Weston said she put Ms. Verville in the hot seat, and now it is the City Manager's turn. She asked the City Manager where the \$675,000 was coming from.

City Manager Joyal said he would go back to his department heads and look at that. He said he knew the Council wasn't expecting a specific answer tonight, but he would offer to the Council that they go back to the proposals that were originally presented to the Council. He said there was \$200,000 of items that the Council added back into the budget because of the insurance savings. He said it was a question of priorities. He said as City Manager the Council can direct him to go back, use his judgment, and reduce the budget. He said the fact of the matter is that it is going to be a reduction in services, whether direct services provided to the public or maintenance to the infrastructure with long term effects. He said he couldn't believe that Councilors at this point in time, after the changes the City has gone through, would suggest further layoffs and not expect an impact. He said he would probably suggest to the Council to reduce certain hours of certain services, eliminating outside subsidies and grants, and prioritizing services around funding for schools, public safety, and maintaining the City's infrastructure. He said Recreation and the Library are not going to be on the top of his priority list. He said the Council needs to look at the history of the City's Departments over the last few years, and see that the City has consistently reduced personnel and direct services to the public. He said they have reduced Library hours and reduced Recreation programs two years in a row. He said they are not putting the amount of money that they should into the City's streets and roads. He said there is a backlog of work orders and maintenance requests that the City does not have the people to keep up with.

Councilor Weston asked the City Manager if he was saying to take that \$200,000 out that the Council returned back in.

City Manager Joyal said the City realized savings in insurance, and the Council used the savings to put items back into the budget. He said that would be the first place that he would suggest that the Council look at. He said items like fireworks or grants to outside organization, that don't provide public safety, maintenance, or educational services to the citizens of Dover.

Councilor Weston asked how much the City Manager felt he could find within the budget.

City Manager Joyal said he could find how much the Council wants, but he asked that the Council understand the impact of their request. He said he would do it, and he will base it on his priorities as the City Manager representing the needs of the community as a whole. He felt that wasn't doing the citizens justice, because the Council as elected officials are not taking ownership of the priorities that the citizens feel the City should be delivering.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

Councilor Weston said she agreed with Councilor DeDe that ultimately it's not the Council's responsibility, but the Council is going to have to deal with it. Councilor Weston said she agreed with Councilor Callaghan that the budget needs to be done all over again. She said she hoped that the City Manager could come to the Council with some form of list to work with.

City Manager Joyal said he could provide a list. He asked that the Council take into consideration the sacrifices already made by the City, and ask that the School also provide a list of recommendations. He said the School portion makes up 65% of the tax-supported portion of the budget. He said the City is a small piece of the tax puzzle.

Councilor Weston said she understood and she agreed. She said when she heard about the City's wage freezes she asked what the School was doing. She said the School Department really had to take a good look at their budget to see what they can do. She still felt that the City needed to look at our side of the budget.

Mayor Myers said to Councilor Weston that she asked Ms. Verville where she would find \$94,000 in the School's budget, or if she would need to come to ask for a budget amendment. He said she asked the City Manager where he was going to find \$675,000, and didn't ask if he was going to ask for a budget amendment. He said those were two different questions.

Councilor Weston said hopefully the School will come back with some decreases. She wished she had asked the School Board and Ms. Verville to do that before they left the meeting.

Mayor Myers said they didn't give the School that direction, and he asked the Council to give them some direction before they left. He said they were invited for that specific reason.

Councilor McCusker said there were no comments at the time when the School Department's budget was presented, and the Council accepted it. At the same time there was a lot of scrutiny about the City Manager's proposed budget. He said there was some savings in the health insurance and it was divided up and put back into the budget. He said it was contradictory because the Council knew the City had bare bones whittling that was done, and the Council knew that the School side of the budget didn't have the same level of cuts that the City had. He said the Council accepted the School side of the budget anyway, saying to the School Department that they can spend more than they had last year. He said the Council told the School Department that the City will take the hit, with employees' wage freezes, cutting and dropping services. He referred to revenues and said the City had to adjust the revenue figures to be accurate; otherwise the City would have to deal with it at the end of the budget year instead of right now. He said it wasn't honest to do otherwise. He said the Council could theoretically add revenue to every revenue line in the budget to offset the \$600,000. He asked if the Council expects the School Department to make up the \$200,000 later in the year, then why can't they make up for it right now? He said why not take the \$200,000 in revenue and add it to the tax rate, because it's going to happen anyway. He said if they took every employee that receives a City of Dover paycheck, and told the people that weren't receiving a wage increase or taking a pay cut to sit down, it would be fair to ask the people that were still standing how to make up the \$600,000, because we're all in this together. He said the taxpayers don't say they're happy to pay the School increase, but not the municipal side increase. He said he is pro-education because he has a bunch of kids in the school system. He doesn't want to cut athletics or special things that are offered. He said he didn't want the Library closed any more hours, because he had gone there twice when it was closed. He said it stinks not to have the summer camps for kids who can't afford to go to private camps because the City can't hire the



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

extra counselors. He said it never used to be this way, but now the City Manager has to make these types of cuts.

Deputy Mayor Trefethen said the Council has asked the City Manager to come to the Council with suggestions, and he's done that; he did that in April. He said the idea that this should be delegated to him will not get his vote, because 99% of the citizens will blame the City Council in October when they get their tax bill. He said the Council is looking at the average tax bill going up about \$250, and if the Council adds the \$675,000 to the tax roll, it will be another \$58, totaling \$300 to \$310 for the average tax bill. He said he didn't know too many people who are going to make a distinction in their wrath against the City Council over an additional \$58, because he felt their reaction was going to be the same with \$250. He said they will be upset that it went up, period. He said if the Council really wanted to get serious about serving the taxpayers, and he didn't think collectively they did a good job with that, then they have to make some very difficult decisions. He said some of the decisions have already been proposed and shot down. He said the Council needs to revisit them again. He spoke about all the areas that he doesn't want to cut. He said it is going to make everyone upset. He said there is no incentive to the School Board to reduce their budget. He said the only way they will get the School Board to cut their budget is for the City Council to tell them that they weren't getting that amount of money, and then they will have to make the same difficult choices the City made. Mayor Myers clarified that the budget passed in June added \$194 for the average household, and this would add another \$58. He said of the \$194, \$76 was the City portion; \$95 was the School portion; and the County was approximately \$23. He said for the past five years the City's portion of the budget has increased on average of 2.3%, the School has increased 4.9%, and the County has increased 10.4%.

Councilor Scott said these were unusual times. He said the Council needs to find \$675,000 and they need to think of unique ways to find it. He said the City spend \$20 million in payroll and benefits. He said the City should consider changing it to 35 hours per week, and said they will see almost the same production. He said Dickinson owes the City \$1 million, and he didn't understand why he wasn't being forced to pay it. He said the City needs big money and it can only come from payroll and benefits.

Councilor Cheney said she agreed with Councilor Weston's suggestion of putting the revenue figure back the way it was for the School Department. She did feel that there would be a problem with rehashing the budget, because she had some strong feelings about the City Manager's proposals. She said she knew that it was unpalatable to discuss changing the Council policy on the 6% Unreserved Fund Balance. She asked the City Manager for more clarification on why it would cost more to borrow money. She said she understood that the City had a A+ rating with Moody's, and felt it would just lower the rating and put more on the City's behalf to prove that the City can borrow the money. She felt taking the money from the Unreserved Fund Balance would get the City out of this crisis.

City Manager Joyal said the rating agencies provide a credit score for the City. He said if the Council was to change some of the City's existing financial policies, then the rating agencies will not look favorably on that. He said the rating agencies actually want to see a higher fund balance. He said the rating agency will think the City is taking a step backwards if they decided to change the policy, and that will reflect negatively on the City's rating. He said a lower credit rating translates into higher interest rates.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

Councilor Cheney said during this emergency situation that it might be time for the Council to consider a Resolution to pull the City out of this bind. She said it's not every day that the State takes \$600,000 out from underneath the City. She didn't feel it would set the City back in their rating by borrowing more money. She said Dover is a very viable entity, and she said there are a lot of other communities and states that are in a lot worse condition.

Councilor Carrier said if the Council worked with the School, City, and possibly increased taxes a minimum amount, then it could be covered. He said it also could be taken out of the Unreserved Fund Balance. He said it doesn't have to be all one place.

Mayor Myers said he had a big concern with using the Fund Balance, and he would not support it because it is not an emergency. He said the City is running current with its tax collections. He said it puts the City in the hole for \$600,000 next year, because it is not a one-time expense. He said the State is doing this with the stimulus money.

Councilor DeDe said he would be supportive of a measure that would direct the School Department to reduce the spending plan by \$300,000, and direct that \$250,000 be reduced on the City side of the budget. He said it would be appropriate to start with the recommendations that have already been made by the City Manager. He said the City Manager's Budget book did give the Council a list of additional budget cuts that would be available to the Council to consider.

Councilor Scott said the School's budget is primarily people costs, and it should be matched by the City's side. He said something out of head count on both sides makes sense. He said he agreed with Mayor Myers about not borrowing from the Fund Balance. He said the Council also doesn't want to close the swimming pool or the ice arena, because those are things that are felt by many people. He said it was the people on the payroll that have to be reduced, either by hours or heads.

Deputy Mayor Trefethen referred to Councilor Scott's comment and Councilor DeDe's suggestion. He said if the School did the same action that the City employees have already taken, then he felt that would meet the \$300,000, i.e. a wage freeze, but he sees no willingness to do that.

Mayor Myers felt that Councilors Carrier's and DeDe's proposals have some merit. He said he did want to give the City Manager some direction for the cuts, because they need to have 6 votes to pass the amended budget.

City Manager Joyal said he wanted to remind the Council that on October 1st there will be two police officers laid off; custodians has been laid off; recreation positions has been laid off; there have been reduced hours and positions in the Library. He said there have been incredibly long lines at the City Clerk's Office at certain times of the month. He asked the Council if they wanted him to get rid of people there. He said maintenance is having difficulty keeping up with maintenance tasks with the people we have. He said they have seven or eight people that maintain all of the City's streets. He said he can't cut people in the Fire Department, because of the grant. He said he has already reduced positions in Inspection Services. He said they have eliminated positions in Planning. He said the Finance Department has not had a change in personnel since he has been here, and they are in the process of converting to a new financial management system, which will require an incredible amount of staff time in addition to what they normally do on a daily basis. He said a comment has been made about reducing hours, and said that has been discussed many times and the City has labor contracts that have very strict provisions about hours and scheduling, and the City has no leverage to negotiate those,



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

because we're already asking them not to take a pay raise. He said they have turned every stone looking for ways to save money, and will continue to do it. He urged the Council to look at the impacts before cutting items from the budget.

Mayor Myers said he didn't believe the City could go any deeper in cutting employees. Mayor Myers suggested reducing General Street Repairs by \$100,000, take the savings that the City Manager identified with utilities, and that would leave the \$68,000+ on the retirement cost that he would suggest allocating to every City department proportionately, then that would cover the \$200,000 on the City side and the \$68,000 for retirement. He said he would also like to revisit the Tolend Road project if it is going to be pushed out to future years in the CIP.

Councilor DeDe asked if this proposal was going to be put forward to a public hearing.

Mayor Myers said he would have to defer to the City Manager or Finance Director on the procedure. He said if there was consensus of the Council to post an amendment to the budget for specific items, he didn't know if that precludes anything else from anything else being brought up at the time once the budget is opened.

Councilor DeDe said he was actually only talking about if it was only going to be the dollar figures that we're talking about. He said there could be some minor hashing out of the details after the public hearing, and then the Council would still be within the dollar figure that we're talking about.

Mayor Myers said he didn't know if the Council could post a public hearing with just a dollar amount, and if they would have to post another public hearing if anything substantially changed. He asked the City Manager about the procedure, and then he said he would ask the Council if there was anything they could get a consensus on to move forward on this.

City Manager Joyal said he believed the Council would be safe in putting forth a budget amendment resolution that showed a general reduction for purposes of getting it to a public hearing for the City Departments and for the School Department. He said there should be a workshop about the specifics of the reductions before it goes to public hearing.

Deputy Mayor Trefethen said he felt the Council needed to have a workshop. He said he knew that the Council is already booked up on Wednesdays, so he recommended a workshop on another night.

Councilor Cheney said she appreciated the suggestions. She asked if the Fund Balance is 6%. She asked if the balance was really \$5.4 million, and if that was over the 6% policy.

City Manager Joyal said the unaudited figure is \$5.4 million as of June 30, 2009, which is 6.4% or 6.5%. He said the balance was \$5.5 million, 6.8%, as of June 30, 2008. He said that was a key indicator that a financial analyst would look at.

Mayor Myers asked if there was an official consensus to offer to the School.

Councilor DeDe said he originally said \$300,000, but he would be willing to accept \$250,000.

Mayor Myers asked if there was a consensus to \$250,000.

Councilor McCusker said the City is reducing it \$200,000 by reducing General Street Repairs by \$100,000 and \$100,000 from utility savings, which brings it down to \$475,000.

Mayor Myers said the \$75,000 was the City's share of the retirement costs, which the City Manager has to find within the budget. He said it was the \$600,000 in revenue that the City is really short.

Councilor McCusker said Councilor DeDe recommended \$250,000 from the School, which leaves \$150,000 left that will be a tax increase.

Mayor Myers said that was correct, which is roughly \$15 added to the average household.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

He said that was a very good idea to take a little bit from everybody.

Mayor Myers said the Council had to agree on it.

Deputy Mayor Trefethen said he could see where Councilor DeDe is suggesting, but he felt not a single teacher, teacher's aide, or program would be cut from the School's budget if their employees stepped up to the plate and instituted a wage freeze.

Mayor Myers said the Council is just giving the School a figure, and the School Board decides where to cut.

Deputy Mayor Trefethen said he was talking directly to the Teachers' Union and the other unions in saying no programs have to be cut if they institute a wage freeze.

