



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 9, 2009**
Meeting Time: **7:00pm**

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

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

7. **PUBLIC HEARINGS**

A. RESOLUTION: BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND COUNCILOR McCUSKER

B. RESOLUTION: BUDGET AMENDMENT #2

SPONSORED BY COUNCILORS CARRIER AND WESTON

8. **CITY MANAGER'S REPORT**

9. **MINUTES**

- A. **August 19, 2009 – Special Meeting**
- B. **August 19, 2009 – Joint Workshop**
- C. **August 26, 2009 – Regular Meeting**

10. **MAYOR'S REPORT**

11. **UNFINISHED BUSINESS**

A. ORDINANCES IN THE 2ND READING - None

B. RESOLUTIONS

1. BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND COUNCILOR McCUSKER

2. BUDGET AMENDMENT #2

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12. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Jaden’s Wish**
2. **RESOLUTION: DONALD AND RITA MACLEOD MEMORIAL SCHOLARSHIP FUND**
SPONSORED BY MAYOR MYERS BY REQUEST
3. **RESOLUTION: ASPHALT TRENCH PATCHING SERVICES B09061 REVISITED**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **RESOLUTION: B09095 CHANGE ORDER #1 SIDEWALK IMPROVEMENTS**
SPONSORED BY MAYOR MYERS BY REQUEST
5. **HIGHWAY ROAD SALT**
SPONSORED BY MAYOR MYERS BY REQUEST
6. **ROUTE 9 BRIDGE RENOVATIONS**
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. **PARK STREET PARK IMPROVEMENTS**
SPONSORED BY COUNCILOR CARRIER
2. **WILLAND POND AD-HOC COMMITTEE AMENDMENT #1**
SPONSORED BY COUNCILOR CALLAGHAN
3. **REPROGRAMMING OF UNEXPENDED BOND PROCEEDS FROM WOODMAN PARK TENNIS COURT TO “OTHER” TENNIS COURTS (TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **AMENDMENT OF FY2010 FEE SCHEDULE FOR HOURLY METER PARKING RATES**



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SPONSORED BY MAYOR MYERS BY REQUEST

- 5. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND REDUCE PRIOR UNISSUED BOND AUTHORIZATION
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)
SPONSORED BY MAYOR MYERS**

- 6. BUDGET AMENDMENT #3
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)
SPONSORED BY MAYOR MYERS**

C. ORDINANCES IN 1ST READING

- 1. UPDATING THE DOVER ZONING ORDINANCES
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 7, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN**
- 2. ARTS COMMISSION
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 7, 2009)
SPONSORED BY MAYOR MYERS**

D. COUNCIL CORRESPONDENCE

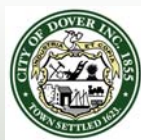
- 13. COUNCIL MATTERS OF INTEREST**
- 14. ADJOURN**

City Manager's Report

September 9, 2009

In every community there is work to be done. In every nation, there are wounds to heal. In every heart there is the power to do it.

By Marianne Williamson



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

STREETS, WATER, SEWER UPDATES

Water: Water service upgrades continued on Tolend Road throughout the month. It is anticipated that all homes will be cut over to the 16" main by the first week in September. This project proved difficult as crews ran into heavy groundwater and ledge at numerous crossings. Curb box replacements have been made in anticipation of sidewalk projects around the City. Curb boxes were replaced on Arch Street, Pierce Street, Central Avenue and Folsom Street. Two iron services were discovered on Folsom Street while making these upgrades. The iron was on the City side of the lines so crews replaced them with copper. Crews repaired a water leak on Henry Law Avenue.

Sewer: Final paving and fence installation occurred at the Varney Brook Pump Station. A tap was performed for sewer services on Samuel Hanson Avenue. Crews are continuing to clean sewer lines in the Mount Vernon area; approximately fifty percent of this area is complete. Mowing at wells and pump stations was needed more frequently again this month due to the wet weather conditions.

Streets: During the month of August, the Highway Division kept busy jetting and repairing catch basins on Maple Street, Washington Street, Mast Road (at the Recycling Center), Cedarbrook Drive, Prospect Street, Danbury Court, Old Stage Road, Daley Drive and Third Street. A portion of the drain on Fourth St was replaced after caving in. The drain swale on Oak St was repaired after water was found pooling in the intersection and the road was regraded to direct water into the catch basins. The paving project on Henry Law Ave forced water down Martin Lane causing the road bed and yards to become saturated. Crews installed an under-drain to correct this issue and prevent future problems with road heaves. Trees and brush were cut back and cleaned up on Snows Court and Shamrock Lane to allow for adequate drainage.

Dirt roads were graded on Bay View Road, Boston Harbor Road, Iona Avenue and Nute Road. Crews continued to sweep the downtown and other problem areas as needed and filled various potholes throughout the city. Cut and patch work was completed on Varney Road, a 430' by 12' portion of Alumni Drive and on Dover Point Rd. Crews started converting a parking area on Clifford Street into a parking lot. The area was dug and graveled and a base coat was applied. Once the curbing is placed, crews will finish by adding the top coat. The Third Street lot also had an area of approximately 40' by 100' that was repaired.

PROGRAMS AT CITY CENTERS/BUREAUS

Support Services: During August, the Police Department was awarded three grants, the largest being for the Drug Free Communities program. This \$125,000/yr grant, awarded by the White House Office of National Drug Control Policy (ONDCP), is renewable for up to five years. The grant will support several drug and alcohol abuse prevention programs in the city and pay for a full time coordinator for the Dover Coalition for Youth. There are also funds set aside to bring back Dover Night Out next August.

The Police Department also received \$61,461 in Recovery Act funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase a variety of much needed equipment including the replacement of an aging computer server.

The very popular Parent Program was refunded by the NH Department of Health and Human Services for \$15,300 for the 2009-2010 school year. Averaging about 100 participating families each year, the Parent Program is an early intervention course for the parents of Dover's 5th grade DARE students. The course increases parental knowledge of alcohol and drug abuse issues and trends during six hours of in-class training conducted by certified DARE officers spread out over three two-hour sessions. Parents are also assigned four homework projects which require approximately three additional hours of student/parent communication on alcohol and drug abuse issues.

On August 7th, the Police Department hosted several CALEA Accreditation Assessors who conducted a mock-assessment. The mock-assessment gives the department the opportunity to determine its progress towards meeting over 400 standards that will be measured during on full on-site inspection in December. Although there is still plenty of work to be done, the assessors gave good reviews of the department's progress.

Field Operations: On August 7th, the Police Department conducted a joint effort with the State Police, Troop G, to target loud exhaust from motorcycles. This 4-hour enforcement detail took place in the downtown, and a total of 20 motorcycles were stopped for various infractions. The officers tested 18 motorcycles for excessively loud exhaust, and of those, seven were deemed to be above the maximum noise level of 106 decibels. In addition to the loud exhaust, other violations noted were an uninspected vehicle and an operator without protective eyewear.

August saw the continuation of patrols targeted at specific motor vehicle and pedestrian violations. The patrols, funded through grants from New Hampshire Highway Safety, are four hours in duration each and target Red Light/Stop Sign violations, Speed Enforcement, Pedestrian/Crosswalk Violations and DWI.

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

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

Currently the Special Investigations Bureau is investigating several major crimes that occurred in August to include:

The stabbing of a Lilac Lane resident on the 17th.

The strong armed robbery on River Street of a Dover resident by a group of subjects on the 19th.

The attempted robbery of the Long Hill Road Shell gas station on the 20th.

The robbery of the Holy Rosary Credit Union, also on the 20th.

Five death investigations, three of which have been determined to be of natural causes. The cause of death in two of the cases remain undetermined pending results from the state's Medical Examiner's office.

Members of the Special Investigations Bureau conducted crime prevention training to employees of St. Ann's Home and Northeast Credit Union during the month.

Community Service Program: The Community Service program tracked 20 active participants during the month of August. Of those in the program, four worked hours during the month, totaling 11 hours of work accomplished. Participation normally declines when school is not in session. So far during 2009, 296 hours of community service work has been accomplished and 19 individuals have completed their court ordered obligations.

Diversion Program: The Diversion Committee met on Thursday, August 20th to review three cases and hear one new case. Currently there are five active cases being supervised by the committee. The next meeting will be on September 17th.

Teen Center: The Teen Center calendar for August consisted of superior educational and social programming for our youth participants. For the month, the Teen Center saw a total of 215 participants, on 20 days of programming, which yielded an average of 11 participants per day.

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

- Trip to FUNSPOT ARCADE (8/3)
- Trip to Ellacoya State Park (8/19)
- CANOBIE LAKE PARK (8/21)
- Trip to YORK Short Sands Beach (8/26)
- Trip to Old Orchard Beach (8/31)

There were two special events that occurred at that Teen Center that were not added into the averages above; DoverPalooza Shows: 55 participants (8/13) and 45 participants (8/27).

Youth to Youth: Youth to Youth participated in and taught at the 11th Annual National Leadership Conference on Underage Drinking in Dallas, Texas August 12-15. A total of six Youth to Youth members and two staff were involved.

This conference is the largest training event on the subject of underage drinking in the United States and almost 2,000 youth and adults attended from all over the country. The Dover students taught two workshops in the adult portion of the conference, gave five presentations in the Youth Track, and all of the Dover students assisted conference organizers in a portion of the opening session in front of the entire conference. In fact, two Dover students, Molly Martuscello and Jenna LeClair, had been working with conference planners for the past year to design the training and agenda for the 200 students that signed up for the conference's Youth Track.

As a result of the exposure to Dover Youth to Youth at this conference, our original materials and resources are being accessed and utilized in dozens of other states. As a result of conferences like this, sets of Dover's radio ads, theatrical skit scripts, lesson plans, community project ideas and other materials are, literally, being used by hundreds of other communities in and outside of NH.

The Dover Youth to Youth radio spots are particularly sought after and, over the past 5 years alone, local communities or statewide agencies from all 50 states have requested permission to use or re-record our original recordings and scripts.

The cost for participation of the Dover students and staff was paid for through the NH Attorney General's Underage Drinking Task Force, the ONE Voice Coalition for Southeastern NH, and the student's families.