Councilor Weston said they should ask the School Board what the saving would be if every employee did not take a raise – no COLA or Step. She said they are guessing at the amount right now.

Mayor Myers said the City employees equated to over \$200,000, so it was safe to assume the School Department would be more than that.

Councilor Weston said they also had UNICO, which is a large contract.

Mayor Myers asked how many school employees there were.

City Manager Joyal said there were more than City employees, even with the contracted services.

Councilor Weston asked if it included UNICO.

Mayor Myers said no.

Councilor DeDe said the Council has bottom line authority, but the Council doesn't get to pick how they do it.

Deputy Mayor Trefethen said he was suggesting that the School's employees determined how to come up with the \$250,000.

Mayor Myers asked if there was a consensus to engage the School in that dialogue.

Councilor McCusker said it was a start.

Mayor Myers said he would contact the School Board formally.

Councilor Callaghan said he felt the City should find out what they can do first, before going to the School.

Mayor Myers said the consensus was that there should be sharing between the City and School Departments.

Councilor Carrier said this is a shared venture. He said most of the Council sitting here still have children in the School system and are impacted as they sit here. He said they were all in it and all impacted by it. He said the Council is not the bad guy giving it to the School system. He said they were a community and it needs to be equally shared. He said the School Board has really smart people that can sit down and figure this out.

Mayor Myers said they would figure out when to have a workshop. He said he will formally touch base with the School Board Chairperson on the direction of the Council.

Councilor Cheney said this would have to be completed by October 1st in order for the State to set the tax rate.

Mayor Myers said it would have to be completed by the second regular meeting in September.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 5, 2009**
Meeting Time: **7:00 pm**

3. CITIZEN'S FORUM

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

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

4. ADJOURN

Deputy Mayor Trefethen moved to adjourn; seconded by Councilor DeDe.
Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Councilor Callaghan led the Pledge of Allegiance.

3. ROLL CALL

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

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

Absent: Councilor DeDe.

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Deputy Mayor Trefethen said the Council had been informed by the City Manager that Item 12.A.7. needed to be pulled.

Mayor Myers said the item needed to go before the School Board. He asked for a vote on removing it from the Agenda.

Vote: 7/0. Councilor Weston was absent from Council Chambers.

Deputy Mayor Trefethen asked to pull Item 11.A.3.

Mayor Myers said this item was on a previous Agenda to be referred to a public hearing. He said it would take a unanimous vote to pull this item from the Agenda.

Vote: 8/0.

Mayor Myers asked the City Manager if that automatically pulled the corresponding Public Hearing, if it had to be pulled separately, or if a public hearing has to be held anyway because it was published.

City Manager Joyal said there was no sense in having a public hearing since there was no longer a resolution.

Deputy Mayor Trefethen asked to pull the Public Hearing, Item 7.C.

Mayor Myers asked for a vote on pulling Item 7.C.

Vote: 8/0.

Deputy Mayor Trefethen said he would like to add a verbal Planning Board report to the Committee Reports.

Mayor Myers asked for a vote on adding a Planning Board Report.

Vote: 8/0.

Mayor Myers said the original Agenda packet did not include the original scoring, written comments, or Councilor Scott's addendum regarding the City Manager's evaluation. He said it was amended and published on the City's website.

Mayor Myers asked for a vote on the amended Agenda.

Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

6. CITIZEN'S FORUM

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

Ronald Huml, 199 Mast Road: He spoke regarding the \$200,000 in revenue that was taken out of the School budget. He said the bottom line is expenses, and the \$200,000 in revenue doesn't exist. He said when the Council voted to lower the revenue by \$200,000 that it cost the taxpayers \$200,000. He recommended that the Council reinstate the revenue back to the School budget, and take the \$200,000 in the tax and apply it to the City to cover for part of the \$600,000 shortfall. He said in the past 10 years the School has turned in to the City in excess of \$2.4 million in revenue that went into the Fund Balance. He said that was why the \$200,000 doesn't apply. He said during the years of 2006, 2007, and 2008 the School Department has turned in to the City \$1.1 million. He said he received this information from the School Department. The balance of the \$600,000 shortfall should come from the excess that was scheduled for health insurance, \$184,000, instead of all the nickel and dimes items that were replaced in the budget. He asked, if the Council adds expenses to the tax roll to compensate for shortfalls in revenues, then how is it given back to the taxpayers when revenue comes back? He said it will be in the base, and then the City will receive revenue on top of that. He said that was double dipping. He spoke on abolishing the Arena Commission, and said he agreed that it was no longer required.

Harvey J. Lynch, 26B Lincoln Street: He said he has asked at prior meetings about the benches at the corner of Central Avenue and Third Street. He said he did not receive an honest answer. He said he was approached by City Manager Joyal after the last meeting. He said the City Manager told him that he didn't want him to make any comments about City employees being unfair. He said he asked the City Manager what the chances were about getting the bench back. He said he was told that he could buy it back for the City. He pointed to the two people who were also present during that conversation. He said he filed a 91-A Right to Know request, and found out he wasn't wrong. He said it would have been nice to have been answered like he was a human being in a decent and upright manner. He read his findings regarding the bench to the Council.

John Scruton, 99 Sixth Street: He referred to Page 62 of the Rizzo report that was completed in 2004. He said he keeps hearing that there are problems with parking in Dover. He said it states in the Rizzo report that there were 3,153 parking spaces in Dover. He said if somebody wants a garage in the City they should build it, and it shouldn't fall on the taxpayers. He said the City should concentrate on the core needs: health, safety, schools, and roads. He said spending \$3 million on Indian Brook was corporate welfare and wasn't something the City had to do. He said the City has been on a credit card spending binge for over 10 years. He said he would consider the park bench as part of the core, and it seemed a little bit out of character that there were no funds to pay for a bench. He said the City Manager for Rochester said they budgeted for the revenue shortfall in Rochester because they knew about it. He asked why the City of Dover didn't do that.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

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

7. PUBLIC HEARINGS

A. CHAPTER 3, ARTICLE IV, BOARDS AND COMMISSIONS, DOVER ARENA COMMISSION

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

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

SPONSORED BY DEPUTY MAYOR TREFETHEN

Dorothea Hooper, 84 Katie Lane: She urged the Council to retain the Joint Fiscal Committee (JFC). She said she has been a member of the JFC for the six years she has been on the School Board. She said there are only two meetings required each year for this committee, and since the School Board must turn in its budget very early, they need to know the thoughts of the Council once the process has begun. She gave the example that this year they learned that the Council wouldn't approve a budget for more than 2%. She said the JFC also covers other fiscal concerns. She felt that the City should not only keep the JFC, but expand its role, because in these economic times continuing communications is essential.

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

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

SPONSORED BY DEPUTY MAYOR TREFETHEN

Item was pulled from the Agenda.

8. CITY MANAGER'S REPORT

City Manager Joyal spoke about the street renaming of Smith Road to Emmet Road, and evidence that the residents did not receive adequate notice. He said a period of two years had transpired from the recommendation to change the street name to when it was brought before the Council. He said normally the process happens much more quickly, and the residents are aware of the process. He said that did not happen this time. He said there was a meeting on Monday, August 10th with the residents, and it was decided to allow the name change to Emmet Road. He said the staff is working on an internal procedure to make sure this type of breakdown doesn't happen again. He said the original resolution that was adopted a few weeks ago had Emmet Road spelled E-m-m-i-t-t, and a new resolution will be brought before the Council with the correct spelling.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Councilor Scott said he was pleased to see in the City Manager's Report preliminary revenue and expenditures for the first month of fiscal year 2010. He said he would like to see the same thing for the full 12 months of the prior fiscal year.

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

Vote: 8/0.

9. MINUTES

A. July 22, 2009

B. July 29, 2009

Deputy Mayor Trefethen moved for their acceptance; seconded by Councilor Weston.

Vote: 8/0.

10. MAYOR'S REPORT

Mayor Myers said many positive things have been happening in the City. He said he attended the Buddy Ball event, where special needs children get paired up with Dover baseball and softball players. He thanked Councilor Carrier for putting on a great event. He hosted the Music and Arts Festival at the Dover Children's Home. He said he met with a group of German tourists who were in Dover on an exchange type program with host families from Dover. He said he did several ribbon cuttings for the Greater Dover Chamber of Commerce. He said he also attended the Cal Ripken U9 Regionals, hosted by Dover Baseball, which included several teams from all around New England. He mentioned that there are a number of vacancies on boards and commissions, and asked citizens of Dover to apply.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor McCusker.

Vote: 8/0.

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

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said change is good. He said the Arena is running in the black, and didn't see the need to have a Councilor sit on the Committee any longer. He said the other wording reflects that the Arena is under the Recreation Department. He asked for the Council's support on this Resolution.

Councilor Cheney asked if the Council will still receive reports.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Deputy Mayor Trefethen said they get financials from the City Manager every month, and that won't be affected by this Resolution. He said if anything unusual is happening the Council will be notified by the City Manager or the Recreation Director. Councilor Cheney asked if it would still be on the list of Committee Reports. Deputy Mayor Trefethen said it could fall under the Recreation Advisory Board. Mayor Myers said this Resolution had his support.
Roll Call Vote: 8/0.

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

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen said he accepted at face value all the comments made to keep this Committee to facilitate communications, but said it didn't change his opinion. He said he has sat on this Committee for 5½ years and every meeting has been difficult to schedule. He said he believed people's intentions were good, but felt there must be a better way to do it. Councilor Callaghan said he was opposed to abolishing this Committee. He said the Council has heard from several School Board members requesting that the Council not abolish this Committee. He said it was a shame on the Council that it wasn't working. He felt it was wrong to force the School Board to come before the Council at the podium. He said this group should be meeting more frequently. Councilor Scott said he agreed with Councilor Callaghan that it was important that the City keep this Committee. Councilor Cheney said she was going to vote no on this Resolution, because she felt the Committee had validity. Mayor Myers said he would support this Resolution, with a condition that the Council holds several joint City Council/School Board workshops during the year. He said the JFC didn't work because there was no consensus brought to the meeting by either the School Board or the City Council. He said the Council could make it a policy to host a minimum of two or three joint workshops. Deputy Mayor Trefethen said he respects Councilors Callaghan's and Scott's opinions and their desire to keep this Committee, but he disagreed with their characterization of the intent or result of passing the Resolution. Councilor Callaghan said he liked the Mayor's idea of joint workshops, but he had a problem that it wasn't formally in place. Councilor McCusker said it was ironic that someone that never signs up for a committee is in favor of keeping one in place. He said in his 1½ terms as Councilor he has never heard from this Committee. He said it would be more productive to have everyone together in the same room. Councilor Cheney said it was still the Council telling the School Board that they were abolishing this Committee. She said she still would not support this Resolution. Councilor Weston said she canvassed the School Board and they all wanted to keep this Committee, and the question was how to fix it. She said she agreed with the Mayor to



CITY OF DOVER

CITY COUNCIL - MINUTES

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

have the joint workshops, but was concerned about what would be on the agendas. She said she talked with Superintendent Dr. O'Connor and he said it would have been helpful if the JFC had met earlier about the additional proposed cuts to the budget. She said the JFC could meet about the agendas for the joint workshops proposed by the Mayor. She said she couldn't support this Resolution, because she felt it wasn't a decision the Council could make.

Councilor Carrier said the City would benefit from having the City Council and the School Board at a round table to discuss many issues. He said he agreed with Councilor Weston's suggestion on having the JFC meet to create the agenda for the joint workshops. He said he agreed with Councilor Callaghan about removing the JFC without anything in place. He said he would have to vote no on this Resolution.

Roll Call Vote: 3/5; Failed. Mayor Myers, Deputy Mayor Trefethen, and Councilor McCusker voted in favor.

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

SPONSORED BY DEPUTY MAYOR TREFETHEN

Item was pulled from the Agenda.

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

Item was pulled from the Agenda.

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



CITY OF DOVER

CITY COUNCIL - MINUTES

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

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

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

Mayor Myers asked the Council if they had any items they would like to pull for further discussion.

Deputy Mayor Trefethen asked to pull the Planning Board Committee Report.

Councilor Scott asked to pull Items 11.A.10., 11.A.11., 11.A.12., and 11.A.14.

Councilor Weston asked to pull Item 11.A.13.

Councilor Callaghan asked to pull Item 11.A.8.

Mayor Myers asked for a Roll Call Vote on the remaining items on the Consent Calendar.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of Item 11.A.8.; seconded by Councilor Callaghan.

Councilor Callaghan asked if the owner was going to take care of the land for free.

City Manager Joyal said that was correct.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Councilor Callaghan asked if there was any obligation or liability to the City. City Manager Joyal said the City had similar agreements with other businesses. He said the property owner wants to make sure there is a nice presentation for his business. He said the owner would be responsible for his actions.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of Item 11.A.10.; seconded by Councilor Scott. Councilor Scott said his comments pertain to Items 11.A.10., 11.A.11., and 11.A.12., and that he didn't feel they should be on the Consent Calendar. He asked to make a motion that only items that were less than \$25,000 be on the Consent Calendar.

Mayor Myers said there was already a motion on the floor, and he couldn't allow a new motion at this time. He said when the Agenda is created they try to do routine items by nature under the Consent Calendar. He said any Councilor can pull an item for further discussion.

Councilor Scott said the City was burned last year when the rate was set at the top of the market. He felt it should be put out to bid for six months with an option to renew.

City Manager Joyal said the City wouldn't get a better rate for a shorter period, because vendors are looking for a longer commitment as they enter fuel supply agreements with their suppliers. He said there was quite a bit of analysis done on these Resolutions.

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

Deputy Mayor Trefethen moved for the approval of Item 11.A.11.; seconded by Councilor Scott. Councilor Scott said the same comments from the previous Resolution apply to this Resolution.

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

Deputy Mayor Trefethen moved for the approval of Item 11.A.12.; seconded by Councilor Scott. Councilor Scott said the same comments from the previous two Resolutions apply to this Resolution.

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

Deputy Mayor Trefethen moved for the approval of Item 11.A.13.; seconded by Councilor Weston.

Councilor Weston asked if there was going to be an increase in the retail cost for the Dover trash bags.

City Manager Joyal said the Council has not approved a change in the price of bags or tags.

Councilor Weston asked if the City would be absorbing the additional costs.

City Manager Joyal said it would be addressed within the Solid Waste budget.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of Item 11.A.14.; seconded by Councilor McCusker.

Councilor Scott asked why this had to be done now, and not be pushed off, when there is lack of funding from the State.

City Manager Joyal said this needed to be done in conjunction with the rehabilitation of the River Street Pump Station project that is underway.

Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Deputy Mayor Trefethen gave his Planning Board Committee Report. He said the Planning Board met on Tuesday, August 11th. He referred to the work the Planning Board has been doing on the zoning changes for the past two years. He said there was a unanimous recommendation from the Planning Board to forward all of the amendments to the City Council for ratification.

City Manager Joyal said a Resolution will be coming to the Council at the end of this month to be referred to a public hearing on September 10th, with a Council workshop on September 3rd. Councilor Callaghan said he had a hard time supporting this Resolution, because the Zoning Board of Adjustment should have been involved in this process. He said the Planning Board closed the door on amendments, and he felt that wasn't fair.

Deputy Mayor Trefethen said he understood Councilor Callaghan's comments, but felt that for members of the community to take the position that they were totally unaware that this was happening was wrong. He said they need to take responsibility for themselves.

Councilor Weston made a motion to accept the Planning Board Committee Report; seconded by Councilor Callaghan.

Vote: 8/0.

B. RESOLUTIONS

1. 2009 CITY MANAGER'S EVALUATION SPONSORED BY MAYOR MYERS

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

2. 2009 CITY MANAGER'S CONTRACT AMENDMENT SPONSORED BY MAYOR MYERS

Deputy Mayor Trefethen moved for its approval; seconded by Councilor McCusker. Mayor Myers said there were two amendments made to the City Manager's contract. A salary reduction of \$2,317 to \$116,902, retroactive to July 1, 2009. The second amendment allows the City Manager to engage in teaching and/or consulting work. Councilor Callaghan referred to a sentence in the background materials: "Understanding that such arrangements shall not constitute interference with nor a conflict of interest with responsibilities..." He said a few commas were needed to clarify the statement. "Understanding that such arrangements shall not constitute interference with, nor a conflict of interest with, responsibilities..."

Mayor Myers asked the Council if they had an objection to adding the commas. There was no objection.

Councilor Weston said she was against him consulting on the side. She said he had a lot on his plate, and felt if he had extra time, that he should be more involved in some of the organizations that go on in the City.

Councilor Callaghan said he felt the teaching and consulting had to be completely separate from the City so there was no liability.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Mayor Myers said they would be hiring J. Michael Joyal, Jr. if he was going to do consulting work, and not the City Manager of Dover.

City Manager Joyal said if he did consulting work or teaching it would be on his own time, and any liability would be no different than anything else he did on his own time. Councilor McCusker asked the City Manager if he coached any sports, which required daily practices, preparation for and playing of games.

City Manager Joyal said he had coached football and assisted-coached baseball. Councilor McCusker said he didn't see how teaching a class at UNH or consulting on his own time would interfere with his responsibilities as City Manager, because he would still be accessible as he is now.

Councilor Callaghan said wherever J. Michael Joyal, Jr. goes to teach or consult they are going to use his credentials. He said he was going to support this Resolution, but he wanted the City Manager to promise the Council when signing a contract that there is no implication that he is working as a City employee, and takes responsibility for his teaching and consulting.

City Manager Joyal said this would be done on his own personal time, and he felt a responsible court would take that into consideration.

Councilor Cheney said she was going to support this Resolution, because the City Manager has a lot to offer. She felt that the City didn't own his expertise and his growth as a person on the outside.

Councilor Scott said he felt it would be a plus for the City, and he was going to support this Resolution.

Councilor Weston said that Councilor McCusker's comments didn't address her concerns. She said consultants from large corporations have their own LLC so the City or company is protected. She said she doesn't see anything in the Resolution regarding this, and she can't support this Resolution.

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

3. COLLECTIVE BARGAINING AGREEMENT IAFF SPONSORED BY MAYOR MYERS BY REQUEST

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

Councilor Scott asked if there was no increase in cost.

City Manager Joyal said it was negligible.

Roll Call Vote: 8/0.

Mayor Myers said the Council just passed a 3-year agreement with the Firefighters Union, which covers from July 1, 2008 to June 30, 2011.

4. COLLECTIVE BARGAINING AGREEMENT DPFOA SPONSORED BY MAYOR MYERS BY REQUEST

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

Roll Call Vote: 8/0.

Mayor Myers said the Council just passed a 3-year agreement with the Fire Officers Association, which covers from July 1, 2008 to June 30, 2011.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

5. COLLECTIVE BARGAINING AGREEMENT DPEA SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston.
Roll Call Vote: 8/0.

Mayor Myers said the Council just passed a 3-year agreement with the Dover Professional Employee Association, which covers from July 1, 2005 to June 30, 2008, and has already expired. He said what this does is bring the cost of living adjustments in line with these employees. He said they are still working without a contract.

6. CHARTER AMENDMENT – TAX ASSESSMENT REVIEW BOARD (TO BE REFERRED TO PUBLIC HEARING) SPONSORED BY COUNCILOR WESTON

Deputy Mayor Trefethen moved to refer this Resolution to a public hearing on August 26, 2009, which is not a usual public hearing date; seconded by Councilor McCusker.

Councilor McCusker asked if there was an email about the new wording on Page 4 of this Resolution, because he saw it in the paper before he saw it in the agenda packet. Councilor Weston said nothing was released to the paper.

Mayor Myers asked Councilor Weston to go over the changes.

Councilor Weston said basically the one change is that the Assessment Review Board was not to be an advisory board.

Mayor Myers said he saw the change as the board would be appointed by the Council and not the City Manager, and that the word advisory was changed to render decisions on abatement requests.

Councilor Weston said that was through the recommendation of the City Attorney.

Deputy Mayor Trefethen said he was on the fence about this Resolution, and he did make some suggestions on the explanatory note. He said this Resolution is truly different. He said this Board is a decision-making board, which will remove power from the City Assessor, City Manager, and indirectly the City Council, because we will lose control of the assessing process. He said changing it to be appointed by the Council makes it very political, depending on the makeup of the Council. He said in the other matter, where the Board would actually have decision-making power, he could see back room deals being made, people looking for favors, and the little guy is going to get lost in the shuffle. He said he understood this Board was supposed to help the little guy. He said he felt Dover had abatements like other towns, but he didn't feel Dover had a problem overall.

Mayor Myers said he was for an advisory board to help people through the process, but he was not for a decision-making board, because he could see it being politicized.

Councilor Weston said she was really insulted that the Councilor referred to back room deals, because it could open up the whole City government so that anybody can do it. She said this board would work in concert with the Assessing Office and not alone. She said there was nothing wrong with having another set of eyes working with the Assessor. She said the Assessor will be doing everything he has been doing, except for the abatements, on his own. She asked the Council to vote to let it go to the voters.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Councilor Cheney said she was concerned about the comments made by the Councilors, and she said she felt it should go to the voters. She said she was insulted by the Councilors' comments about the voters and their not being able to vote on this. She said she would support this being on the ballot.

Councilor Scott said he felt that some Councilors feel that the public is not very smart, and they have to protect the public from getting politicized. He felt the people are smart and will support this being on the ballot.

Councilor Callaghan said the indication of back room deals really sets him off, and felt that the Council could come up with that scenario with all kinds of committees, commissions, and people employed with the City. He said he felt it was a cheap shot. He said the Council will be setting up the board, and he sees it as being very helpful. He said rules have yet to be written, and the concept of the board shouldn't be the Council's choice alone, and it needs to go to the voters.

Councilor Carrier asked the City Attorney about the legality of three volunteers rendering decisions on abatements.

City Attorney Krans said he was comfortable that the state would allow the advisory board, and he was comfortable that the state would allow this board with its administrative function. He said he told Councilor Weston that she does run the risk that other lawyers will disagree with him, and that it invades the authority of the City Manager. He said he was comfortable that it doesn't at this point, but the risk has increased when the Resolution is changed from advisory to administration. He said the law is a little unsettled in this area and there are no guarantees on whether this will pass muster.

Councilor Callaghan said the Utilities Commission does abatement on water/sewer billing, and they are all volunteers.

Deputy Mayor Trefethen said this wasn't a question of voters making a decision, but whether the Council had vetted this issue. He said the wording of this Resolution is different from what the Council had at the workshop, and it's a different concept. He said we have to take everyone's word that the Dover City News received this information and published it five days before the Council received it.

Councilor Weston said the Dover City News comes out on Thursday.

Deputy Mayor Trefethen said their deadline is Monday. He said it was just a coincidence. He said this was being proposed to benefit a few select people in the City who feel they have a problem with assessments. He said the little guy may benefit from this board, but it was really for the big guys, and he didn't want any part of it.

Councilor Scott questioned the reasoning behind Deputy Mayor Trefethen's comments. He said he helped a person in Ward 3 get an abatement, because he was concerned about going to the Assessing Office. He didn't think this board was for the big guy.

Mayor Myers said the process they talked about at the workshop was a bridge for the little person who needed the help, and he didn't think this new concept was the bridge.

Councilor Scott said the Council should have the public hearing.

Mayor Myers said part of the job of the Council is to do several things: to look at the proposed Charter change, determine if it passes muster with the Council, and if this being rushed. He said he has looked at the numbers in Assessing, and Dover is doing a dynamite job. He referred to the City Attorney's comment that it may not pass muster in



CITY OF DOVER

CITY COUNCIL - MINUTES

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

a court challenge. He said he felt if the voters think the Council is putting something through, the Council should refer it to a ballot question that it is clear, supportable, and is the right thing for Dover. He said he wasn't comfortable in a lot of areas about this Resolution.

Councilor Weston said the whole enchilada would be a Board of Assessors, and that is not what she is proposing. She said the numbers for the Assessing Department are only the numbers for people who actually went into the Assessing Office. She said Attorney Krans was pretty confident that this Resolution passed muster. She asked that the Council allow this to be put on the ballot and go to the voters. She said it does have to get approved by the Attorney General first. She just wanted the opportunity. She felt the City would benefit from it.

Councilor Cheney said she didn't know whether or not she would support this on the ballot, but she did support that it makes it to the ballot.

Councilor Scott said the biggest problem with municipal government, and state government, is apathy. He said when there are things on the ballot it brings people out to vote, and that's a very positive thing.

Councilor McCusker said this Resolution was a definite change to what was proposed at the workshop. He said the proposed Charter amendment is telling the people that the process the City has doesn't work.

Mayor Myers asked for a roll call vote to refer this Resolution to a public hearing.

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

7. CHARTER AMENDMENT – GENERAL LEGAL COUNSEL (TO BE REFERRED TO PUBLIC HEARING)

SPONSORED BY COUNCILORS CALLAGHAN AND CHENEY

Deputy Mayor Trefethen moved to refer this Resolution to a public hearing on August 26, 2009, which is not a usual public hearing date; seconded by Councilor Cheney.

Deputy Mayor Trefethen said the Council received a legal opinion regarding this Resolution, and in light of that opinion he felt the Council shouldn't go any further with this Resolution.

Councilor Scott asked if the City spent money to get this opinion.

Deputy Mayor Trefethen said that was correct.

Councilor Scott asked who took the initiative.

Mayor Myers said the City Attorney obviously had a conflict with this issue, and the Council had to go to outside counsel to approve as to form for legal background. He said he believed Councilor Callaghan traded phone numbers and dealt with this issue. Councilor Scott said he felt the fact that the City Attorney felt he had a conflict was the reason to put this on the ballot.

Mayor Myers said the issue is the legal opinion that was made available to the Council today.

Councilor Callaghan said he has not read the legal opinion yet, and felt it was premature to try to strike this from the process. He said he suggested initially that this not be sent to another attorney, but merely to send the City Manager some questions. He said he



CITY OF DOVER

CITY COUNCIL - MINUTES

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

spoke to the attorney and the information he was getting shocked him. He begged the Council to move this Resolution to public hearing to give the Council a chance to review the legal opinion.

Mayor Myers asked the City Manager to explain the process and why this needed to have a legal review.

City Manager Joyal said this was a proposed Charter amendment, a Resolution that has been placed on the Council Agenda, and Council requires that it be approved as to legal form, approved as to finance, and approved as to formatting. He said this Resolution was dealing with the potential impact of the employment situation with the existing City Attorney, he rightfully advised that he had a conflict and could not render legal advice to the City. Therefore, the City contracts with outside legal counsel to receive an opinion as to legal form in accordance to the process that has been in place. He said he was curious why the City Manager would have a conflict, when his role is to coordinate the administrative affairs of the City, which includes soliciting legal advice for the corporation and the Council as a body. He said when he was advised by the City Attorney that he had a conflict he notified Councilors Callaghan, Cheney, the Mayor, and the Deputy Mayor that he would be arranging for an outside legal counsel.

Councilor Cheney referred to the Charter Commission meeting six years ago where everyone, except one, stood up to say the City Attorney should report to the Council. She said the only person who was against it was the then Assistant City Manager Michael Joyal. She said the City Attorney said he had a conflict, and the City Manager chose another attorney without asking the sponsors of this Resolution. She said the language is good in this Resolution, and even the Deputy Mayor said it should go before the voters.