During the week of August 17th, Youth to Youth held their annual training program for incoming members. Twenty Dover students participated in the training and were joined by students from Rochester, Claremont, Plymouth and Newport RI. During the training every student was exposed to several of Y2Ys presentations, learned a prevention skit, and participated in the alcohol sticker project and public service project.

Recreation: The Playgrounds Program and Camp Sun 'n Fun had a very busy and thankfully warmer August, wrapping up with the last day on August 14th. The summers end field trip to Water Country took place on August 12th for both programs, and Camp Sun 'n Fun had their end of the summer slide show and cook-out on August 13th.

Tennis lessons were on-going by Littlefield Tennis. Golf programs with the First Tee of the Seacoast continued, with SNAG classes wrapping up and a week of the PAR program held at Pease. Both programs were full.

Work concluded on the Recreation News brochures, which will be available at Recreation facilities mid to late September. Registrations continued for the fall session of Lil' Kickers for 4&5 year olds, which begins September 12th.

Registrations for the new fall session of Pilates classes and Body Sculpt classes are being accepted and classes will begin September 14th. Tai Chi (beginner and intermediate) and Yoga has been added to the fall schedule. All classes will be held in the McConnell Center Dance Studio.

The gym was cleaned and the floor refinished to get ready for the upcoming season.

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

On August 6th, Summit Medical was at the Senior Center with medical supplies for diabetics.

The DCSC had a trip to Foxwoods Casino this month.

Dance classes are being held will continue thru October.

Our in-house ukulele band, The Silver Strummers, continue to practice at the center on Wednesday mornings. On August 19th, the group played at the Riverside Rest Home in Dover.

The craft group meets in the activity room of the Senior Center every Monday morning. Because of a request in the monthly bulletin for donations of craft items, the group received an abundance of yarn, paints, patterns and other items for crafters.

The Self-Guided Day Trip Committee went to the Milton Farm Museum in Milton, NH on August 14th. The trip was enjoyed by 7 Senior Center members.

Indoor/Outdoor Pool: The Jenny Thompson Outdoor Pool started the month of August out with the Granite State Swimming Association Championship meet on the 1st and 2nd. It was well attended and ran very smoothly. Various groups continued to use the pools for swim practice such as Seacoast Swimming, Oyster River Otters and Great Bay Masters. Various camp programs used the outdoor pool such as the City of Dover summer camps, Birch Hill Camp, Rollinsford Rec, Somersworth Rec, Kittery Rec, York Rec, Barrington Rec, St. Mary's Academy, Tri-Star Gymnastics Camp and The Good Shepherd School just to name a few. Most of the summer staff is departing for school though some will be staying on for the school year as well. The Jenny Thompson Pool will close for the season on Labor Day.

The Indoor Pool finished with swim lessons at the beginning of the month. Swim Lesson were offered with 21 individual lessons and 132 spots available. 95 children enjoyed our swim lessons filling up 83% of the spots. The indoor pool closed on August 22nd to undergo annual maintenance and will reopen on Tuesday September 8th. Overall it was a very good and busy summer with no other major problems.

Rec Swim-Jenny Thompson Pool: 300 swimmers every day
Lap Swim-Jenny Thompson Pool: 25 swimmers per day
Lap Swim-Indoor Pool: 75 per day
Masters Swim-Jenny Thompson Pool: 30 swimmers per day

Ice Arena: Summer league programs have continued during the past month. Public skating events have held close to last year's attendance numbers. August brings out a few more skaters due to the

hot weather and camps visiting the area. Rock Night has seen a slight increase over last month and should continue to improve as we move to the fall months.

Stick Practices: 474

DEPARTMENTAL COLLABORATION & ENHANCEMENTS

The Fire Department Incident response time data review project was implemented in partnership with Police Department who manage the dispatch and emergency response/CAD data servers. The objective of this project is to set in place a data reporting mechanism that better reviews weekly and monthly service delivery to expectations outlined in the department's strategic plan which is under scheduled review and with national standards.

The Library web page overhaul is in progress to incorporate & highlight social media tools and online services. The library now has 64 Facebook/Twitter followers/fans.

The City of Dover emergency plan is being updated with efforts led by Chief Plummer. The response plan is an important document and is required by CALEA. The final document should be going to the City Council next month.

In August, City and SAU personnel met to conduct an in-house kickoff meeting to discuss desired implementation timelines and process relating to the new financial software. They then met with Unifund personnel for an official kickoff meeting. IT Hardware/software requirements were reviewed and discussed to confirm the items being purchased by the City met necessary requirements for operation of the financial management software. There were general discussions of time constraints being faced by the City and SAU for their existing software systems and desired implementation timeframes. On August 19th the City submitted the orders for the necessary server hardware and software as discussed with Unifund.

The City's Purchasing Agent completed a prep certification class for Certified Public Purchasing Buyer accreditation. This allowed the Purchasing Agent to obtain insights into making improvements to the City's bid process.

City Clerk/Tax Collector attended Phase 1 of the NH City Clerk/Tax Collector Certification Program. This is a four phase program conducted over a four year period.

All personnel in the City Clerk/Tax Collection office have been trained as NH DMV Municipal Agents and received training on best practices for maintaining privacy of DMV data.

PARKING & TRANSPORTATION

The Planning Department focused upon the Pay and Display Parking Meter Project. Planning staff worked to finalize the contract with the vendor, Parkeon. The next step is to layout the locations of the meters and to establish a preliminary timeline and scope of work for the implementation of the program.

The Planning Department has worked with the newly formed Parking Commission to review parking rates and to look toward long term goals for public and private parking within the downtown core.

Community Services has worked with Dana Lynch from Civil Works and the School Department in designing two sidewalks at the Garrison School. These sidewalks will improve access to the parking lot on Shaw's Lane. The work will be coordinated with the city's sidewalk contractor and will be

completed in September. Parking has also been striped on Shaw's Lane as requested by the School Department.

PLANNING & ZONING

The Department of Planning and Community Development through the Planning Board continued to solicit feedback regarding proposed land use ordinance changes. The Planning Board held a second public hearing on August 11th regarding the 29 proposed amendments. Between the 24th of July and the 11th, staff worked to rework the amendments to reflect changes suggested by the public.

The Director of Planning and Community Development continues to update a blog set up at <http://dovernhplanning.blogspot.com>. The department has also set up a Facebook page and will begin using that to interact with the public as well.

Planning Staff continues to develop a pre-application for the State of New Hampshire's 2010 Watershed Assistance grant. This grant will be submitted in early September. The goal of the grant is to apply for funds to institute the necessary improvements to storm water management structures in place around the Willand Pond.

CITY GROUNDS – FACILITIES & PARKS

The Facilities and Grounds Division, comprised of city employees and My Turn students, cleaned up the Skate Park, Henry Law Park and along the Riverwalk. They also began to clean up behind Waldron Towers by the river removing brush and weeds. Flags were lowered in honor of Edward Kennedy. The soccer fields were prepped for use weekly, including the mowing and lining of fields. Shaw's Lane soccer fields were repositioned to allow repairs to be made to high wear areas.

Crews continued to handle day to day requests for service at the City Hall and Police Department offices and assisted at the McConnell Center with air conditioning issues and the placement of large planters. Custodial duties were performed at the PW Facility, train station and City Hall, as well as filling in at the Library as needed. Employees refinished the gym floor at the McConnell Center during the last week of the month. Generators were inspected at City Hall for the PD after a loss of power incident on 8/27/09 where power was transferred to the generator back-up with no issues.

Normal day to day maintenance continued, such as clean-up and ground maintenance of municipal buildings to including bi-weekly trash runs, mowing and trimming of parks and public areas, as well as the mowing and maintenance of Pine Hill and other cemeteries. Crews also kept busy with the ongoing maintenance of street lights and traffic signals as well as repairing or replacing bulbs in several décor lights in the downtown area.

Sign work included the final postings of the Truck Route signs. Parking signs were posted pertaining to Dover High School student parking and signage was also installed or reinstalled as requested by the Police Department or as needed due to damage from traffic.

Facilities, Grounds & Cemeteries employees assisted Public Works crews in clearing trees and vegetation for the grinding and paving of streets in several areas around the City. Crews conducted other tree work; watering, limbing and pruning trees and pulling stumps as necessary around the City. Employees met with Laura Sprague, who is doing a Girl Scout Silver Award Project, where the planting areas next to the fish ladder will be rehabilitated. Her volunteers have weeded the areas and will plant on Labor Day weekend. Urban Tree removed several trees and pruned others at the Park Street Park and discussions were had regarding the scheduling of pruning the downtown trees as well. Employees met with the members of the Main Street Program and Chamber of Commerce regarding downtown issues for holiday decorations and associated costs.

The library roof repair work is in progress. The carpet vendor has been selected and a contract has been signed. Work is slated to begin in September.

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

Improvements to Bellamy Field # 1 were completed.

The Park Street Park renovation project is being supported by the Dover Rotary Club and area businesses. There will be plans drafted in the next couple of months with the neighborhoods input to determine the next steps.

GENERAL UPDATES

Fire & Rescue partnered with the Seacoast Area Fire Chiefs to bring a nationally known speaker to train all Fire & Rescue officers during a regularly scheduled officer's meeting. The Seacoast Area Fire Chiefs had contracted to fly in this speaker to do a day-long seminar for fire personnel from four states. Since the instructor had already traveled to Dover and was staying in a Dover hotel, Fire and Rescue was able to secure, at a substantially reduced cost, this additional training program within the current budget. If this piggyback arrangement opportunity had not been identified, obtaining this instructor would have been cost prohibitive and out of budget.

An event this month at the Dover Indoor Pool recently illustrated the team approach that City departments utilize in keeping our citizens safe. A patron, while swimming for an extended time under water, (which he does frequently and is known by recreation staff), did not surface and started drowning. Recreation life guards removed the patron, who was not breathing and in cardiac arrest, from the pool, started CPR and rapidly notified Dover's emergency services. A police officer in the area arrived and assisted with CPR until Fire & Rescue arrived and administered paramedic level medications, breathing interventions and cardiac defibrillation – ultimately restoring his heart beat and breathing. After a few days at Wentworth- Douglass Hospital, he recovered. These three phases of this rescue, being early detection of the emergency and intervention by Recreation Staff, the maintaining of the patron for paramedic intervention through CPR by Recreation and Police, and the delivery of those needed paramedic interventions by Fire & Rescue, is the textbook system that saved this Dover Indoor Pool patron's life.