Mayor Myers said he was against this Resolution at the workshop and still planned to vote against it. He said there was a time when this was an issue, but felt that it has been cleaned up very nicely. He said the City has a very talented City Attorney who works for the betterment of Dover. He said he is not the City Manager's attorney, the City Council's attorney, but the City of Dover's attorney. He said this Resolution says the Council will hire and supervise legal counsel. He knows Councilors Callaghan and Cheney believe that nothing will change. He said Councils change and people's interpretations change. He said he didn't feel the City had a problem. He said if this does go through, the present contract with the City Attorney would be void, and he would be entitled to a hefty severance of \$100,000. He said he also felt the Council wouldn't get quality applicants when the applicants know their tenure is as long as the Council's. He said this Resolution doesn't say that everything will stay the same, or that the City Attorney will stay with the City.

Councilor Callaghan said he was really getting angry. He just opened the legal opinion that he received. He said it was 27 pages of single-spaced writing. He asked the City Manager what he asked of this attorney. He speculated that the attorney was told to write a book to put this Resolution off. He said he wants to choose an attorney to give another opinion. He said no one has had a chance to read this. He said he didn't understand what was in the legal opinion that made the Deputy Mayor change his opinion from supporting this Resolution to not supporting it. He made a motion to release the legal opinion.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Mayor Myers said the Council has a motion on the floor right now, so it is not allowable right now.

City Manager Joyal said he anticipated that Councilor Callaghan would think he did something nefarious, and therefore he made sure Councilor Callaghan was copied on any and all communications with Attorney Bolt, with the exception of the initial phone call where he asked him if he was available for writing a legal opinion. He said if anyone wants to speculate that he influenced the opinion, then they are dead wrong. He said the City Manager has the responsibility of being the chief advisor to the Council, whether the Council likes it or not. He said if the Council feels that the advice they are getting is inaccurate or incomplete, then the Council needs to take some action and deal with the City Manager. He said he understood past history, but he felt he had proven that he was there to assist the Council. He said when the Council is considering changing the Charter, then it was something that needed to be properly analyzed and reviewed. He said he asked the attorney two questions: if it was in the proper legal form, and if it is allowable under the City Charter or Statutes. He said Councilor Callaghan saw what he asked the attorney.

Councilor Callaghan said he saw what was emailed.

Councilor Weston said if everything the City Manager said was true, then the Tax Assessment Review Board Resolution should have been passed. She asked if there was another avenue for getting a Charter question on the ballot, getting signatures. She said she knew it had to do with a percentage of registered voters. She asked the City Clerk if she knew the process.

City Manager Joyal said he would have to get the City Attorney and City Clerk to put together a schedule.

Councilor Scott said he believed she would need 680 signatures to bypass the Council and get it on the ballot. He said he was very disappointed, as is Councilor Callaghan, that there seems to be an attempt to sidetrack this Resolution. He said if the City had gone with Attorney McLaughlin, he would have been happy to read his opinion. He said he knew nothing about this attorney and the City Manager hired him for the purposes of the City Manager, which is to keep the City Attorney under his control. He said everyone testified that the City Attorney should report to the Council, and he felt this was a back door attempt to try and block it. He felt there wasn't enough time to get the signature, although he supported Councilor Weston's effort to try. He said he felt the Council should act in a proper way, according to what is ethical, and he doesn't believe that is happening.

Mayor Myers clarified that Councilor Scott's Charter amendment was never brought before the Council. He said Councilor Scott chose to go the petition route. He said the number of signatures needed is based on the percentage of voters for the last election. He said 680 is probably not the correct amount, because it was based on another election.

Councilor Scott said it would probably be higher.

Councilor Carrier said the citizens of Dover do not need to hear anger among the Council. He said finger pointing and back door comments were totally unacceptable for the Council, and he was sure the citizens were tired of hearing it. He said the Council needed to calm down and discuss this in a civilized manner. He said the legal opinion



CITY OF DOVER

CITY COUNCIL - MINUTES

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

really summarizes everything on Page 2, before he went more in depth. He said the attorney did do his homework.

City Manager Joyal said one Councilor speculated that he did something inappropriate or potentially unethical, and another Councilor stated that he did something unethical. He said he felt those comments were highly inappropriate and uncalled for, but in light of Councilor Carrier's comments he will leave it at that.

Councilor Cheney said she knows the public wants to see the Council getting along. She said there are times when the Council all votes for something and that makes for happy times. She said it was her job to point out facts. She said this has to be brought forward to a public hearing so the Council can hear what the public has to say.

Councilor Callaghan thanked Councilor Carrier for putting him in check. He said if the Council is going to have discussions then this Resolution shouldn't be killed tonight. Mayor Myers said he was against this Resolution conceptually and on the merits of what it is trying to do, and not what the legal opinion rendered.

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

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE – None

13. COUNCIL MATTERS OF INTEREST

Deputy Mayor Trefethen said he was resigning from the Joint Fiscal Committee, effective immediately.

Councilor Weston wanted to share some information with the Council. She referred to the email that the Mayor sent out to the School Department and the questions he asked. She said one of the question was what would the total amount of savings be if the School Department implemented a wage freeze. She said there were 150 paraprofessionals and 330 teachers, and each one has an individual contract with the School Department, which consists of 43 pages. She read one line into the record: "This contract may not be terminated at any time prior to the expiration without the consent of both parties, and teachers are hereby notified that the School Board will not look favorably upon requests for release in contract for those teaching positions after June 1st." She said she felt the Council dropped the ball. The Council should have told Superintendent Dr. O'Connor that the Council was going to cut his budget when he gave his presentation to the Council on the School Budget. She said it is too late to do it now. She said she asked if anything could be negotiated with a labor attorney, and she said she was told that the contract was a done deal. She said the City will not realize the savings from the teachers. Councilor Callaghan said he would like to suspend the rules to introduce something new; seconded by Councilor Cheney.

Roll Call Vote: 8/0.

Councilor Callaghan made a motion to release the legal opinion of Attorney Bolt, dated August 12, 2009; seconded by Councilor Cheney.

Councilor Weston said she hasn't had a chance to read it, and asked if there was something that should remain confidential.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

City Manager Joyal said it was pretty straight forward.

Councilor McCusker said he hasn't had a chance to read it, and he will not vote to release something that he hasn't read.

Deputy Mayor Trefethen said he read enough, but he hasn't read it all, and he would be reluctant to release it as well. He didn't think that there should be a rush to do this.

Councilor Carrier said he agreed with the previous Councilor's comments that he hasn't been able to read it.

Mayor Myers asked Councilor Callaghan if the Council could schedule a Special Meeting prior to the Joint Workshop next week, to vote on this one item.

Councilor Callaghan said that would be fine, and pulled his motion.

Councilor Cheney pulled her second to the motion.

Councilor Carrier said there will be another Park Street Park meeting on Saturday at 9:00 am., with the residents and some city officials.

Councilor McCusker spoke to Councilor Weston on her research regarding the School Department. He said he knew the Council had no right to tell the School Board where to make the cuts. He said the Council wasn't making that directive. He said the municipal side did it, and it was more for curiosity that we suggested it to the School Board. He said there was no directive that the Council wanted it to happen.

Mayor Myers said he has not heard back from the School Board.

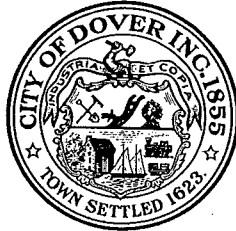
Councilor Weston said she wanted to clarify her statement. She said during the Council's workshop they were discussing cutting up to \$300,000 from the School's Budget, and references were made to the teachers' wages. She said she had asked how the Council could pick out a number if they don't even know what it is. She said the Mayor asked questions in his email to the School Board, and part of it was curiosity, but when it comes time to cut figures out of the School budget, she asked where the Council thought the School Board was going to cut.

Councilor Cheney said she was not surprised with the outcome for the Charter Resolutions. She said Attorney Krans gave her very appropriate language for the Charter amendment, and he worked on the Charter Commission. She said the City has two more years to get the language right and maybe the Council can get it to the voters at that time, because she felt it was essential

14. ADJOURN

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

Vote: 8/0.



CITY OF DOVER
09 AUG -7 PM 3:00

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 High School Boosters

Federal Tax ID number for Organization: 02-0447380

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

Contact Person: Laura Zabkar Day Time Telephone: 603-978-1062

Address: 2 Mohawk Dr Email Address: clzabkar@comcast.net

Purpose of Permit: 50/50 raffle

Date of Event: Sept 1 - Dec 1 Specific Time: _____

Location of Event: Dover High School Football Games

(Raffle Permit only)

Prize (s) To Be Awarded: half of money collected

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**

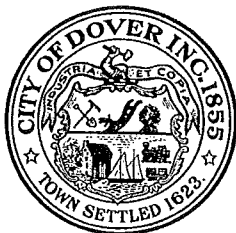
*****NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

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: 8/7/09

Licensing Board approval _____ Date: 8/13/09
Revised 03/17/08

[Handwritten signature]



CITY OF DOVER
09 AUG -7 PM 3:00

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 High School Football Boosters

Federal Tax ID number for Organization: 02-0447380

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

Contact Person: Laura Zabkar Day Time Telephone: 603-778-1062

Address: 2 Monarch Dr Email Address l.zabkar@conest.net

Purpose of Permit: Cash Calendar

Date of Event: Oct 1 - Dec 1, 2009 Specific Time: _____

Location of Event: Dover High School

(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**

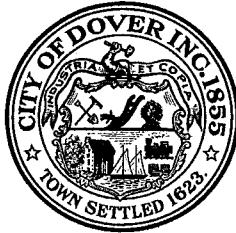
*****NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

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: Laura A Zabkar Date: 8/7/09

Licensing Board approval [Signature] Date: 8/13/09
Revised 03/17/08

OK W. [Signature]



CITY OF DOVER
09 AUG -7 AM 8:49

**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 Little Green Cheerleading

Federal Tax ID number for Organization: 26-254 3466

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

Contact Person: Bridget Smith Day Time Telephone: 740-2690 / 969-6711

Address: 10 Pondview Drive Dover Email Address: Bridget.Smith@comcast.net

Purpose of Permit: League Fundraising

Date of Event: September 17, 18, 19 Specific Time: Tu. 4-8 Fri 4-8 Sat 8am-8pm

Location of Event: Various Store/Restaurant Locations

(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

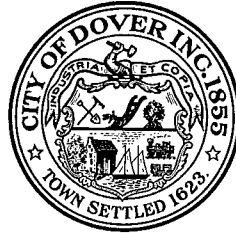
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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: Bridget Smith Date: 8/7/09

Licensing Board approval: [Signature] Date: 8/10/09
Revised 03/17/08

[Handwritten Signature]



Not for any
File
CITY OF DOVER
09 AUG 14 PM 12:52
(AF)

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 KNIGHTS OF COLUMBUS COUNCIL # 807, OUR LADY OF THE ROSARY

Federal Tax ID number for Organization: _____

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

Contact Person: PAUL K. McMANUS Day Time Telephone: (603) 742-3748 (until 3 PM)

Address: 5 ARROWBROOK RD. Email Address SURFERBUZZ@COMCAST.NET

Purpose of Permit: TO HOLD A PUBLIC ROSARY and SILENT DEMONSTRATION TO SUPPORT LIFE.

Date of Event: OCTOBER 04, 2009 Specific Time: 1:15 PM - 3 PM. (RESPECT LIFE SUNDAY)

Location of Event: HIGH ST. AT 1/2 BLOCK EAST OF WEEKS INTERSECTION ON DOVER / SOMERSET

***** TOWN LINE *****

(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

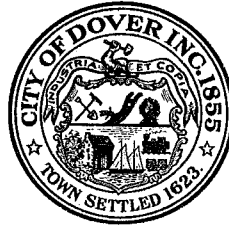
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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 Paul M. McManus Date: AUGUST 14, 2009

Licensing Board approval (AF) Date: 8/18/09
Revised 03/17/08

OK
W
J



CITY OF DOVER
09 AUG 10 PM 3:02

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: SCHMIDT FAMILY

Federal Tax ID number for Organization: _____

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

Contact Person: ALICE SNEARY Day Time Telephone: 003-343-5599

Address: 14 WEST CONCORD STREET (DOVER) Email Address sneary@oclc.org

Purpose of Permit: Neighborhood Block Party (see attached page)

Date of Event: 12 Sept 09 Specific Time: 2-5 pm

Location of Event: WEST CONCORD & RICHMOND INTERSECTION, DOVER, NH

(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: Alice R. Sneary Date: 10 Aug 2009

Licensing Board approval [Signature] Date: 8/13/2009
Speidel Revised 03/17/08
DPD



Dear Winner,

Congratulations! After reading thousands of letters from people coast to coast telling us why their neighborhood deserves a memorable ice cream block party this summer, we are delighted to announce that your Edy's *Slow Churned Neighborhood Salute*SM contest entry has been selected as a grand-prize winner!

Now, it's time to spread the word to your neighbors and plan your summer block party! Your grand-prize package includes:

- A *Party in a Box* containing ice cream bowls, spoons, scoops, napkins, ice cream coupons and extra gift certificates, nametags, two table covers, door hangers, a yard sign and stand, a permanent marker, a disposable camera, a metal scoop, apron and wipes for sticky fingers. Everything you need to throw a fun-filled block party!
- A doorstep delivery of 10 cartons (1.5 quarts each) of Edy's Slow Churned® Light Ice Cream and 36 Edy's Slow Churned Light Snack Size Cups. As an additional treat this year, you will also receive 2 cartons of the new Slow Churned® Limited Edition Red, White and No More Blues flavor. This new limited edition flavor was created to commemorate the 80th Anniversary of Rocky Road ice cream and bring smiles and lift spirits across the country this summer!
- An opportunity to gather with all of your neighbors and HAVE FUN!

In the next few weeks, you'll receive your *Party in a Box*, filled with all of the necessary supplies for hosting a friendly gathering for up to 100 friends and neighbors.

We did our best to schedule your block party for one of the five weekends you selected upon entering the contest.