Summer volunteers at the library have departed and are back to school & college. The Director has met with a job counselor and hopes to recruit senior volunteers (20 hrs/wk) through the federally-funded SCSEP program.

Public PC usage at the Public Library averaged 101 users every day in August, breaking July's high-use record.

The Police Department's accreditation "mock" onsite was held in August. The inspection went well. The team gave guidance in several areas, but our overall assessment was very good. They continue to prepare for our onsite in December.

The City Clerk continues to expand electronic archive of public records to include Planning Board minutes since 1975, City Council ordinances since 2007, City Council resolutions since 2006, and City Council minutes since 2005.

City Clerk/Tax Collection Office issued Notice for Filing Period for Municipal Elections. Filing period is from Tuesday September 8th to Thursday September 17th.

FY09 Financial Audit is underway and the year-end closing process is progressing to completion.

NEIGHBORHOOD AREA SPOTLIGHTS

Community Services has been attending neighborhood meetings involving Park Street Park. Trees and bushes have been trimmed at the park as requested by residents at these meetings.

ENERGY

The Planning Department continues to review the three contracts with JCI. The contracts need to meet State and Federal guidelines before being signed. The department continues to oversee and assist other City staff as a review of buildings and facilities is conducted.

ACKNOWLEDGEMENTS & EVENTS

The Friends of the Library renewed museum passes for the Seacoast Science Center and for Strawberry Banke. They also paid for the Summer Reading Program's party entertainer, puppeteer Leslie Smith for a total August donation of \$645.

Chief Colarusso was appointed by Governor John Lynch to serve a two year term on the Police Standards and Training Council. The Council is comprised of 12 members from varying positions within the criminal justice system. The Council sets policy covering all aspects of law enforcement and corrections standards in the State of New Hampshire.

Grace Community Church delivered 115 back packs with school supplies to be distributed to Dover children. Program and intake was coordinated by the Human Services Director with CAP outreach, Dover Day Care and Osmond Seymour Center at Dover Housing.

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
INFORMATION TECHNOLOGY					
Info Tech - Total Visitors to Website	484,482	44,496	42,677	46,337	89,014
Info Tech - Average Visitors to Website Per Day	15,946	1,435	1,376	1,494	1,435
Info Tech - Number of Support Requests Processed	642	~	125	90	215
Total Email Processed by Server	~	~	~	3,631,180	3,631,180
- Detected as Virus	~	~	~	19,001	19,001
- Detected as SPAM	~	~	~	3,349,133	3,349,133
CLERK/REGISTRY RECORDS					
Clerk/Collector - Death Certificates Issued	2,698	285	189	234	423
Clerk/Collector - Marriage Licenses Issued	294	66	40	43	83
Clerk/Collector - Birth Certificates Issued	2,845	248	211	242	453
Clerk/Collector - Notary Public Requests	616	63	59	70	129
Clerk/Collector - Marriage Certificates/Copies Issued	349	55	58	73	131
Clerk/Collector - Justice of Peace Requests	43	6	8	8	16
Clerk/Collector - Vehicle Registrations Total	27,464	2,580	2,508	2,275	4,783
- EREG - Online Registrations	~		123	154	277
- Mailed Registrations	~		314	103	417
- Office Registrations	~		2,071	2,018	4,089
Registry - Deeds	661	72	89	0	89
Registry - Mortgages	1,234	90	114	0	114
Registry - Foreclosures	51	5	3	0	3
PURCHASING DATA					
Finance-Purchase Orders \$1,000 - \$4,999.99	316	20	30	22	52
Finance-Purchase Orders \$5,000 - \$9,999.99	94	5	11	3	14
Finance-Purchase Orders \$10,000 - \$24,999.99	49	5	11	8	19
Finance-Purchase Orders \$25,000 - Over	57	6	14	5	19
POLICE					
Police Non Motor Vehicle Bookings - Total	369	117	81	69	150
- Total Arrests	433	79	71	56	127

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
- Total Summons	69	38	10	13	23
- Adult Arrests/Summons	318	114	73	61	134
- Juvenile Arrests/Summons	51	3	8	8	16
- Male Arrests/Summons	270	77	62	50	112
- Female Arrests/Summons	99	40	19	19	38
Police Motor Vehicle Stops - Total	8,305	1,095	780	476	1,256
- Total Summons	466	163	75	45	120
- Total Warnings	2,825	932	705	431	1,136
Police Total Speed Violations	769	323	351	208	559
- Speed Summons	83	39	25	19	44
- Speed Warnings	686	284	326	189	515
Police Total All Other Violations	1,406	172	429	268	697
- All Other Summons	226	125	50	27	77
- All Other Warnings	1,180	647	379	241	620
Police Parking Tickets Issued	7,618	447	725	499	1,224
- Winter Restriction Tickets	242	0	0	0	0
- Handicapped Violation Tickets	61	9	16	9	25
Police Dispatch Telephone Calls - Total	119,882	11,393	10,434	11,056	21,490
- 911 Calls	4,517	428	347	440	787
Police Calls for Service - Total	30,260	~	2,942	2,704	5,646
- Police Only	8,152	~	2,509	2,194	4,703
- Fire Only	1,292	~	353	399	752
- Police & Fire	219	~	51	69	120
- Other - Unassigned	121	~	29	42	71
Police Average Response Time - Priority 1 Calls	-	~	~	4:44	
Police Average Response Time - Priority 2 Calls	-	~	~	14:49	
Police Average Response Time - Priority 3 Calls	-	~	~	19:04	
Police Average Response Time - Priority 4 Calls	-	~	~	65:56	
Dispatch Radio Transmissions - Total	113,109	10,164	9,227	10,144	19,371
Adult Arraignments	874	103	52	61	113

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
Adult Trials	79	6	1	8	9
Hearings	190	20	4	4	8
Criminal Record Requests	1,001	82	63	59	122
Police Case Reports Processed	9,410	421	421	1,073	1,494
Community Service Program-Juveniles Tracked	268	25	27	20	47
Community Service Hours	324	2	25	11	36
Police Total Crimes Handled	595	230	217	223	440
- Part I Crimes - Total	256	85	83	90	173
- Murder	0	1	0	0	0
- Rape	1	0	0	2	2
- Robbery	2	1	2	3	5
- Assault	52	10	20	24	44
- Burglary	18	2	3	6	9
- Residence	12	2	3	6	9
- Non-Residence	6	0	0	0	0
- Larceny/Theft	175	69	56	55	111
- Auto Theft	3	2	1	0	1
- Arson	0	0	1	0	1
- Part II Crimes - Total	501	145	134	133	267
- Forgery/Counterfeiting	4	2	1	0	1
- Fraud	16	3	15	7	22
- Embezzlement	3	0	0	0	0
- Stolen Property (Buy/Sell/Receive)	6	0	0	0	0
- Criminal Mischief	121	28	33	49	82
- Weapons Possession	2	0	0	0	0
- Prostitution	0	0	0	0	0
- Sex Offenses	11	1	2	4	6
- Drug Offenses	41	5	6	12	18
- Gambling & Bookmaking	0	0	0	0	0
- Offenses Against Family	1	1	2	0	2

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
- Driving While Intoxicated	37	11	3	10	13
- Liquor Laws	31	12	7	6	13
- Disorderly Conduct	15	4	5	3	8
- Vagrancy (Loitering)	3	0	0	0	0
- All Other Offenses	210	78	58	42	100
- School Truancy	24	0	0	0	0
Accidents - Total	269	73	70	65	135
- Non Investigative	153	40	42	35	77
- Property Damage	42	15	8	13	21
- Injury	22	7	5	5	10
- Fatal	0	0	0	0	0
- Hit & Run	46	10	15	12	27
- DWI Accident	6	1	0	0	0
Disturbances - Investigative	346	85	112	132	244
Missing Persons - Investigative	24	8	3	5	8
Death - Untimely, Suicide & Attempts	13	5	3	5	8
Animal Investigations - Animal Control Officer	120	42	39	43	82
FIRE & RESCUE					
Fire & Rescue Total Calls for Service	5,018	407	403	453	856
- Calls for Fires	277	17	30	18	48
- Emergency Medical Calls	2,568	215	220	251	471
- Hazardous Condition Calls	233	13	10	5	15
- Miscellaneous Service Calls	428	53	26	37	63
- Lock Out Calls	672	40	73	58	131
- False/Good Intent Calls	840	69	44	84	128
Emergency Response Time Average	~	~	~	6:24	
Non-Emergency Response Time Average	~	~	~	11:55	
Simultaneous Emergency Incidents	778	53	61	58	119
3 or 4 Simultaneous Emergency Incidents	63	16	13	19	32
Patients Transported to Area Hospitals	2,349	205	212	226	438

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
Ambulance Revenue	\$950,211	\$76,202	\$53,209	\$96,817	\$150,026
Fire Loss Totals	\$1,105,975	\$54,500	\$51,350	\$13,800	\$65,150
INSPECTION SERVICES					
Total Inspections	4,227	307	387	375	762
- Life Safety Inspections	123	5	25	25	50
- Business Inspections	495	43	6	17	23
- Sprinkler/Alarm Inspections	232	15	33	22	55
- Car Safety Seat Inspections	70	9	8	6	14
- Building Inspections	647	48	84	74	158
- Electrical Inspections	995	74	94	76	170
- Plumbing/Mechanical Inspections	861	65	65	65	130
- Health Inspections	505	44	56	70	126
- School/Daycare Inspections	39	1	3	18	21
- Oil Burner Inspections	39	1	1	2	3
- Woodstove/Fireplace Inspections	30	2	0	0	0
Fire Inspection Services - Total Permits	1,722	46	135	120	255
- Burning Permits Issued	689	6	82	83	165
- Blasting Permits Issued	11	0	0	2	2
- Building Permits Issued - Total	1,022	40	41	35	76
- Building Permits - New	~	5	11	10	21
- Apartment Dwelling Units	~	0	0	0	0
- Commercial	~	0	7	5	12
- Condo Units	~	0	0	0	0
- Congregate Care Facility	~	0	0	0	0
- Convert 1 to 2 Family Dwelling	~	0	0	0	0
- Duplex Unit	~	1	0	0	0
- Industrial	~	0	0	0	0
- Multi-Family	~	0	0	0	0
- Manufactured Dwelling	~	0	0	0	0
- Single Family Dwelling	~	4	4	5	9