YOUR NEIGHBORHOOD BLOCK PARTY IS SCHEDULED FOR THE WEEKEND OF:

September 12, 2009

Please be sure to save this letter or mark the party date on your calendar! On the Tuesday, Wednesday or Thursday before this date, you'll receive your doorstep delivery of Edy's Slow Churned ice cream in a variety of flavors.

To officially accept this prize, and allow us to deliver your *Party in a Box* and ice cream, please sign and return the enclosed form as soon as possible or **within five (5) days**.

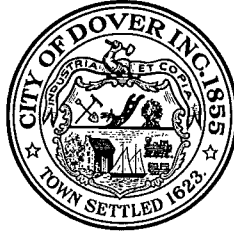
As you begin to plan your block party, you might have questions. Well, we have the answers! A great place to start is www.slowchurned.com, where you will find great ideas to make your block party a sweet success. We have also enclosed a list of "Frequently Asked Questions" to assist you. Just in case you have additional questions, we have set up a toll-free hotline (866-263-1943) and e-mail (slowchurned@ketchum.com).

From our neighborhood to yours, congratulations again! We hope you enjoy spending time with your neighbors while enjoying America's favorite summertime treat!

Sweet regards,
Edy's *Slow Churned Neighborhood Salute* Team

EDY'S SLOW CHURNED NEIGHBORHOOD SALUTE
1050 BATTERY ST — SAN FRANCISCO, CA 94111
SLOWCHURNED@KETCHUM.COM — 866-263-1943

ED-11980



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: Muscular Dystrophy Association
Federal Tax ID number for Organization: 131665532
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political
Contact Person: Chris Jacques - Dover Professional Fire Officers Local 2907 Day Time Telephone: 603-767-6663
Address: P.O. Box 304 Dover, NH Email Address: jakeryff@comcast.net
Purpose of Permit: Voluntary Road Toll
Date of Event: Sat. August 29, 2009 Specific Time: 9am-4pm
Location of Event: Central Avenue @ Oak St.

(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: [Handwritten Signature] Date: 8/18/09

Licensing Board approval [Signature] Date: 8/18/09 Revised 03/17/08

Handwritten initials/signature in bottom left corner.



August 5, 2009

Dover Police Department
46 Locust Street
Dover, NH 03820

Dear Dover Police,

This letter is to inform you that on August 29, 2009, Dover Fire Department Locals 1312 and 2909 will be conducting a Fill the Boot/Voluntary Toll on behalf of the Muscular Dystrophy Association of NH. All the money raised at this event will be given to MDA of NH to benefit the over 800 families that MDA serves right here in New Hampshire.

If you have any questions please feel free to contact me at 603-471-2722 or by email at tdecarli@mdausa.org.

Thank you so much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terri DeCarli', is written over a circular stamp or seal.

Terri DeCarli
District Director
MDA of NH

Tax ID: 131665552

MDA of NH
360 Route 101 #5
Bedford, NH 03110
603-471-2722



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.08.26 - 114**
Resolution Re: B10003 McConnell Center Doors

WHEREAS: Sealed Request for Proposal # B10003 for the replacement of door #7 at the McConnell Center with handicap accessible doors and openers was issued and received on August 13, 2009 @ 2:00pm.

WHEREAS: A mandatory pre bid meeting was held on July 30, 2009 to discuss scope of services with five (5) vendors attending. Proposals were received from three (3) of these vendors to replace doors with handicap accessible doors and openers, and;

WHEREAS: The proposals were evaluated and it is the recommendation to award to low bid meeting RFP specifications submitted by New Hampshire Glass in the amount of Base \$20,500.00 and optional fees equaling \$5,550.00 for a total project amount of \$26,050.00.

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 New Hampshire Glass given the total bid amount of \$26,050.00 and corresponding rates provided 8/13/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
2100-46341-4725-1102-10-18	McConnell Building Improvements	\$76,000.00	\$76,000.00

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.7.

Resolution Number: **R - 2009.08.26 - 114**
Resolution Re: B10003 McConnell Center Doors

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.08.26 - 114**
Resolution Re: B10003 McConnell Center Doors

RESOLUTION BACKGROUND MATERIAL:

Sealed Request for Proposal # B10003 for the replacement of door #7 at the McConnell Center with handicap accessible doors and opener was issued and received on August 13, 2009 @ 2:00pm. A mandatory pre bid meeting was held on July 30, 2009 to discuss scope of services with five (5) vendors attending. Proposals were received from three (3) of these vendors for services requested. The proposals were evaluated and it is the recommendation to award to low bid meeting specifications of the RFP submitted by New Hampshire Glass in the amount of Base \$20,500.00 and optional fees equaling \$5,550.00 for a total project amount of \$26,050.00,

\$20,500.00 Base for Door entrance
\$1,450.00 electrical - doors
\$800.00 tile repairs
\$2,550.00 café entrance
\$750.00 electrical café
\$26,050.00 total project

Response from Interstate Glass deemed “non responsive” as the three required forms were not included in bid response. In an effort to keep uniformity through out the building, the plans called for Kawneer products and this vendor offered Vista Wall products.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	30	Number of Responses:	3
Warranty:	Yes	Terms:	Net 30, FOB Dover
Work Bonded:	no	Contract:	Yes
Prices will hold for:	Until completion	Estimated Delivery:	2009
Recommended Award to:	NH Glass	Fund:	CDBG Entitlement Funds 2100-
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.08.26 - 114**
Resolution Re: B10003 McConnell Center Doors

Vendor Solicitation List:

New Hampshire Glass
1 Mirona Road
Portsmouth, NH 03801

Ricci Lumber
105 Bartlett Street
Portsmouth, NH 03801

Brown and Horsch
P. O. Box 1612
Rochester, NH 03866-1612

Garrison Hill Glass Co.
3 Floral Avenue
Dover, NH 03820

Granite State Glass
186 South Main Street
Rochester, NH 03867

Distinctive Siding and Window
P. O. Box 1704
Rochester, NH 03866-1704

Nickerson Remick
95 Brewster
Portsmouth, NH 03801

Portland Glass
119 New Rochester Road
Dover NH 03820

Rivco
70 Heritage Avenue
Portsmouth, NH 03801

The Window Doctor
77 Indigo Hill Road
Somersworth, NH 03878

Lajoie's Aluminum
181 Green Street
Somersworth, NH 03878

Glass Routes
264 Central Avenue
Dover, NH 03820

Trojan General Contractors,
3 Toon Lane
Lee, NH 03824

Dockham Builders
27 Benjamin Road
Stratham, NH 03885

Merrill Home Improvements
2 Tri-City Road
Somersworth, NH 03878

Hanna Smith Contracting, LLC
47 Harvey Road
Londonderry, NH

Mac's Home Improvement
P.O. Box 50
Eliot, ME 03903

Paul's Siding Specialist, Inc.
350 Rte 108
Somersworth, NH 03878

Royal Window & Door
210 West Road
Portsmouth, NH 03801

Interstate Glass and Mirror
228 Rte 108
Somersworth, NH 03878

Automatic Door of New England
PO Box 397
Hollis Center, ME 04042

HCI Craftsmen, Inc.
3030 Lyndon B Johnson Hwy Ste
300
Dallas, TX 75234-2753

Kamco Supply
344 Riverside Street
Portland, ME 04103

Adams Door and Window
181 Charles Street
Rochester, NH 03867



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.7.

Resolution Number: **R - 2009.08.26 - 114**
Resolution Re: B10003 McConnell Center Doors

Rochester Door Co.
P. O. Box 1775
Rochester, NH 03866

Tombs Door Co.
38 West River Road
Hooksett, NH 03166

Fimble Door Co
24 Fox Street
Nashua, NH 03060

Ron Bet Co.
99 State Road
Kittery, ME 03904-1516

Northeast Door Corp.
29 River Road
Bow, NH 03304

Door Services, Inc.
P. O. Box 8772
Portland, ME 04104

B10003 Results

<i>Vendor</i>	<i>Base Cost McConnell Entrance</i>	<i>Optional Cost for café hall entrance</i>	<i>Total</i>	<i>3 Required forms included in reply</i>	<i>Product listed in reply.</i>
Interstate Glass Inc 228 Rte 108 Somersworth NH 03878	\$22,946.00	\$2,368.00 For 1 pair of café doors	\$25,314.00	No	Vista wall Architectural bone white
Portland Glass 119 New Rochester Rd Dover NH 03820	\$24,825.00	\$2,485.00	\$27,310.00	Yes	Kawneer bone white
NH Glass 1 Mirona Rd Portsmouth NH 03801	\$20,500.00	* \$7,050.00	\$27,550.00	Yes	Kawneer bone white

- NH Glass: add on's totaling \$7,050.00
 - \$1,450.00 electrical - doors
 - \$800.00 tile
 - \$2,550.00 café entrance
 - \$750.00 electrical café
 - \$1,500.00 premium time. (weekend time) Delete. Not acceptable.

Required forms are: Certification of Equal Employment Opportunity
Certificate of Non-Segregated Facility
Contact information with signature



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.8.

Resolution Number: **R - 2009.08.26 -**
Resolution Re: Book and Media Purchases – 115

WHEREAS: The City of Dover NH Public Library is a member of the New Hampshire State Library’s Book Purchasing Co-Op; and

WHEREAS: The State Library has identified Baker & Taylor as the book wholesaler most advantageous in terms of service and pricing for various children’s and adult books, tapes, CD’s and DVD’s; and

WHEREAS: The City can take advantage of the substantial savings realized by using Baker and Taylor as their book jobber.

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

Per 3-36B, Optional Purchasing, of the Dover Purchasing Procedure, the purchasing agent may, with approval of the city manager, waive bidding procedures when purchasing through the state of New Hampshire or at state bid prices.

The Purchasing Agent is hereby authorized to issue a Purchase Order to Baker and Taylor of Philadelphia PA for continued book, tape, CD and DVD purchases. The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance 8.17.09
1000-45500-4748-0000-00-39	Books and Publications	\$93,077.00	\$85,914.22
3455-45500-4748-0000-00-39	Books and Publications	\$84,015.00	\$81,716.06

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 - 2009.08.26 -**
Resolution Re: Book and Media Purchases – 115

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 - 2009.08.26 -**
Resolution Re: Book and Media Purchases – 115

RESOLUTION BACKGROUND MATERIAL:

The Dover Public Library has continued to use a book jobber originally identified a number of years ago by the NH State Library, to provide various types and large quantities of books and media materials as needed. The City of Dover receives the same pricing schedule as other members of this Co-Op Organization.

Award Information:

A Blanket Purchase order will be issued to Baker & Taylor of Philadelphia PA to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	None	Number of Responses:	0
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	na	Contract:	
Prices will hold for:	June 30, 2009	Estimated Delivery:	As needed
Recommended Award to:	Baker & Taylor Inc	Fund:	Books & Collections
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waived bid – Cost exceeds \$10,000.00

Appointments Committee Report

Appointments Committee recommendations to the City Council from their meeting of August 19, 2009:

Carrie Keech to the Parking Commission

Lee Skinner to the Planning Board as an Alternate

Michael Murphy as a Trustee of the Trust Fund

Submitted by Mayor Scott Myers, Chair



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.08.26 - 116**
Resolution Re: B09090 River Street Pump Station Upgrade

WHEREAS: Sealed Request for Proposal # B09090 for a construction services for the River Street Pump Station Upgrade was issued and received on July 21, 2009. Proposals were received from nine (9) vendors and No Bids from four (4) vendors, and;

WHEREAS: The proposals were evaluated by Wright Pierce, in consultation with NHDES and city personnel starting with the low bidder Federal Construction Corporation. A follow up assessment questionnaire was forwarded to this vendor. In conjunction with the RFP response and the follow up response this vendor is deemed a "Non-Responsive Bid". The same analysis was performed for next low bidder, TBuck Construction and this vendor was found to be fully responsive. It is the recommendation to award the construction upgrade contract to TBuck Construction in the amount of \$1,460,421.00; and

WHEREAS: In April 2009, the City Council approved the via resolution # R-2009.04.22-61, the appropriation of \$2,400,000.00 for the SFR Loan Proceeds and ARRA Federal Grant monies.

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 TBuck Construction of Auburn ME given the bid amount of \$1,460,421.00 and corresponding rates provided 7/21/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320-43250-4741-4594-10-30	ARRA River St Pump Station Upgrade	2,400,000	2,400,000

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.08.26 - 116**
Resolution Re: B09090 River Street Pump Station Upgrade

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 - 2009.08.26 - 116**

Resolution Re: B09090 River Street Pump Station Upgrade

RESOLUTION BACKGROUND MATERIAL:

Sealed Request for Proposal # B09090 for a construction services for the River Street Pump Station Upgrade was issued and received on July 21, 2009. Proposals were received from nine (9) vendors and No Bids from four (4) vendors.

The proposals were evaluated by Wright Pierce, in consultation with NHDES and city personnel starting with the low bidder Federal Construction Corporation. A follow up assessment questionnaire was forwarded to this vendor. Together with the RFP response and the follow up question response this vendor is deemed a “Non-Responsive Bid”. The same analysis was performed for next low bidder, TBuck Construction and this vendor was found to be fully responsive therefore, it is the recommendation to award the construction upgrade contract to TBuck Construction in the amount of \$1,460,421.00.