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
- Building Permits - Renovations	~	35	30	25	55
- Certificate of Occupancy Permits - Total	~	6	12	10	22
- Apartment Dwelling Units	~	0	0	0	0
- Commercial	~	1	2	0	2
- Condo Units	~	0	1	0	1
- Congregate Care Facility	~	0	0	0	0
- Convert 1 to 2 Family Dwelling	~	0	0	0	0
- Duplex Unit	~	0	0	0	0
- Industrial	~	0	0	0	0
- Renovations	~	2	4	3	7
- Manufactured Dwelling	~	0	0	1	1
- Single Family Dwelling	~	3	5	5	10
Monthly Permit Construction Value - Total	~	\$6,648,800	\$3,413,100	\$2,602,700	\$6,015,800
PLANNING & ZONING					
Planning & Zoning Applications - Total	~	~	9	4	13
- Major Subdivision Applications	~	~	1	1	2
- Minor Subdivision Applications	~	~	2	0	2
- Minor Lot Line Adjustment Applications	~	~	1	0	1
- Site Plan Applications	~	~	0	0	0
- Conditional Use Permit Applications	~	~	3	0	3
- Zoning Variance Applications	~	~	2	0	2
- Zoning Special Exception Applications	~	~	0	0	0
- Zoning Appeal Applications	~	~	0	0	0
- Sign Permit Applications	~	~	0	3	3
Zoning Violations Investigated	~	~	15	10	25
COMMUNITY SERVICES					
Comm Serv - PW - Total Incoming Service Calls	437	142	100	96	196
- Engineering Service Calls Total	21	3	0	0	0
- Engineering Service Calls Resolved	~	1	0	0	0
- Engineering Service Calls Unresolved	~	2	0	0	0

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
- Highway Service Calls Total	215	53	40	47	87
- Highway Service Calls Resolved	~	35	27	29	56
- Highway Service Calls Unresolved	~	18	13	18	31
- Solid Waste Service Calls Total	119	23	28	26	54
- Solid Waste Service Calls Resolved	~	13	25	11	36
- Solid Waste Service Calls Unresolved	~	10	3	15	18
- Water/Sewer Service Calls Total	82	63	19	23	42
- Water/Sewer Service Calls Resolved	~	52	19	14	33
- Water/Sewer Service Calls Unresolved	~	11	0	9	9
Community Serv- PW - Total Work Orders Generated	754	~	48	128	176
- Engineering Work Orders Total	20	~	0	0	0
- Engineering Work Orders Closed	~	~	0	0	0
- Engineering Work Orders Remaining Open	~	~	0	0	0
- Highway Work Orders	398	~	42	73	115
- Highway Work Orders Closed	~	~	~	66	66
- Highway Work Orders Remaining Open	~	~	~	7	7
- Solid Waste Work Orders	133	~	0	0	0
- Solid Waste Work Orders Closed	~	~	~	0	0
- Solid Waste Work Orders Remaining Open	~	~	~	0	0
- Water/Sewer Work Orders	203	~	6	55	61
- Water/Sewer Work Orders Closed	~	~	~	30	30
- Water/Sewer Work Orders Remaining Open	~	~	~	25	25
Facilities/Grounds/Cemetery Work Orders	1,741	111	135	134	269
Wastewater Work Orders	~	~	129	60	189
Comm Serv - Water Gallons Pumped	895,409,000	74,413,000	88,311,000	96,436,000	184,747,000
Comm Serv - Average Water Gallons per Day	29,444,000	2,400,000	2,849,000	3,111,000	2,980,000
Comm Serv - Dry Tons Biosolids Processed	~	~	62.1	55.4	117.50
Comm Serv - Gallons of Septage Received	~	~	15,950	19,700	35,650
Comm Serv - Million Gallons Wastewater Treated/Discharged	~	~	97.30	77.48	174.78
Comm. Serv - Million Gallons of Average Daily Flow Treated	~	~	3.10	2.49	2.80

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
Comm Serv - Highest Daily Peak Flow MGD	~	~	5.50	3.67	5.50
Comm Serv - Tonnage of Trash Collected	4,455.78	366.77	410.07	307.42	717.49
Comm Serv - Tonnage of Paper Collected	1,310.60	87.98	102.46	93.41	195.87
Comm Serv - Tonnage of Commingles Collected	1,192.97	88.78	124.95	100.29	225.24
Comm Serv - F&G Number of Burials - Traditional	50	5	3	6	9
Comm Serv - F&G Number of Burials - Ash	25	0	1	3	4
Comm Serv - F&G Monument Concrete Foundations	43	0	0	0	0
COMMUNITY PROGRAMS					
Rec - Arena Public Skate Attendance	7,418	495	478	318	796
Rec - Arena Rock Night Attendance	1,330	151	58	97	155
Rec - McConnell Center -'Open Gym' Participants	24,269	1,699	1,771	1,655	3,426
Rec - McConnell Center Common Area Reservations	934	85	68	81	149
Rec - Senior Center Membership Renewals	346	11	6	20	26
Rec - Senior Center New Memberships	167	14	24	7	31
Rec - Senior Center - Participants on Trips	926	67	57	55	112
Rec - Senior Center - Daily Game/Class Participants	8,366	733	954	865	1,819
Rec - Senior Center - Walk ins, no particular activity	7,262	492	635	581	1,216
Teen Center Participants Average Per Day	~	9	12	11	12
Library-Circulation	296,536	25,662	30,677	26,283	56,960
Library-New Patrons	1,891	179	237	180	417
Library-Total Cardholders	~	26,765	25,482	25,628	
Library-Public Meetings Held	376	30	26	22	48
Library-Audio Downloads	1,247	13	326	321	647
Library-Internet/PC Usage - # of individuals	30,058	2,601	2,510	2,651	5,161
Library-Museum Passes borrowed	676	88	86	84	170
Library-Holds Filled	16,926	1,479	1,574	1,582	3,156
Library-Remote online holds placed	12,983	1,012	1,319	1,235	2,554
Library-Online Catalog Remote Access Hits	5,018	2,521	2,906	2,769	5,675
Library-Attendance at Programs	6,608	213	292	118	410

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
Library-Website Visitors	104,031	36,798	31,280	33,101	64,381
Library-Blog & Wiki Readers	4,815	2,878	1,422	1,351	2,773
Library-Total Number of Walk In Visits	50,265	~	18,590	16,890	35,480
ECONOMIC CONDITIONS					
Dover Human Services-Number of Contacts	4,994	407	470	456	926
Dover Human Services-Number of Cases	1,084	72	116	94	210
Dover Human Services-Case Expenditures	\$443,917	\$31,377	\$46,476	\$34,957	\$81,433
Dover Labor Force	~	17,400	17,520	17,420	
Dover Unemployment Rate	~	3.1	6.2	6.1	
Strafford County Labor Force	~	69,320	69,620	69,380	
Strafford County Unemployment Rate	~	3.6	6.8	6.9	
State of NH Labor Force	~	738,530	738,110	741,280	
State of NH Unemployment Rate	~	3.8	6.8	6.8	
National Unemployment Rate	~	5.8	9.5	9.4	
CITY EMPLOYMENT					
	# weeks in	5	5	4	
HR - Gross Wages Paid	~	\$1,501,676	\$1,641,684	\$1,257,762	\$2,899,446
HR - Total Average Number of Employees Paid	~	362	348	354	351
- Community Services	~	72	76	78	
- Executive	~	14	12	10	
- Finance	~	16	20	20	
- Fire & Rescue	~	61	59	59	
- Human Services	~	3	3	3	
- Library	~	23	22	22	
- Planning	~	6	6	6	
- Police	~	80	81	81	
- Recreation	~	87	69	75	
HR - Total New Hires	~	4	7	0	7
- Seasonal Part-Time	~	0	3	0	3
- Seasonal Full-Time	~	0	3	0	3
- Regular Part-Time	~	1	0	0	0

City of Dover - Monthly Statistics	FY09	August	July	August	FY10
	Totals	2008	2009	2009	Totals
Number of Days Represented		31	31	31	62
- Regular Full-Time	~	2	0	0	0
- Temporary	~	1	1	0	1
HR - Total Separations	~	5	1	2	3
- Seasonal Part-Time	~	1	0	0	0
- Seasonal Full-Time	~	1	0	0	0
- Regular Part-Time	~	1	0	0	0
- Regular Full-Time	~	2	1	2	3
- Temporary	~	0	0	0	0
PUBLIC TRANSIT					
Dover Downeaster Total Commuters	~	~	4,175	4,976	9,151
- Total Boardings	~	~	2,054	2,499	4,553
- Total Alightings	~	~	2,121	2,477	4,598
Dover COAST Routes Total Commuters	99,478	7,883	7,758	7,136	14,894
- Route 1/34	17,302	1,545	2,105	1,780	3,885
- Route 2	45,842	5,653	4,837	4,673	9,510
- Route 33	5,080	0	724	603	1,327
- Community Routes	29,811	615	0	0	0
- ADAs	1,443	70	83	80	163
Totals may/may not include all months, depending on when stat was started.					

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

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

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

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

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

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

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

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

Total Permits Issued: August 2009

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
09-039	WASHINGTON ST. MILLS LLC	1	WASHINGTON STREET	SUITE 444, TENANT FIT-UP OFFICES	C	23	14	120000	1225
09-076	KAY	25	LITTLEWORTH ROAD	ADD NEW ENT., BTHRMS, OFF.	C	H	28-I	131600	1345
09-165	ALLIS	1	MAIN STREET	DEMO SECOND STORY AND RECONSTR	C	23	11	37500	405
09-197	JENNISON	784	CENTRAL AVENUE	HEALTH SPA ADDITION	C	29	23	122000	1245
09-213	MATT RANDALL'S ACADEMY	505	CENTRAL AVENUE	INSTALL HANDICAP BATHROOM	C	4	1	5700	85
08-467	JONES	25	SCHOOL STREET	ADD/INSTALL STRUCTURAL DECK SUPP	R	3	9	3000	55
08-92	FARM HAVEN LLC	123	BOXWOOD LANE	CONST. SNGL FMLY DWL W/ATT. GARA	R	B	21-12	280000	2545
09-020	JOYCE	324	DOVER POINT ROAD	REPLACE CEILING IN BASEMENT	R	L	118	1800	45
09-038	CLOUGH	18	BASILS PLACE	SUN ROOM ADDITION	R	I	25C-4	16000	185
09-045	HERON BAY PARTNERS	17	CIELO DRIVE	SINGLE FMLY DWLNG W/ATT. GARAGE	R	H	4-0-17	120000	1225
09-055	SLAYTON	78	SPRUCE LANE	KITCHEN REMODEL	R	I	81-D	1500	45
09-072	GOWER	218-220	WASHINGTON STREET	RMV/RPLC/CNST. FRNT PRCH & STRWY	R	10	57	1000	35
09-106	LITTLEFIELD	178	MAST ROAD	CONST. A STORAGE SHED	R	I	22E	1200	45
09-131	ESTES	84	BOXWOOD LANE	SNGL FAM DWEL S/ATT. GAR	R	B	21-30	410000	4125
09-142	SCOTTON	131	LITTLEWORTH ROAD	SHED DORMER FOR EXISTING BATHRO	R	F	21	7200	105
09-160	REEDY	15	HARLANS WAY	ENCLOSE BASEMENT LAUNDRY ROOM	R	I	50-13	2000	45
09-190	COX	42	ATKINSON STREET	REPLACE FRONT STEPS	R	9	65	1000	35
09-191	HALEY	18	TUTTLE LANE	REMV/REPL./CONST. REAR DECK ADD.	R	M	83B	5500	85
09-192	ROYER	108	COUNTY FARM CROSS ROAD	CONST. STORAGE SHED	R	B	14	6000	85
09-194	CROWE	27	WHITTIER STREET	DEMO GARAGE	R	E	71	0	50
09-198	SHAW	9	AVON AVENUE	DETACHED GARAGE	R	33	62	32000	345
09-199	MAGLIOZI	28	WEST CONCORD STREET	REPLACE STAIRS AND DECK	R	10	161	5000	75

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
09-200	DENISON	282	DOVER POINT ROAD	MUDROOM	R	6	105A	20000	225
09-201	HELLMAN	1	SNOW AVENUE	STAIRS TO CELLAR	R	29	52A	2000	45
09-204	TRASK	10	IONA AVENUE	CONST. DETACHED GARAGE	R	33	98	38000	450
09-205	BENET	370	BACK ROAD	DETACHED GARAGE	R	M	92I	43500	465
09-208	PROVENCAL	14 - 16	FLORENCE STREET	CONST. SIDE 3 SEASON PORCH ADD.	R	27	175	4500	75
09-210	TAYLOR	3	REYNEERS BROOK DRIVE	INSTALL GAZEBO	R	A	47-4	7700	105
09-211	TOOF	16	PLEASANT VALLEY ROAD	CONSTRUCT A SHED	R	I	22	4000	65
09-212	PELLETIER	2	CULLEN BAY ROAD	CONST SNGL FAM DWLNG/W ATT GAR	R	M	92-E	850000	8525
09-215	O'NEIL	311	TOLEND ROAD	INGROUND POOL	R	E-40	3	45000	475
09-218	KENNEY	278	BACK ROAD	RENO./REMOD. A SNGL FAM DWELLNG	R	M	2-1	50000	525
09-219	HEBBARD	97	SPRUCE LANE	RECNST/REPLC STORAGE SHED	R	I	100	12000	145
09-220	BARRETT	7	PROSPECT STREET	CONST. REAR PORCH ADDITION	R	10	08	10000	125
09-223	BRETZ	77	GLENWOOD AVENUE	SNGL FAM DWL W/ATT. GAR	R	D	19-1	206000	2085

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map Lot	Construction Value	Fee
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Total Permits Issued: 35

Total Construction Value: \$2,602,700.00

Total Fees Collected: \$26,745.00

Type of Permits Issued		Certificate of Occupancy's	
Apartment dwlg units	0	Apartment Units	0
Commercial	5	Commercial	0
Condo Units	0	Condo Units	0
Congregate Care Facility	0	Congregate Care Facility	0
Convert 1 to 2 Fmly Dwlg	0	Convert 1 to 2 Fmly Dwlg	0
Duplex Unit	0	Duplex Unit	0
Industrial	0	Industrial	0
Multi Family	0	Renovations	3
Manufactured Dwlg	0	Manufactured Dwlg	1
Single Family Dwelling	5	Single Family Dwellings	5
		Total	10

PROJECTS BEFORE DOVER PLANNING BOARD

NAME	LOCATION		Total Units	Units Built*	Units left	DATE OF PB SIGNATURE	DATE OF PB APPROVAL	SCRD DATE	PLANNING FILE #	MAP	L0T	EXPIRATION DATE	SCHOOL	Students**	
Code	H = Homes	A = Apts.	C = Condos												
Multi-Family:															
Market Square Condominiums	46 Dover Point Road	C	6	3	3	5/29/2009	5/12/2009		P09-08	K	23	5/29/2013	G	1.98	
Paolini	54 Dover Point Road	C	12	0	12		7/22/2008		P08-15	K	20		G	3.96	
Cedar Cove	Regent Dr	A	62	62	0	5/29/2008	4/22/2008	6/19/2008	P07-64	E	66	5/29/2012	W	20.46	
Summit Land	Fifth St	A	8	8	0	4/7/2008	4/22/2008	Site	P08-10	5	16	4/7/2012	H	2.64	
Temple Associates	Washington St	A	15	15	0	3/4/2008	10/23/2007	5/14/2008	P06-03	2	14	3/4/2012	W	4.95	
Bamford	Third St	A	20	0	20	9/12/2007	8/14/2007	Site	P06-37	6	46	9/12/2011	H	2.2	
New Meadows Inc	Knox Marsh Rd	A	120	48	72	9/27/2005	9/27/2005	Site	P04-04	H	35C	9/27/2009	W	13.2	
PRPC	Roseanne Dr	H/C	18	18	0	2/2/2006	9/13/2005	5/23/2006	P04-46	I	3	2/2/2010	G	5.94	
Total: Multi-family			123	88	15									34	
Subdivisions:															
Scott Subdivision	Back Road	H	3	0	3		7/28/2009		P09-18	M	1		G	1.11	
Beacon Circle	Henry Law Ave	H	9	0	9		5/12/2009		P08-25	21	5		G	3.33	
Hidden Valley Drive	Hidden Valley Dr	H	10	0	10		3/24/2009		P09-03	I	94C		G	3.7	
Harbor Hills	Dover Point Rd	H	14	0	14	4/2/2008	10/23/2007		P07-39	L	89G		G	5.18	
Paddocks/Tidewater Farms	Saddle Trail Dr	H	9	1	8	2/21/2008	10/23/2007	2/21/2008	P07-43	N	8	2/21/2012	G	7.4	
Long Meadow	Gladiola Way	H	20	13	7	1/30/2008	8/28/2007	2/6/2008	P06-40	A	28	1/30/2012	H	7.4	
Picnic Rock	Back River Rd	H	21	2	19	10/31/2007	7/10/2007	11/6/2007	P07-32	16	20	10/31/2011	G	7.77	
Schooner Landing	Schooner Dr	H	10	2	8	7/19/2007	4/10/2007	7/25/2007	P06-54	M	96A	7/19/2011	G	3.7	
Pacific Landing	Upper Factory Rd	H	15	4	11	2/8/2007	7/25/2006	2/8/2007	P05-72	E	49	2/18/2011	W	5.55	
Goldberg/Tolend Rd Prop.	Columbus Ave/Tolend	H	72	0	72	10/5/2006	7/14/2005	11/2/2006	P03-36	G	24	10/5/2010	W	26.64	
Stern Subdivision	Lika Dr	H	3	0	3	3/23/2006	2/28/2006	3/23/2006	P05-71	E	45	3/23/2010	W	1.11	
Emerald Woods III	Emerald Ln/Viridian Ln	H	37	0	37	1/31/2006	6/14/2005	2/1/2006	P05-10	F	15	1/31/2010	W	13.69	
Narrows at Tidewater Farm	Wysteria Dr	H	5	3	2	12/16/2005	8/9/2005	12/21/2005	P05-38	N	8-3	12/16/2009	G	1.85	
Duffy Drive	Middle Rd	H	3	3	0	10/24/2005	10/11/2005	10/25/2005	P05-24	M	101	10/24/2009	G	1.11	
StoneCroft	Carriage Hill Ln	H	11	8	3	8/9/2005	5/24/2005	8/9/2005	P05-18	A	16	8/9/2009	H	4.07	
Havenwood Farm at Alden	Boxwood/Wildewood	H	32	17	15	6/6/2005	5/10/2005	6/7/2005	P04-42	B	21	6/6/2009	H	11.84	
Ayer	Falcon Dr	H	5	4	1	5/24/2005	2/22/2005	6/8/2005	P04-61	N	21	5/24/2009	G	1.85	
Waldron Falls	Watson Rd	H	10	3	7	3/30/2005	1/11/2005	4/7/2005	P04-59	E	37	3/30/2009	W	6.29	
White Tail	Picard Ln	H	17	4	13	1/10/2005	11/10/2004	1/10/2005	P04-47	A	19	1/10/2010	H	6.29	
Emerald Woods I & II	Emerald Ln	H	25	17	8	12/6/2004	9/28/2004	12/10/2004	P02-01	F	27	12/6/2008	W	9.25	
Weeden	Garrison Rd	H	4	3	1	9/28/2004	6/22/2004	10/4/2004	P04-25	I	1P	9/24/2008	G	1.48	
Cornerstone Crossing III	Conerstone Dr	H	18	7	11	7/28/2005	4/12/2005	8/1/2005	P05-13	B	18	7/28/2009	H	6.66	
Lionheart	Littleworth Rd.	H	4	2	2	2/24/2004	2/24/2004	3/8/2004	P03-66	G	28-1	2/24/2008	W	1.48	
Ayer	McKone Ln	H	2	1	1	6/5/2003	6/5/2003	6/5/2003	P02-67	N	18	6/5/2007	G	0.74	
Total: Single Family			347	94	253									135	
TOTAL APPROVED UNITS			470	182	268									169	
Elderly:															
The Village at Thornwood	Jacqueline Dr	H	48	8	40	7/2/2008	3/13/2007		P06-55	M	4	7/2/2011	G		
Arbor Woods	Mast Road	H	63	6	57	2/20/2007	1/9/2007	2/20/2007	P06-24	H	4	2/20/2011	W		
Dover Retirement Cottages	Back River Rd	C	48	0	48	8/4/2006	2/28/2006	Site	P05-48	I	56	8/4/2010	Living		
Total: Elderly			159	14	145										
APPROVED + ELDERLY			629	196	413									169	