Scope of services consists of construction of the River Street Pump Station Upgrade including, but not limited to, demolition of existing mechanical screen, vortex grit system internals, grit pumps, grit classifier, chemical pumps, below-ground chemical storage tanks and vault, wet chemical scrubber and associated appurtenances; construction of a new garage addition, piping, site work, equipment systems, structures, instrumentation, control and electrical systems; and installation of new chemical feed pumps, above-ground double-wall chemical storage tanks, mechanical screen and screenings wash press, vortex grit system internals, grit pumps, and covered grit washer and transfer conveyor.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	40	Number of Responses:	9 bids and 4 NB
Warranty:	Yes	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Until completion	Estimated Delivery:	2009
Recommended Award to:	TBuck Construction	Fund:	ARRA & SRF Proceeds
Other Approvals Required:	Yes, NHDES	References Checked:	Satisfactory
Previously Worked for City:	Yes, Washington St Bridge	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.08.26 - 116**

Resolution Re: B09090 River Street Pump Station Upgrade

Vendor Solicitation List:

Hutter Construction Corporation
810 Turnpike Road
P. O. Box 257
New Ipswich, NH 03071

North Branch Builders
76 Old Turnpike Road
Concord, NH 03301-5242

Busby Construction
9 Pond Lane
Atkinson, NH 03811

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

Pandelena Construction
6 Starwood Drive
Hampstead, NH 03841

Severino Trucking Co.
P.O. Box 202
Candia, NH 03034

S.U.R. Construction
233 Chestnut Hill Road
P. O. Box 720
Rochester, NH 03867

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

Norman Gagnon Construction,
LLC
126 Goodwin Road
Rollinsford, NH 03869

John H. Lyman & Sons
310 Hoyt Road
Gilford NH 03246-6925

Jamco, LLC
84 Exeter Road
S. Hampton, NH 03827

Santorelli Construction
3 Greenwood Lane
Wakefield MA 01880

Careno Construction Co. LLC
PO Box 120
Portsmouth, NH 03802-0120

RH White Construction
6 Wright Avenue
Merrimack, NH 03054

Keymont Construction
308 Messer Street
PO Box 819
Laconia, NH 03247

Bell & Flynn
Bunker Hill Avenue
Stratham, NH 03885

DeStefano Planning &
Construction
2456 Lafayette Road, Ste. 10
Portsmouth NH 03801

Merrill Construction
619 Sand Road
Pembroke, NH 03275

Mick Construction Corp.
P. O. Box 210
S. Berwick ME 03908

J. P. Towle Construction
PO Box 1708
Dover NH 03821-1708

Turgeon's Construction
39 Indigo Hill Road
Somersworth NH 03878



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.08.26 - 116**

Resolution Re: B09090 River Street Pump Station Upgrade

North East Roads, Inc
343 South Street
Fitchburg, MA 01420

Gove Construction
PO Box 6606
Portsmouth, NH 03802

Lemay Excavating
212 River Road
Weare NH 03281

Kendron Corp.
95 Old Centre Road
Deerfield NH 03037

Penta Corp.
1253 Whittier Highway
PO Box 390
Moultonboro, NH 03254

Northeast Earth Mechanics
159 Barnstead Road
Pittsfield, NH 03263

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

John D. Hartnett & Son, Inc.
8 Graf Road
Newburyport, MA 01950

T Buck Construction Inc.
249 Merrow Road
Auburn, ME 04210

Kinsmen Corporation
P. O. Box 16117
Hooksett, NH 03106-6117

AMSCO, Inc.
12 Delta Drive
Londonderry, NH 03053

Rob Prunier
Harvey Construction Corp
10 Harvey Rd
Bedford NH 03110

Piper RM Inc
141 Smith Bridge road
PO Box 490
Plymouth, NH 03264-0490

Joseph P Cardillo & Son LLC
1 Melvin St
Wakefield MA 01880

Cape Ann Equipment
334 Clark St
No Andover MA 01845

Kentco Development NH LLC
2460 West Side Rd
No Conway NH 03860

RD Edmunds & Son
221 Franklin St
Franklin NH 03235

Wyman & Simpson
910 Main St
Richmond ME 04357

EW Swett Company
8 Industrial Park Dr
Concord NH 03301

B09090 Results
Under separate attachment

River St Pump Station B09090

ITEM #	ITEM	QTY	UNIT	Tbuck Construction Inc		Weston & sampson		Federal Construction Corp		Keymont Construction	
				\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$
1	Lump Sum	1	ea	\$ 1,385,771.00	\$ 1,385,771.00	\$ 1,454,245.00	\$ 1,454,245.00	\$ 1,327,000.00	\$ 1,327,000.00	\$ 1,382,200.00	\$ 1,382,200.00
2	Addl concrete	25	cy	\$ 200.00	\$ 5,000.00	\$ 200.00	\$ 5,000.00	\$ 400.00	\$ 10,000.00	\$ 300.00	\$ 7,500.00
3	misc steel	500	lbs	\$ 0.40	\$ 200.00	\$ 0.50	\$ 250.00	\$ 0.90	\$ 450.00	\$ 0.60	\$ 300.00
4	addl fill	50	cy	\$ 5.00	\$ 250.00	\$ 10.00	\$ 500.00	\$ 14.00	\$ 700.00	\$ 12.00	\$ 600.00
5	addl screened stone	50	cy	\$ 10.00	\$ 500.00	\$ 20.00	\$ 1,000.00	\$ 25.00	\$ 1,250.00	\$ 20.00	\$ 1,000.00
6	addl earth work	100	cy	\$ 3.00	\$ 300.00	\$ 5.00	\$ 500.00	\$ 10.00	\$ 1,000.00	\$ 8.00	\$ 800.00
7	ledge	50	cy	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 2,500.00	\$ 120.00	\$ 6,000.00	\$ 100.00	\$ 5,000.00
8	concrete tanks-structures	100	sf	\$ 15.00	\$ 1,500.00	\$ 30.00	\$ 3,000.00	\$ 175.00	\$ 17,500.00	\$ 50.00	\$ 5,000.00
9	addl crack repair tanks	100	lf	\$ 29.00	\$ 2,900.00	\$ 60.00	\$ 6,000.00	\$ 25.00	\$ 2,500.00	\$ 40.00	\$ 4,000.00
10	cash allow. Generator	1	ls	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00
11	work area cleaning	1	ls	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	total base				\$ 1,421,921.00		\$ 1,495,995.00		\$ 1,389,400.00		\$ 1,429,400.00
12	Alt a	1	ls	\$ 1,500.00	\$ 1,500.00	\$ 1,800.00	\$ 1,800.00	\$ -	\$ -	\$ 2,000.00	\$ 2,000.00
13	Alt B	1	ls	\$ 37,000.00	\$ 37,000.00	\$ 37,000.00	\$ 37,000.00	\$ -	\$ -	\$ 40,000.00	\$ 40,000.00
	Total bid				\$ 1,460,421.00		\$ 1,534,795.00		\$ 1,389,400.00		\$ 1,471,400.00

North bransh Construction NO Bid
Coveno Construction NO Bid
Santorelli Construction NO Bid
Busby Construction NO Bid

River St Pump Station B09090

ITEM #	ITEM	QTY	UNIT	Penta Corp		Infrastructure Construction		Kinsmen Corp		Apex Construction	
				Units	\$	Unit	\$	Unit	\$	Unit	\$
1	Lump Sum	1	ea	\$ 1,447,000.00	\$ 1,447,000.00	\$ 1,973,100.00	\$ 1,973,100.00	\$ 1,546,800.00	\$ 1,546,800.00	\$ 1,553,600.00	\$ 1,553,600.00
2	Addl concrete	25	cy	\$ 250.00	\$ 6,250.00	\$ 300.00	\$ 7,500.00	\$ 300.00	\$ 7,500.00	\$ 200.00	\$ 5,000.00
3	misc steel	500	lbs	\$ 0.80	\$ 400.00	\$ 0.90	\$ 450.00	\$ 0.90	\$ 450.00	\$ 0.50	\$ 250.00
4	addl fill	50	cy	\$ 14.00	\$ 700.00	\$ 14.00	\$ 700.00	\$ 14.00	\$ 700.00	\$ 14.00	\$ 700.00
5	addl screened stone	50	cy	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00	\$ 25.00	\$ 1,250.00
6	addl earth work	100	cy	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00
7	ledge	50	cy	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 2,500.00	\$ 100.00	\$ 5,000.00
8	concrete tanks-structures	100	sf	\$ 125.00	\$ 12,500.00	\$ 25.00	\$ 2,500.00	\$ 28.00	\$ 2,800.00	\$ 25.00	\$ 2,500.00
9	addl crack repair tanks	100	lf	\$ 25.00	\$ 2,500.00	\$ 50.00	\$ 5,000.00	\$ 45.00	\$ 4,500.00	\$ 20.00	\$ 2,000.00
10	cash allow. Generator	1	ls	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00
11	work area cleaning	1	ls	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	total base				\$ 1,497,100.00		\$ 2,017,000.00		\$ 1,590,500.00		\$ 1,594,300.00
12	Alt a	1	ls	\$ 1,650.00	\$ 1,650.00	\$ -	\$ -	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
13	Alt B	1	ls	\$ 40,000.00	\$ 40,000.00	\$ 39,000.00	\$ 39,000.00	\$ 37,000.00	\$ 37,000.00	\$ 40,000.00	\$ 40,000.00
	Total bid				\$ 1,538,750.00		\$ 2,056,000.00		\$ 1,629,000.00		\$ 1,635,800.00

Error on base

North bransh Construction NO Bid
 Covenno Construction NO Bid
 Santorelli Construction NO Bid
 Busby Construction NO Bid

River St Pump Station B09090

ITEM #	ITEM	QTY	UNIT	Sherbon Consolidated		UNIT PRICES	
				\$/UNIT	\$	Median	Average
1	Lump Sum	1	ea	\$ 1,760,000.00	\$ 1,760,000.00	\$ 1,454,245.00	\$ 1,536,635.11
2	Addl concrete	25	cy	\$ 200.00	\$ 5,000.00	\$ 250.00	\$ 261.11
3	misc steel	500	lbs	\$ 0.40	\$ 200.00	\$ 0.60	\$ 0.66
4	addl fill	50	cy	\$ 10.00	\$ 500.00	\$ 14.00	\$ 11.89
5	addl screened stone	50	cy	\$ 20.00	\$ 1,000.00	\$ 25.00	\$ 21.67
6	addl earth work	100	cy	\$ 3.00	\$ 300.00	\$ 10.00	\$ 7.67
7	ledge	50	cy	\$ 50.00	\$ 2,500.00	\$ 50.00	\$ 68.89
8	concrete tanks-structures	100	sf	\$ 25.00	\$ 2,500.00	\$ 28.00	\$ 55.33
9	addl crack repair tanks	100	lf	\$ 50.00	\$ 5,000.00	\$ 40.00	\$ 38.22
10	cash allow. Generator	1	ls	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00
11	work area cleaning	1	ls	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
	total base				\$ 1,800,000.00		
12	Alt a	1	ls	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,661.11
13	Alt B	1	ls	\$ 40,000.00	\$ 40,000.00	\$ 39,000.00	\$ 34,444.44
	Total bid				\$ 1,845,000.00		

error on base

North bransh Construction NO Bid
 Covenno Construction NO Bid
 Santorelli Construction NO Bid
 Busby Construction NO Bid



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R - 2009.08.26 - 117**

Resolution Re: River St Pump Station Construction Oversight

WHEREAS: Sealed Requests for Proposal (RFP's) were issued and received in August 2006 for Consulting Services for the River Street Pump Station upgrade. Recommendation to award to Wright Pierce by the city and New Hampshire Department of Environmental Services was approved by City Council in January 2006, and;

WHEREAS: The next phase is the engineering construction phase and Wright Pierce has submitted a contract for Professional Services for construction administration oversight in the amount not to exceed \$200,000.00. This agreement was forwarded to NHDES for review and approved on August 18, 2009 and;

WHEREAS: SRF Loan Proceeds and ARRA Federal Grant monies have been approved and appropriated by council resolution 2009.04.22-61.

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 Wright Pierce in the amount not to exceed \$200,000.00 for construction administration services. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance after construction award
5320-43250-4741-4594-10-30	ARRA River St Pump Station Upgrade	2,400,000.00	939,579.00

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.B.2.

Resolution Number: **R - 2009.08.26 - 117**

Resolution Re: River St Pump Station Construction Oversight

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 - 2009.08.26 - 117**

Resolution Re: River St Pump Station Construction Oversight

RESOLUTION BACKGROUND MATERIAL:

Sealed Requests for Proposal (RFP's) were issued and received in August 2006 for Consulting Services for the River Street Pump Station upgrade. Recommendation to award to Wright Pierce by the city and New Hampshire Department of Environmental Services was approved by City Council in January 2006. The next phase is the engineering construction phase and Wright Pierce has submitted a contract for Professional Services for construction administration oversight in the amount not to exceed \$200,000.00. This agreement was forwarded to NHDES for review and approved on August 18, 2009

SRF Loan Proceeds and ARRA Federal Grant monies have been approved and appropriated by council resolution 2009.04.22-61.

Construction Administration	\$142,000.00
Start Up and Operation	\$14,000.00
Preparation of Operational Manual	\$15,000.00
ARRA Funding Requirements during bidding phase	\$22,000.00
Record Drawings	\$7,000.00
Total not to exceed	\$200,000.00

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	na	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until completion	Estimated Delivery:	As needed
Recommended Award to:	Sullivan Tire Company	Fund:	Various
Other Approvals Required:	YES NHDES	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

**ENGINEERING CONSTRUCTION PHASE
CONTRACT FOR PROFESSIONAL SERVICES
FOR
TREATMENT WORKS**

CITY OF DOVER, NEW HAMPSHIRE

This AGREEMENT made and entered into at Stafford County, New Hampshire, this _____ day of _____ 2009, by and between City of Dover, New Hampshire, hereinafter called the OWNER, and Wright-Pierce, hereinafter called the ENGINEER.