* Built or permit issued and unit under construction

** Students are estimated based upon Impact Fee multipliers. THERE IS NO GUARANTEE TO THESE NUMBERS
Page 21 of 35

COMMUNITY SERVICES CAPITAL IMPROVEMENT PROJECTS Status as of August 2009

STREET IMPROVEMENTS

Current: Two sections of Central Avenue and Washington Street have been cold planed and shimmed. Structures are being raised and water and sewer repairs are being addressed before final pavement is done in early September. Durham Road and Mast Road from Route 108 to the Madbury town line have been paved.

Previous: The paving bid has been awarded to Brox. Paving will begin at the end of May or beginning of June.

SIDEWALK IMPROVEMENTS

Current: Construction has started with Arch, Fayette, Pierce, Clifford.

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

BROADWAY/RR CULVERT (formerly NY St Drainage)

Current: The project was submitted to NHDES for stimulus funding which if awarded funding is expected to begin construction during 2009. The City Attorney has come to a resolution with the railroad.

Previous: Meeting with outside attorney to assist in coming to a resolution with the railroad regarding easement issue.

WASHINGTON ST BRIDGE TO RIVER ST

Current: The Steel Beams have been set. The utilities (water, sewer, conduits) have been installed on the bridge.

Previous: The contractor continues to work on the abutments and is finishing the stone facing. The contractor expects the steel beams to be delivered the second or third week in August.

SEWER INFLOW / INFILTRATION MITIGATION

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

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

RIVER ST PUMP STATION UPGRADE

Current: T Buck Construction was approved by the City Council as the contractor for the River St. pump station upgrade. Work is expected to commence by the end of September following contract signing.

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

SEWER INFLOW / INFILTRATION MITIGATION

Current: The project on Old Bellamy Rd, aka Chandler, is complete.

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

ATLANTIC / GULF RD WATERMAIN REPLACEMENT

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

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

REDDEN/ASH STREET SEWER REPLACEMENT

Current: The project is out to Bid.

COMMUNITY SERVICES CAPITAL IMPROVEMENT PROJECTS Status as of August 2009

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Current: The project is out to Bid.

City of Dover

Bid Solicitation Report

For August 2009

9/2/2009

Department	PO Date	PO No	Vendor	Description	PO Amount
Bid Number	Bid Date	Bid Due	CC Meeting	Item No	PO Notes
	Approved By	Fund		Function/Division	
Fire and Rescue				Emergency Vehicle Repairs and Services	
B10008	08/12/2009	08/27/2009			
Community Services				Roll Off Container	
B10011	08/12/2009	08/31/2009			
CS - Engineering				Design and permitting services to restore and Stabilize Washington-Brickyard-Garrison Sites.	
B10009	08/13/2009	09/10/2009			
Finance-Purchasing				Sale of Excess Office Furniture	
B10013	08/21/2009	09/03/2009			

Total for

City of Dover

Bid Solicitation Report

For August 2009

9/2/2009

Department	PO Date	PO No	Vendor	Description	PO Amount
Bid Number	Bid Date	Bid Due	CC Meeting	Item No	
		Approved By	Fund	PO Notes	
				Function/Division	

18 Planning

Planning				Train Station Improvements Design/Build	
B10016	08/28/2009	09/30/2009			
			CDBG - Entitlement	Public Facilities	

Total for Planning

21 Police

Police Admin				5 Police Cruisers	
B10015	08/26/2009	09/10/2009			
			General Fund	Police Operations	

Total for Police

30 Comm Serv PW

CS Admin				Houghs & Campbell Well Cleaning	
B10010	08/12/2009	09/01/2009			
			Water Fund	CS - Water	

City of Dover

Bid Solicitation Report

For August 2009

9/2/2009

Department	PO Date	PO No	Vendor	Description	PO Amount
Bid Number	Bid Date	Bid Due	CC Meeting	Item No	PO Notes
	Approved By	Fund		Function/Division	
Community Services				Stand by Generator Maintenance	
Q10-002	08/12/2009	08/27/2009			
			Sewer Fund	CS - Sewer	
CS Admin				Construction Water Sewer Main	
B10014	08/24/2009	09/08/2009		Redden/ Ash	
Total for Comm Serv PW					
35 Recreation					
Recreation Admin				Fall Recreation News Brochure	
Q10-003	08/13/2009	08/31/2009			
			General Fund		
Total for Recreation					
Grand Total All Departments					

City of Dover

Purchase Order Report

For August 2009

9/1/2009

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Date CC Meeting	Bid Due Fund	Item No Function/Division	Description PO Notes	PO Amount
Library	08/18/2009 B10002 PA	39-259280 	Kingdom Contract Flooring 07/14/2009	08/04/2009		Replace Carpet @ Library	37,768.35
Finance	08/06/2009 B09006 PA	15-258962 	Unifund LLC 04/24/2009	05/15/2009		Financial Management System B09006 Capital Improvements FY09	347,706.00
Total for							385,474.35
10 City Council							
City Managers Office	08/11/2009 PA	13-259182 	Dover Main Street			Subsidy	15,000.00
General Fund City Council							
Total for City Council							15,000.00
15 Finance							
Finance	08/06/2009 PA	15-258963 	Software House International Inc			Financial Management Licensing B09006	7,358.00
Capital Improvements FY09 Finance							
Finance	08/06/2009 PA	15-258965 	Dell Marketing LP			Financial Management App Servers B09006	14,768.02
Capital Improvements FY09 Finance							
Tax Collection	08/18/2009 PA	15-259184 	Interware Development Co Inc			Clerk work Support	9,057.25
General Fund City Clerk/Tax Collection							

City of Dover

Purchase Order Report

For August 2009

9/1/2009

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Due Fund	Item No	Description PO Notes Function/Division	PO Amount
Total for Finance						31,183.27
21 Police						
Police Admin	08/06/2009	21-259085	Parkeon		9 Strada Rapide Pay and Display Machines	70,860.00
	PA				Capital Improvements FY10 Police Traffic	
Police Admin	08/06/2009	21-259087	Parkeon		Monthly Parkfolio Services	6,700.00
	PA				Capital Improvements FY10 Police Traffic	
Total for Police						77,560.00
30 Comm Serv PW						
CS Admin	08/18/2009	30-259273	Terracon Consultants Inc		Well Sampling 5 Wells	11,875.00
	B09089	06/02/2009	06/22/2009			
	PA				Water Fund CS - Water	
CS Admin	08/18/2009	30-259185	Woodard & Curran Inc		SCADA Maintenance Contract	20,000.00
	PA					
CS Admin	08/18/2009	30-259277	MXI Environmental Services LL		Household Hazardous Waste Disposal	30,000.00
	B09102	07/02/2009	07/27/2009			
	PA				General Fund CS - Recycling Mgmt	
CS Admin	08/18/2009	30-238407	AECOM Technical Services, Inc		North End Pressure Study Design Phase	16,000.00
	PA				Water Fund CS - Water	

City of Dover

Purchase Order Report

For August 2009

9/1/2009

Department	PO Date Bid Number Approved By	PO No Bid Date CC Meeting	Vendor Bid Due Fund	Item No	Description PO Notes Function/Division	PO Amount
CS Admin	08/05/2009	30-258967	Aqua Solutions		Impeller 13.3 Dia W/ Wear Ring Assemb	13,778.00
	PA				Sewer Fund CS - Sewer	
CS Admin	08/05/2009	30-259029	Dover Landfill Remedial Action		Nineteenth Call for Payment	566,400.00
	PA				Sewer Fund CS - Waste Mgmt	
C/S- Sewer	08/18/2009	30-259278	Woodard & Curran Inc		Integration of Grit Sys into SCADA	17,460.00
	PA				Sewer Fund CS - Sewer	
Total for Comm Serv PW						675,513.00
39 Public Library						
Public Library	08/05/2009 B09096	39-258968	Skyline Roofing Inc 05/27/2009		Repair Roof	15,400.00
	PA		06/23/2009		Recreation Field Construction/Other Public Library	
Total for Public Library						15,400.00
Grand Total All Departments						1,200,130.62

City of Dover

Revenues of Major Funds

August 31, 2009

(General Fund Includes Property Taxes and Education Revenues)

Account	Original Budget	Adjusted Budget	Revenues This Period	Revenues Year To Date	Revenue Due	Uncollected %
1000 General Fund						
Taxes	60,036,933.00	60,036,931.63	290,156.04	334,235.72	59,702,695.91	99.44
Licenses & Permits	4,315,000.00	4,315,000.00	363,424.62	762,502.01	3,552,497.99	82.33
Intergovernmental	2,589,728.00	2,589,728.00	334,972.34	339,468.24	2,250,259.76	86.89
Charges for Services	3,131,457.00	3,131,457.00	224,288.73	403,062.10	2,728,394.90	87.13
Misc. Revenue	575,163.00	575,163.00	6,495.49	38,304.40	536,858.60	93.34
Education	13,011,005.00	13,011,005.00	69,902.50	116,544.08	12,894,460.92	99.10
Operating Transfers In	117,924.00	117,924.00	0.00	0.00	117,924.00	100.00
Total for General Fund	83,777,210.00	83,777,208.63	1,289,239.72	1,994,116.55	81,783,092.08	97.62
3320 Residential Solid Waste						
Charges for Services	1,077,465.00	1,077,465.00	145,576.20	326,928.00	750,537.00	69.66
Misc. Revenue	0.00	0.00	8.71	20.29	(20.29)	0.00
Total for Residential Solid Waste	1,077,465.00	1,077,465.00	145,584.91	326,948.29	750,516.71	69.66
3381 McConnell Center						
Misc. Revenue	691,903.00	691,903.00	47,994.08	96,418.17	595,484.83	86.06
Operating Transfers In	82,821.00	82,821.00	5,687.92	11,375.84	71,445.16	86.26
Total for McConnell Center	774,724.00	774,724.00	53,682.00	107,794.01	666,929.99	86.09
5300 Water Fund						
Charges for Services	4,141,633.00	4,141,633.00	241,949.48	1,528,714.32	2,612,918.68	63.09
Misc. Revenue	21,000.00	21,000.00	2,386.11	4,469.02	16,530.98	78.72
Total for Water Fund	4,162,633.00	4,162,633.00	244,335.59	1,533,183.34	2,629,449.66	63.17
5320 Sewer Fund						
Intergovernmental	154,097.00	154,097.00	15,404.00	15,404.00	138,693.00	90.00
Charges for Services	4,579,371.00	4,579,371.00	274,668.62	1,539,096.86	3,040,274.14	66.39
Misc. Revenue	32,000.00	32,000.00	2,515.39	4,752.69	27,247.31	85.15
Other Financing Sources	984,919.00	984,919.00	0.00	0.00	984,919.00	100.00
Total for Sewer Fund	5,750,387.00	5,750,387.00	292,588.01	1,559,253.55	4,191,133.45	72.88

City of Dover

Expenditures of Major Funds

August 31, 2009

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Budget Encumb	Avail Availability	%
1000 General Fund							
City Council	301,884.00	330,155.75	50,117.85	61,548.93	10,391.35	258,215.47	78.21
Executive	780,347.00	782,462.00	50,825.73	97,068.78	2,032.69	683,360.53	87.33
Finance	1,411,996.00	1,416,654.29	109,444.23	237,611.25	152,640.15	1,026,402.89	72.45
Planning	381,875.00	386,755.00	33,626.98	74,843.63	3,074.52	308,836.85	79.85
Misc Gen Gov't	786,757.00	915,583.94	43,562.71	79,039.44	92,572.62	743,971.88	81.26
Police	6,341,897.00	6,374,069.64	508,621.26	1,064,591.74	26,599.04	5,282,878.86	82.88
Fire & Rescue	6,247,029.00	6,253,922.47	577,127.69	1,148,750.18	2,052.66	5,103,119.63	81.60
Comm Serv PW	5,548,705.00	6,620,243.42	296,461.30	680,852.34	825,487.50	5,113,903.58	77.25
Recreation	2,353,275.00	2,370,092.12	161,140.39	396,847.23	20,555.74	1,952,689.15	82.39
Public Library	1,063,736.00	1,079,423.43	86,426.25	177,379.04	2,845.87	899,198.52	83.30
Human Services	712,277.00	717,196.53	63,204.00	112,610.63	8,379.28	596,206.62	83.13
Debt Service	10,020,931.00	10,020,931.00	537,322.50	881,836.56	0.00	9,139,094.44	91.20
Other Financing Sources/Uses	125,000.00	125,000.00	0.00	0.00	0.00	125,000.00	100.00
School	40,699,081.00	40,699,081.00	1,373,154.48	2,869,173.13	13,901.20	37,816,006.67	92.92
Intergovernmental	7,002,420.00	7,002,420.00	0.00	0.00	0.00	7,002,420.00	100.00
Total for General Fund	83,777,210.00	85,093,990.59	3,891,035.37	7,882,152.88	1,160,532.62	76,051,305.09	89.37
3320 Residential Solid Waste							
Comm Serv PW	1,077,465.00	1,152,299.46	10,695.39	88,516.73	932,146.47	209,600.07	18.19
Total for Residential Solid Waste	1,077,465.00	1,152,299.46	10,695.39	88,516.73	932,146.47	209,600.07	18.19
3381 McConnell Center							
Recreation	774,724.00	780,026.54	12,114.99	53,771.21	30,086.29	738,618.40	94.69
Total for McConnell Center	774,724.00	780,026.54	12,114.99	53,771.21	30,086.29	738,618.40	94.69

City of Dover

Expenditures of Major Funds

August 31, 2009

(General Fund Includes County, School and Debt Service)

Account	Original Budget	Adjusted Budget	Expenditures This Period	Expenditures Year to Date	Budget Encumb	Avail Availability	%
5300 Water Fund							
Comm Serv PW	4,162,633.00	4,240,236.54	229,028.07	520,733.71	98,182.41	3,915,791.11	92.35
Total for Water Fund	4,162,633.00	4,240,236.54	229,028.07	520,733.71	98,182.41	3,915,791.11	92.35
5320 Sewer Fund							
Comm Serv PW	5,750,387.00	5,838,764.36	374,776.76	893,048.28	89,414.47	5,377,332.00	92.10
Total for Sewer Fund	5,750,387.00	5,838,764.36	374,776.76	893,048.28	89,414.47	5,377,332.00	92.10

City of Dover

Arena - General Fund
Revenue & Expenditure Report
(Excludes Debt Service & Extraordinary Transfer to Enterprise)
August 31, 2009

	Original Budget	Adjusted Budget	Actuals This Period	Actuals Year To Date	Encumbrance	Under(Over) Budget	% Remain
Revenue	1,489,801.00	1,489,801.00	34,864.32	65,536.17	0.00	1,424,264.83	95.6
Expenditures	1,094,962.00	1,095,822.99	50,773.63	138,608.52	18,981.24	938,233.23	85.6
	394,839.00	393,978.01	(15,909.31)	(73,072.35)	(18,981.24)	486,031.60	9.98



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Special Meeting
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 19, 2009**
Meeting Time: **6:30 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 Scott led the Pledge of Allegiance.

1. CITIZEN'S FORUM

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

Mary Hebbard, 97 Spruce Lane: She said it was an interesting position to be in, because she didn't know what the legal opinion said, but she felt it should be released. She said Councilor Callaghan introduced a resolution for a Charter Amendment to the ballot for the November Municipal Election. He said that resolution had to be approved as to form by legal counsel. She said Councilor Callaghan worked with City Attorney Krans to craft the wording and to have that document approved before being placed on the agenda. She felt City Attorney Krans should have recused himself, because it has to do with his position, and the outcome of the Charter amendment could have affected his employment with the City. She said during the workshop on July 29th the resolution was discussed, and it was stressed that time was of the essence. She said at the August 12th Regular Session of the Council the resolution was brought up to be put to public hearing. She said the Deputy Mayor asked that the resolution be killed because of the legal opinion that was received. She referred to the City Manager's comments after the July 29th workshop, saying that City Attorney Krans came to him because he felt there was a conflict of interest. She said the City Manager went and got an outside legal opinion from Attorney Bolt, of Donahue, Tucker & Ciandella, who had been claimed to have done previous Charter work for the City. She said the Councilors received that legal opinion, which was 27 pages long, moments before the August 12th Council meeting. She said Deputy Mayor Trefethen and Councilor Carrier seemed more versed as to what the legal opinion said. She said it was the City Manager's responsibility to get the information to the Councilors prior to the meeting, so they have time to review it. She felt there could have been an Executive Session prior to that meeting so questions could have been answered. She said folks expected that resolution to go to a public hearing so they could discuss it, and then it was dead in the water because of this legal opinion that the Councilors didn't seem to know anything about. She referred to the comments at the August 12th meeting about a severance package of thousands of dollars if the Charter amendment went through and he no longer kept that position, or he sued for breach of contract. She said that wasn't sufficient reason to keep the opinion from the members of the public and to keep the Charter amendment from going forward to a public hearing. She said the Council subverted the democratic process. She said the people have the right to have the facts presented to them so that they can make the best decision possible. She said the people have the right to say whether or not they believe that the City Attorney should report to the City Council or the City Manager. She said the opinion should be released so the people do not have the Council's thoughts based on their filters and prejudices. The process should be allowed to go forward and people should be allowed to vote on it.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Special Meeting
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 19, 2009**
Meeting Time: **6:30 pm**

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

2. RELEASE OF LEGAL OPINION DATED AUGUST 12, 2009.

Councilor Callaghan moved for the release of the legal opinion; seconded by Councilor Cheney. Councilor Callaghan said the legal opinion was based on a request that focuses on the form of a resolution, and no responses like this from the City Attorney have been kept confidential.

Councilor Cheney said opinions used by the Council should be released.

Councilor Scott said Attorney Bolt is not his attorney or the Council's attorney. He said he felt a confidential memo was inappropriate. He said there was no client/attorney privilege.

Deputy Mayor Trefethen said he would be voting to release this opinion just so that it is clear.

He said the City Manager sent an email at 3:00 pm on August 12th informing the entire Council that the legal opinion was in their mailboxes. He said he went down to pick it up at 3:30. He said he understood that the other Councilors may have been busy and unable to pick it up until just before the meeting, but it was available. He said he was able to read the legal opinion and decide that the Charter amendment should not go forward.

Councilor DeDe said the unusual circumstance of having a resolution aimed at one specific employee's employment contract was the triggering mechanism whereby the City Attorney correctly recused himself from offering any opinion when the City Manager asked for it. He said the City Manager was correct in seeking an independent attorney not connected with the resolution. He said every attorney correspondence is by law confidential and only the Council can release it. He said any allegations that it was inappropriate to have the legal opinion confidential shows ignorance of the law, and no attorney would agree with that statement. He said everything that happened was very accurate and it was very ethical of the City Attorney to recuse himself from ruling on this issue. He said it was also appropriate for the City Manager, in his administrative role, to find someone to render a legal opinion.