WITNESSETH:

WHEREAS, the OWNER intends to construct an upgrade to the River Street Pump Station as detailed in the May 2009 specifications and drawings prepared by Wright-Pierce, hereinafter called the PROJECT, and

WHEREAS, professional sanitary engineering services will be required for construction administration, ~~resident engineering~~ and related services, and

WHEREAS, such services are of a distinct professional nature and hence not subject to the bidding process,

NOW THEREFORE, in consideration of these premises and of the mutual covenants herein set forth, the OWNER hereby employs the ENGINEER to furnish the following engineering services in connection with the proposed PROJECT; and it is agreed by and between the OWNER and the ENGINEER as follows:

I. Services to be Performed by the ENGINEER

A. Upon execution of this AGREEMENT, the ENGINEER shall proceed with the general administration of construction ~~and full-time inspection~~ by qualified personnel of the contractor's work to assure compliance with the contract documents and any coincident or subsequent changes or change orders for the construction of the treatment works for the City of Dover, New Hampshire.

Said services shall include, but shall not necessarily be limited to:

1. General Construction Administration
 - a. Updating and modifications of contract documents to meet changed site and project conditions or variations in State or Federal requirements.
 - b. Assistance in securing construction bids, conduct bid opening, tabulation and analysis of bids, and recommendation regarding award of contract. A copy of the bid analysis will be furnished to the Department of Environmental Services, Water Division, hereinafter called the DIVISION, and EPA. (Where applicable)
 - c. Completion of formal contract documents for the award of contracts.
 - d. Checking detail construction, shop and erection drawings submitted by the contractor.
 - e. Reviewing laboratory, shop, and mill test reports of materials and equipment.
 - f. Preparation of drawings and technical material as required to supplement and/or clarify the contract documents.
 - g. Review, verification, and approval of estimates for periodic and final payments to the contractors for submittal to the OWNER and the DIVISION.
 - h. Periodic inspection of work and final inspection.
 - i. Observing and reporting performance and qualifying tests required by specifications.

j. Keeping daily records of construction progress and compiling same into progress reports for submission to the OWNER and DIVISION.

k. Verifying and keeping records of construction items of work accomplished for use as a basis of checking contractors' monthly estimates.

l. Consultation and advise during construction.

m. Determination of need for and preparation of change orders for approval by the OWNER and DIVISION based on conditions found during construction and/or additions or modifications to the work requested by the OWNER and approved by the ENGINEER and the DIVISION and implemented at a price recommended by the ENGINEER as equitable. For change order items exceeding \$10,000, the ENGINEER shall prepare an independent cost estimate.

n. Determination of "equality" for substitution of materials and equipment specified and securing DIVISION approval thereof.

~~e. Provide and maintain construction control lines and grades. For sewers—offset lines and grade elevations, with cut depths at manholes; at treatment plant and pumping station sites—base lines for layout and benchmarks~~ N/A

p. Preparation of application, supporting and associated documents for Federal, State, and other grant or loan programs, including monthly reimbursement requests. *For administration of Davis-Bacon Wage Rates, 40-hours of project engineer time has been included.*

q. Preparation of certificate of substantial completion and contract completion.

r. Assist the OWNER in obtaining the required project related approvals of State and Federal agencies.

~~2. Resident Inspection and Other Special Services~~

~~a. The ENGINEER agrees to provide at least one Registered Professional Civil Engineer on the project site and one or more inspectors as necessary (full or part time) to assist the ENGINEER in the work of General Administration as described under I(A) and in observing construction activity for compliance with the contract documents and any associated change orders. The DIVISION shall be notified in writing of the name of the resident engineer, assistant engineers, and construction inspectors, and shall be provided with a brief history of the resident engineer's construction experience. The resident engineer and his inspectors shall be in the employ of and under direct control of the ENGINEER. It is further agreed that failure of the resident engineer to administer the PROJECT to the satisfaction of the DIVISION or OWNER is deemed to be sufficient basis for his removal from the PROJECT and replacement.~~

b. The ENGINEER agrees to provide supervision of initial start-up and operation and for services during the twelve-month warranty period and to prepare the Project Performance Certification and associated documentation.

c. Preparation of an Operation and Maintenance Manual for approval by the DIVISION. After DIVISION approval, the ENGINEER agrees to supply five (5) sets of the completed manual, one (1) of which will be for the DIVISION.

d. Preparation of record drawings of the work as constructed. Three (3) sets of prints to be furnished, one (1) of which shall be for the DIVISION.

II. The OWNER'S Responsibilities

A. Assist the ENGINEER by placing at his disposal all available information pertinent to the PROJECT, including previous reports and other data relative to the reports.

B. Make provisions for the ENGINEER to enter upon public and private lands, municipal facilities and industrial establishments as required to perform work under this AGREEMENT.

C. The OWNER also agrees to comply with DIVISION and Federal (Where applicable) requirements as they relate to this project.

III. Compensation to be Paid the ENGINEER

A. Method of Payment - Amount of Fee

1. Payment to the ENGINEER, for services rendered, shall be according to the following schedule:

Statements will be rendered (with modifications if necessary) monthly with billing based on ENGINEER'S actual labor costs times a factor of 2.68 plus reimbursable expenses, plus a fixed fee of \$ 24,771. by the hour and rate by labor category with mark-up and incidental expenses in accordance with the attached fee schedule.

2. The OWNER agrees to pay and the ENGINEER agrees to accept for all services under this AGREEMENT, a fee not to exceed

Two Hundred Thousand Dollars
(\$ 200,000).

B. Limits of All Payment

1. The ENGINEER further agrees that the following fee for his services under I(A)(1), for Construction Administration on this PROJECT, (exclusive of work performed by resident engineering staff) is adequate to complete the work and shall not exceed One Hundred and Forty-two Thousand Dollars (\$142,000).

~~2. Payment to the ENGINEER for resident engineering and other special services shall be as follows:~~

~~a. Resident engineering and supporting staff (as agreed to by the OWNER and DIVISION) as described under I(A)(2)(a) for a period of _____ working days, an amount not to exceed~~

Dollars
(\$ _____).

~~Overtime shall be converted to equivalent fractions of 8-hour days. If the number of working days for inspection personnel stated above is not sufficient to provide adequate inspection of the PROJECT, it is agreed that the additional cost of resident services may be negotiated with the OWNER and the DIVISION.~~

b. For supervision of initial start-up and operation of the project and Project Performance Certification as described under I (A)(2)(b), during a period of twelve (6) months, an amount not to exceed Fourteen Thousand Dollars (\$14,000).

c. For preparation of the Manual as described under I (A)(2)(c) and instructions on its use, an amount not to exceed Fifteen Thousand Dollars (\$15,000).

d. For special services (*consisting of additional design services during bidding, ARRA funding requirements during bidding and materials testing*), an amount equal to the actual cost of such work. The actual cost shall include compensation to the ENGINEER for his work on these services. The ENGINEER also assures the OWNER that the moneys to be paid under this item are adequate for the work proposed and shall not exceed

Twenty-Two Thousand Dollars (\$22,000).

e. For preparation of the Record Drawings as described under I (A)(2)(d), an amount not to exceed Seven Thousand Dollars (\$7,000).

IV. Additional Covenants

A. The ENGINEER agrees to provide in active charge of this PROJECT for the life of the contract a Project Engineer who is a permanent employee of the ENGINEER and who is a "qualified sanitary engineer" as defined under the DIVISION'S "Rules and Regulations for the Prequalification of Consulting Engineers". The Project Engineer shall be*

Christopher A. Dwinal, P.E.

(name and address)

Wright-Pierce, 99 Main Street, Topsham, ME 04086.

* *Resume clearly describing the candidate's qualifications for the assignment is appended for convenience of reference.*

Any proposed change in identity of the Project Engineer on the PROJECT shall first be approved by the DIVISION before transfer of responsibility is made. Failure of the Project Engineer to administer the PROJECT to the satisfaction of the OWNER and/or DIVISION is deemed sufficient basis for his removal and replacement.

B. The ENGINEER agrees to be solely responsible for all bills or claims for payment for services rendered by others and for all services and materials employed in his work, and to indemnify and save harmless the OWNER, and all the OWNER'S officers, agents and employees against all suits, claims or liability of every name and nature arising out of or in consequence of the negligent acts or failures to act of the ENGINEER or others employed by him in the performance of the work covered by this AGREEMENT.

C. The ENGINEER further agrees to procure and maintain at his expense such workmen's compensation insurance as is required by the statutes and public liability insurance in amounts adequate to provide reasonable protection from claims for bodily injury, death or property damage which may arise from his performance and the performance of his employees under this AGREEMENT.

D. All documents, including original drawings, design calculations, work sheets, field notes, estimates, and other data shall remain the property of the OWNER; they shall be transmitted to the OWNER in clean and orderly condition on demand by the OWNER; however, these may be left in the possession of the ENGINEER at the OWNER'S discretion.

E. The ENGINEER shall not sublet, assign or transfer any part of the ENGINEER'S services or obligations (except special services) under this AGREEMENT without the prior approval and written consent of the OWNER, and the contract shall be binding upon and inure to the benefit of the parties, their successors and assigns.

F. It is further agreed that before any construction is undertaken the ENGINEER will assist the OWNER or his authorized agent in providing the DIVISION with clear documentation certifying that the purchases of land have been secured to provide for location of the treatment works and other associated structures and equipment as shown on the construction plans or described in the specifications. Similar documentation shall be submitted on approvals from the State Highway

Department regarding location of the treatment works and other project related facilities within rights-of-way and other lands under its jurisdiction.

~~G. The ENGINEER also agrees to provide in active residence and full time control at the site of the proposed construction a DIVISION approved registered civil engineer and DIVISION approved inspectors (full time, part time) as needed with the experience and other approved background to assist the ENGINEER in the work of General Administration and to assure contractors conformance with the plans and specifications and any approved coincident or subsequent changes or change orders related to the PROJECT. The resident registered engineer for the life of this contract shall be~~

(Name and Address)

(Append resume describing Candidate's qualifications)

~~Any Proposed change in the identity of the resident engineer on this PROJECT must first be approved by the DIVISION before transfer of responsibility is made. Additionally, if it is found by the DIVISION that a resident engineer (or inspector) cannot or will not administer the PROJECT in a manner satisfactory to the DIVISION, the ENGINEER agrees to replace him promptly upon receipt of a written request from the DIVISION with a qualified resident engineer who will acceptably administer the PROJECT. It is further agreed that failure of the ENGINEER to abide by the above covenant is sufficient cause for removal from the DIVISIONS Roster of Prequalified Engineers.~~

V. Termination

A. The OWNER shall have the right at any time for any reason whatsoever to interrupt or terminate the work required of the ENGINEER under this AGREEMENT, with a seven (7) day written notice of such interruption or satisfaction of the DIVISION and the OWNER, and pursuant to this AGREEMENT. In order that the ENGINEER shall receive payment under termination notice, all plans, drawings, tracings, field

notes, estimates, specifications, proposals, sketches, diagrams, and calculations, together with all other materials and data prepared in connection with the PROJECT shall be transmitted to the OWNER in a form acceptable to the OWNER and DIVISION.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Strafford County, New Hampshire, the day, month, and year first above written.

ENGINEER:

WRIGHT-PIERCE

By: _____
(Authorized Representative*)

Date: _____

OWNER:

By: _____
(Authorized Representative*)

Date: _____

APPROVED: **

DEPARTMENT OF ENVIRONMENTAL SERVICES
Water Division

By: _____
(Authorized Representative)

Date: _____

* Signatures should be supported by appropriate document.
** It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.

COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER NH SAG & SRF			Form Approved DES 02/06	
PART I - GENERAL				
1. GRANTEE / LOANEE - CITY OF DOVER, NH			2. GRANT/LOAN NO.	
3. NAME OF CONTRACTOR OR SUBCONTRACTOR - WRIGHT-PIERCE			4. DATE OF PROPOSAL August 11, 2009	
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (Include ZIP) 230 COMMERCE WAY, SUITE 230, PORTSMOUTH, NH 03801			6. TYPE OF SERVICE TO BE FURNISHED CONSTRUCTION PHASE ENGINEERING	
PART II - COST SUMMARY				
7. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTAL
PRINCIPAL/ REVIEWER	15	62.00	\$930.00	
PROJECT MANAGER	196	40.80	\$7,996.80	
LEAD PROJECT ENG	458	35.00	\$16,030.00	
PROJECT ENGINEERS	686	24.25	\$16,635.50	
CIVIL ENGINEER	25	35.00	\$875.00	
ARCHITECTURAL ENGINEER	67	38.00	\$2,546.00	
STRUCTURAL ENGINEER	51	36.00	\$1,836.00	
MECHANICAL ENGINEER	57	31.00	\$1,767.00	
INSTRUMENTATION ENGINEER	101	39.00	\$3,939.00	
ELECTRICAL ENGINEER	98	39.00	\$3,822.00	
DESIGNER/ TECH	106	22.50	\$2,385.00	
CLERICAL	168	17.00	\$2,856.00	
DIRECT LABOR TOTAL:				\$61,618
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	x BASE =	ESTIMATED COST	
	1.68	61,618.30	\$103,519	
INDIRECT COSTS TOTAL:				\$103,519
9. OTHER DIRECT COSTS				
a. TRAVEL			ESTIMATED COST	
(1) TRANSPORTATION			\$2,660.00	
(2) PER DIEM			\$710.00	
TRAVEL COSTS TOTAL:			\$3,370.00	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)	QTY	COST	ESTIMATED COST	
TELEPHONE, FAX, POSTAGE, CADD	1	\$1,500	\$1,500	
PRINTING	1	\$2,222	\$2,222	
EQUIPMENT SUBTOTAL :			\$3,722.00	
c. SUBCONTRACTS			ESTIMATED COST	
S.W. COLE			\$3,000.00	
SUBCONTRACTS SUBTOTAL :			\$3,000.00	
d. OTHER (Specify categories)			ESTIMATED COST	
OTHER SUBTOTAL :			\$0.00	
e. OTHER DIRECT COSTS TOTAL :				\$10,092
10. TOTAL ESTIMATED COST				\$175,229
11. PROFIT				\$24,771
12. TOTAL PRICE				\$200,000

Approval as to form:

Town Counsel

At a meeting of the Directors of Wright-Pierce, held on April 8, 2009, at which a quorum of Partners/Directors were present, it was

VOTED:

That any one or all of the following officers of Wright-Pierce, on behalf of the Corporation, are authorized to execute all Wright-Pierce contracts, both service agreements and general contractual obligations:

William E. Brown, President
Peter C. Atherton, Vice President
Paul F. Birkel Vice President
John W. Braccio, Vice President
Richard N. Davee, Vice President
Jonathan C. Edgerton, Vice President
Walter J. Flanagan III, Vice President
Michael D. Giggey, Vice President
Jeffrey P. Musich, Vice President
John R. Nelson, Vice President

A true copy.

Attest: _____ WRIGHT-PIERCE
Place of Business: _____ 99 Main Street
_____ Topsham, ME 04086
Date of this Contract: _____

I hereby certify that I am the Clerk of Wright-Pierce, that William E. Brown is the duly elected President, and that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

WRIGHT-PIERCE

seal


Walter J. Flanagan III, Clerk

Date: 7/17/09

CHRISTOPHER A. DWINAL, P.E.

Project Manager

Project Assignment

Project Manager

Education

B.S., Civil Engineering,
University of New Hampshire

Graduate Study, Groundwater
Hydrology, Tufts University

Graduate Study, Water Chemistry,
University of New Hampshire

Professional Registration

Maine
New Hampshire
Massachusetts

Experience

18 Years

Joined Firm

1993

Professional Affiliations

Maine Wastewater Control
Association
New England Water Environment
Association
New Hampshire Water Pollution
Control Association
Tau Beta Pi
Water Environment Federation

Publications

Dwinal, C.A., Hazelton, S. and G.
Hill, "Commercial and Residential
Organics Pilot," BioCycle,
October 1996.

Giggey, M.D., Pinnette, J.R. and
C.A. Dwinal, "Odor Control
Factors in Compost Site Selection,"
BioCycle, February 1995.

Dwinal, C.A., Grotton, E.J. and
R.A. Behr, "Revised Method of
Approximate Structural Analysis,"
Journal of Structural Engineering
Div., ASCE, November 1990.

Experience Summary

Mr. Dwinal is a project manager at Wright-Pierce in the Wastewater Practice Group. Mr. Dwinal is currently serving several Maine and New Hampshire clients as a lead project engineer and project manager. Mr. Dwinal has extensive experience in a wide variety of wastewater fields including wastewater treatment, odor control, residuals management, septage treatment, collection systems, and pump stations. Ongoing projects include construction administration for a \$3.2 million immediate needs upgrade at the Berlin, NH wastewater treatment facility; preliminary design of a headworks upgrade at the wastewater treatment facility in Westbrook, Maine; and preliminary design of upgrades at four pump stations in Portland, Maine and Westbrook, Maine.

Relevant Project Experience

Westbrook, ME - Project manager on the final design and construction administration of a sludge pump upgrade at this wastewater treatment facility.

Westbrook, ME - Project manager on a preliminary design of a headworks upgrade at the wastewater treatment facility.

Merrimack, NH - Project manager on the preliminary and final design of a \$4.6 million upgrade to this 3.2 mgd facility including a new primary clarifier, new sludge thickening system, new septage pretreatment system, and an upgrade to the secondary treatment system.

Westbrook, ME - Project manager on the preliminary and final design of a \$1.25 million upgrade to two pump stations with capacities of 15 mgd and 1.5 mgd.

Berlin, NH - Project manager on the preliminary design of a \$6 million upgrade to this 2.5 mgd wastewater treatment facility and five pump stations.

Merrimack, NH - Project manager on an evaluation of treatment options for high strength brewery wastewater.

Portland, ME - Lead project engineer on the preliminary design, final design and construction administration for a \$6.4-million primary basin upgrade and 55,000 cfm odor control system.

Berlin, NH - Lead project engineer/project manager on a comprehensive evaluation, preliminary design, final design and construction administration of improvements to a 2.5 million gallon per day wastewater treatment facility and six pump stations. This upgrade included a new climber screen, screenings wash press, bypass channel, influent flow measurements, electrical upgrades, standby power upgrades, upgrades to an existing aerated grit system and instrumentation and process control upgrades.

Merrimack, NH - Lead project engineer/project manager on the preliminary and final design and construction administration for aeration system improvements, sludge tank covers and a biofilter for odor control at this 3.2 mgd wastewater treatment facility.

CHRISTOPHER A. DWINAL, P.E.

Project Manager

Presentations

Dwinal, C.A., "Phase 1 Upgrade to the Merrimack, NH Wastewater Treatment Facility: A Balancing Act," New England APWA Fall Conference, October 2008 and NEWEA Annual Conference, January 2008

Dwinal, C.A., "How Does Water Treatment Affect Wastewater Treatment?" Maine Wastewater Control Association Fall Conference, September 2005 and EPA Region 1 Annual Pretreatment Conference, September 2005.

Dwinal, C.A., "Containment, Ventilation and Treatment of Odors in East End Treatment Facility, Portland, Maine." Maine Wastewater Control Association, Conference September 2003 and NEWEA Annual Conference, January 2004

Dwinal, C.A., "Basic Odor Control for Wastewater Treatment Plants." Maine Wastewater Control Association, Spring Conference, April, 2000

Pinnette, J.R., Dwinal, C.A., Giggey, M.D. and G.E. Hendry, "Design Implications of the Biofilter Heat and Moisture Balance," Proceedings, 1995 Conference on Biofiltration, Los Angeles, CA, October 5-6, 1995.

Dwinal, C.A. and Hazelton, S. "Pilot Study of Collection and Composting of Separated Residential and Commercial Organic Waste." Presented at Biocycle Northeast Conference, 1996

Merrimack, NH - Project manager on a comprehensive odor control study for this wastewater treatment facility.

Merrimack, NH - Project manager on the preliminary design of a secondary sludge thickening upgrade for this wastewater treatment facility.

Bar Harbor, ME - Project manager on the evaluation of combined sewer overflow monitoring and recommendations for minimizing infiltration and inflow.

Bar Harbor, ME - Project manager on the design and construction administration of 6,000 linear feet of sewer relining.

Orleans, MA - Lead project engineer for project construction administration and operations assistance, including shop drawing review, equipment start-up and testing, preparation of O & M manual, and operations assistance for a \$4-million upgrade of the septage treatment facility.

Raynham, MA - Lead project engineer/project manager for the preliminary and final design of a 300 gallon per minute wastewater pump station, force main and gravity sewer.

North Stonington, CT - Project engineer on the preparation of a conceptual sewer master plan and review of 3,000 lineal feet of gravity sewer for the community.

Old Orchard Beach, ME - Project manager on a feasibility study and preliminary design for \$2.7-million expansion and upgrade of existing aerated static pile composting facility, including odor control.

Harpswell, ME - Project manager on a town-wide identification of existing water quality and wastewater disposal issues using a GIS database.

Cape Metropolitan Council, Cape Town, South Africa - Lead project engineer on the development of conceptual designs for material recovery facilities, drop-off centers and composting facilities as part of 30-year integrated waste management plan for area with a population of 3 million people.

Stavanger, Norway - Lead project engineer on the development of a Request for Tender for a biowaste composting facility, including technical and performance standards for pre-processing, composting, post-processing and odor control.

Killingly, CT - Project engineer on the evaluation, preliminary design and final design of two biofilters to treat odors from various unit process at this wastewater treatment facility.

Greater Lawrence Sanitary District, MA - Project engineer on the preliminary design of packed bed scrubber for odor control at this proposed sludge drying facility.

CHRISTOPHER A. DWINAL, P.E.

Project Manager

Pinnette, J.R., Dwinal, C.A. and M.D. Giggey, "Porosity of Biofilter Media," Proceedings, 1995 Conference on Biofiltration, Los Angeles, California, October 5-6, 1995

Giggey, M.D., Brantner, K.A., Dwinal, C.A., Owen, W.B. and R.L. White, "Stabilization of Wastewater and Septage Solids in an Aerated-Facultative Lagoon," Proceedings, Water Environment Federation/American Water Works Association Specialty Conference on Residuals/Biosolids Management, Kansas City, Missouri, July 23-26, 1995.

Giggey, M.D., Dwinal, C.A., Pinnette, J.R. and M.A. O'Brien, "Performance Testing of Biofilters in a Cold Climate," Proceedings, Water Environment Federation Specialty Conference on Odor and Volatile Organic Compound Emission Control, Jacksonville, Florida, April 24-27, 1994.

Mr. Dwinal was also previously employed as an environmental engineer for a large engineering firm in the Boston, Massachusetts area.

Additional Projects

Wastewater

Brunswick and Freeport, ME - Assisted in collection of water quality data and technical review of bacteria and nutrient loading model, assisted in development of groundwater and surface water protection program for Maquoit Bay.

Harpwell, ME - Preparation of a water and wastewater master plan to resolve existing contamination of limited water supply aquifers.

Mattapoisett, MA - Developed cost estimate for the collection, treatment and disposal of wastewater from a private 82-home development to replace failing individual subsurface waste disposal systems.

Private Development, Plymouth, MA - Preparation of bidding and technical specifications for wastewater treatment facility discharging to the ground.

Fairhaven, MA - Development of model to calculate water requirements for moisture control of the compost process. Determination of flows and loads for all liquid process streams.

Yarmouth, Massachusetts - Evaluation of operations at 5 private, packaged wastewater treatment plants for compliance with state and local permits.

Stonington, CT - Final design of miscellaneous pumps and grit classifier.

Manchester-by-the-Sea, MA - Conducted final sizing of pumps and assisted in cost estimate preparation.

Bar Harbor, ME - Project Manager on replacement of 1,000 feet of gravity sewer and 5 manholes.

Residuals Management

Keene, New Hampshire - Permitting, and preliminary and final design of a 12 wet-ton-per-day sludge composting facility.

Rockland County, New York - Developed a plan from the performance testing of 110 wet-ton-per-day composting facility which included a pre-processing system, composting and moisture control system, post-processing system and odor control system.

Southeastern MA - Preliminary design of biosolids composting facility, including odor control.

CHRISTOPHER A. DWINAL, P.E.
Project Manager

Lewiston, ME - Developed detailed protocol and conducted a pilot study of collection and composting of separated commercial and residential organic waste.

Lewiston-Auburn, ME - Conducted performance testing of sludge composting facility to demonstrate capacity, pathogen and vector attraction reduction and compost stability. Assisted in preparation of the final operations and maintenance (O&M) manual and assisted with facility start-up and first-year operations.

Yarmouth, MA - Conducted performance testing of compost facility to demonstrate pathogen reduction, vector attraction reduction and final compost stability.

Rockland, ME - Prepared composting facility design report and plans for permitting and construction of private septage treatment and composting facility.

Fairhaven, MA - Preliminary design of post-processing system for conveyance, classification and stacking of compost.

Southern New England - Preliminary design of post-processing system for conveyance, classification and stacking of compost.

Bar Harbor, ME - Assisted Town with annual reporting for Hull's Cove Compost Facility to demonstrate compliance with the Maine Department of Environmental Protection and Environmental Protection Agency Part 503 regulations. Also developed sampling, monitoring, reporting and record keeping protocol for the Hull's Cove facility.

Stonington, CT - Final design of sludge thickeners and sludge mixers.

Manchester-by-the-Sea, MA - Final design of septage receiving unit, gravity belt thickener/belt filter press and associated polymer feed system, and sludge conveyor for upgrading of wastewater treatment plant.

Odor Control

Glastonbury, CT - Provided technical assistance on selection of appropriate odor control technology and stack height for this greater than \$20M WWTF upgrade.

Van Buren, ME - Preliminary design of biofilter for odors from sludge holding tanks at this wastewater treatment facility.

Cape Metropolitan Council, Cape Town, South Africa - Preliminary and final design of a 60,000 cubic feet per minute biofilter for treatment of odors from a waste transfer station.

Orleans, MA - Final design of packed bed scrubber and activated carbon adsorption odor control system for upgrading of Tri-Town Septage Treatment Facility.

CHRISTOPHER A. DWINAL, P.E.
Project Manager

Fairhaven, MA - Preliminary design of packed bed scrubber for treatment of odorous exhaust air for a septage pretreatment and sludge composting facility.

RKR, Støleheia, Norway - Preliminary odor modeling of composting exhaust. Preparation of request for qualifications and technology selection report recommending biofiltration over packed bed scrubbers and mist chamber scrubbers for a 124,000 m³/hr odor control system for exhaust air from an agitated bin composting facility. Preparation of request for tender and evaluation of tenders from biofiltration vendors, including a life cycle cost analysis. Preparation of facility operations manual.

Lewiston-Auburn, ME - Conducted performance testing of biofilter odor control system. Conducted technical and economic evaluation of options to improve interior air quality and odor control for 34 wet-ton-per-day biosolids composting facility.

Rockland, ME - Quarterly evaluations of ventilation and odor control systems performance.

Yarmouth, MA - Assisted in performance testing of septage treatment facility to evaluate chemical misting and biofilter odor control systems for compliance with Massachusetts DEP air quality permit limits.

Taunton, MA - Preliminary design of two biofilters for the treatment of odors from a proposed headworks building and from an existing sludge handling building. Preliminary design included odor modeling.

Stonington, CT - Final design of three odor control systems for a wastewater treatment plant, force main terminus and pump station including a packed bed scrubber, open biofilter and activated carbon adsorption unit. Final design of three chemical injection systems for force main odor control.

Southern New England - Preliminary design of mist scrubber odor control system for treatment of odorous exhaust air from proposed sludge composting facility in a metropolitan area.

Southeastern Massachusetts - Preliminary planning and design of a packed bed scrubber and open biofilter for a proposed biosolids composting facility.

Mr. Dwinal was also previously employed as an environmental engineer for a large engineering firm in the Boston, Massachusetts area. In this capacity, he was involved in the development of conceptual designs for the remediation of several federally regulated hazardous waste sites.