Mayor Myers asked for a roll call vote on releasing the legal opinion dated August 12, 2009.

Roll Call Vote: 9/0.

3. ADJOURN

Councilor Weston made a motion to adjourn to Workshop; seconded by Councilor Callaghan.

Vote: 9/0.



CITY OF DOVER

CITY COUNCIL/SCHOOL BOARD - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, August 19, 2009**
Meeting Time: **Immediately following Special Meeting**

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

School Board Members Present: Chairperson Fisher, Vice Chairperson Lurvey, Ms. Grady, Ms. Hooper, Ms. Mebert, Ms. Schuman, and Ms. Setear

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

1. CITY COUNCIL AUTHORITY TO AMEND PROPOSED EDUCATION REVENUE ESTIMATE DURING MUNICIPAL BUDGET DELIBERATIONS

Mayor Myers said the purpose of the Workshop was to discuss the action that the Council took to reduce the amount of revenue that showed up in the School Board's budget. He said there has been discussion after that decision if the Council had the authority to make changes to revenue within the School Board's budget, or whether that authority was strictly for expenditures only. He said at the request of a few Councilors the City Attorney did issue an opinion, which has been released to the public. He said the School Board also received a legal opinion from Attorney Dean Eggert, of Wadleigh, Starr & Peters, out of Manchester, NH, which was also released to the public. He said each attorney will speak for ten minutes on their opinion, be allowed five minutes for rebuttals, and then it would be opened up at that point for questions. He said he would alternate between the School Board and the Council, allowing 3 to 5 minutes. He asked for questions and not individual statements or opinions.

City Attorney Krans began by thanking the members of the School Board and City Councilors for inviting him. He said the City Attorney represents the corporation known as the City of Dover, providing legal services for the City Manager, City Council, City staff, but also the School Board, School Administration, and School staff. He said he hoped that after tonight it will be felt that his remarks sought not to divide, not to litigate, but to come up with common ground and common solutions for the entire corporation, for the good of our students, our parents, our citizens, and our taxpayers. He said the issue is whether the City Council is permitted to amend the revenues of the School Board when the City Council adopts the annual budget. He said his first point is that "we are one." He referred to Section 4-1 of the Charter that says we are one corporation for School and City purposes. He said the law states that the School Board is solely responsible for managing and guiding the educational system in Dover. He said the School Board members here tonight were the educational leaders of Dover, and the policy makers for education in Dover. He said their authority is broad and their domain is extensive. He said they adopt policy and procedures to deliver educational services to over 4,000 students attending six public schools. He said they have authority over 500 staff members to deliver those services. He went over the examples of the School Board's authority: curricula, sports, busing, extra-curricular activities, discipline, and all the associated areas and actions where educational services are delivered to students, K to 12. He said there were two cases that support his statement that the School Board is solely responsible for management of the school system. He referred to a case in 1971 in Laconia, where the court ruled for the school board and said: "The City Council is the appropriating agency and the Board of Education is the manager and controller of the public schools within the limits of the appropriation made by the City Council." He referred to a second case in 2004 in Manchester, regarding the City side establishing the



CITY OF DOVER

CITY COUNCIL/SCHOOL BOARD - MINUTES

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School Department without the School Board going along with it. He said the court said: “The comprehensive statutory scheme exists for schools, which does not permit municipalities to exercise broad control over establishment, powers, and functioning of school districts.” He said the School Board is responsible for education in the City of Dover. He said the law was clear, the management of the Schools is within the authority of the School Board. He gave some examples of what is not permitted from the City Council regarding School Board authority. He asked what if the City Council, as part of the annual budget process, said they would amend the total appropriations to the School Board and direct them to cut sports? He said that clearly was not permitted, and was an invasion of the School Board’s authority. He said if the City Council says they will appropriate and direct the School Board not to have busing – not to have Latin – direct the School Board to do this or that, that was clearly not permitted under the current state of the law. He moved on to discuss the authority of the City Council, which he said was simply stated: The City Council adopts the budget for School and City purposes on an annual basis. The City Council is the appropriating body for the entire City. He referred to the tax levy, and said it was the amount of money raised by property taxes, and the City Council’s responsibility. He referred to the Franklin case in 1958, School Board of Franklin vs. City of Franklin, where the City of Franklin won. He said the School Board wanted to add three new teachers and the City Council would not appropriate the funds. He said the court ruled for the City and said the administration of all City prudential and municipal affairs of the City resides in the City Council. He said the Franklin City Council was the appropriating body. He referred to a Nashua case in 1960. He said the Nashua School Board wanted land for a new school. The City Council said no, and they won the case. He said the City side appropriates and the School side manages the schools. He referred to the Dover Charter, and specifically of revenue, and whether or not the Council can amend revenue. He said C:4-1 says we are one corporation. He referred to C:6-3 where it said there was line item authority over the budget, which was voted for in 2005. He referred to C:6-4 where it said the City Council adopts the budget. He said the word budget is defined as revenues and expenditures. He noted that in 2007 the citizens of Dover approved a new Charter provision, the tax cap. He said in the tax cap it talks about the tax rate. He said RSA 21-J defines tax rate. He said the DRA sets the tax rate by looking at revenues and expenditures. He referred to Paragraph E in the tax cap provision where it said: “Total expenditures for any given budget year shall not exceed the amount of funds reasonably calculated to be derived by the tax rate established pursuant to Paragraph A.2 herein, increased by the other revenues generated by the municipalities.” He said in the same paragraph, revenues and expenditures are mentioned. He said it was crystal clear that the Charter addresses revenue and expenditures. He said the last two municipal elections, 2005 and 2007, have provided Charter changes. He said the voters have spoken in the last four years. He referred to his exhibit, which on the chart showed the budget resolution that was presented in April and the adopted budget passed on June 3rd, highlighting the changes in yellow. He referred to Paragraph 4, which referred to the tax levy portion, and said the City Council changed the tax levy. He said he would reserve the rest of his comments.

Attorney Eggert introduced himself and his associate, Attorney Jennifer Murphy, to the members of the School Board and City Council. He said the question was which governing body sets the School District’s revenue estimates. He said it was his opinion that the School Board is legally responsible for setting the School District’s revenue estimates. He said he had five reasons that this is the case: The first reason is simply what’s known as the general



CITY OF DOVER

CITY COUNCIL/SCHOOL BOARD - MINUTES

Meeting Type: Workshop Session
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presumption. He said since 1946 the courts have weighed in on the idea, even in a single corporation, that the School Board is going to be responsible for setting its revenues. He said Attorney Krans acknowledged the fact that New Hampshire's Supreme Court has on a number of occasions said they will determine how much responsibility we impose on a School Board, the type of responsibility we impose on a Council for a School District, on the basis of both State law and the City Charter. He said the Supreme Court went on to say that under no circumstances will they allow a City Charter to cross a line past where the legislature has not given explicit authority. He said there is no State statute that says the Council can set or reduce the School Board's revenue estimate. He said they looked at RSA 49-B, which is defined in the statute rather than a dictionary, at what is the operating budget within the City. He said it was deemed to be total appropriations as determined by the DRA, but exclusive to taxes; County and School. He referred to RSA 49-C, which is the statutory body that talks about City Charters that have been created since 1957. He said there was no statutory grant that explicitly said we were going to shift the authority of the School Board to set revenues to the City Council. He said there was no legislative grant of authority to allow that to take place. He said the first conclusion is that there was no legislative authority. He said he looked at the City Charter, which can't supersede the New Hampshire State Law. He said saw that there was no explicit authorization in the City Charter for the Council to be adjusting revenue estimates. He referred to C:6-3 and said the School Board submits its recommended budget to the City Manager, and the City Manager passes that on to the Council with his recommended budget to the Council. He said there was a City Ordinance which states that the School Board should notify the City Manager of its estimated non-property tax revenues. He said if they have a duty to do that, then it seems that they have the duty to make those estimates. He said there was no authority in the Ordinance that the Council can revise those revenue estimates. He said it was also specifically spelled out for line item transfers for the School Board and School Department. He asked who should be held accountable for the School District's revenue estimates. He said since both the School Board and City Council were elected, it made sense to hold the School Board accountable for their revenue estimates. He compared the city's authority to a town's authority. He said a town's selectmen do not have authority over the School Board. He said a city is unique because councils do serve as legislative bodies, and the appropriating bodies. He said selectmen do not serve as legislative bodies. He said if it can't be done in a town, then the question is asked why it would be different in a city. He said the Superintendent and School Board were held accountable by the DRA, under 21-J, for revenue estimates. He said they are the individuals that have to certify revenues for the School Department. He said the Courts have said that when there is any ambiguity they will construe in such a manner as to hold the School Board responsible. He stated that he agreed entirely with Attorney Krans that the City of Dover comes together as boards to work this out.

City Attorney Krans said autonomy for the School Board was addressed in 1977 and 1992 by the voters of the City of Dover, and they voted to rejected it overwhelmingly. He said the thought of any Court saying that the School has autonomy will go against the voters' decisions. He said the DRA has to be comfortable with the revenue estimates, and he submits that the Council has the same goal. He said it was clear in this case that there was a will to make a revenue adjustment on the School side. He said it was clear that the School was behind in their revenues in the spring, and would continue to be behind. He referred to the issue of accountability, and said it was his view that the Council was accountable for the tax levy. He



CITY OF DOVER

CITY COUNCIL/SCHOOL BOARD - MINUTES

Meeting Type: Workshop Session
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said this is the first suggestion that he has heard that the School Board is accountable for part of the tax levy, and he doesn't believe it's true. He referred to his handout entitled: Solutions. He said Ms. Hooper started a conversation a few weeks ago that he would like to continue. He said her statement was for the boards to figure out better ways to communicate. He referred to his handout as some elements of communication between the School Board and the City Council. He said foreclosures year-to-date are 29, versus 2 four years ago at the same time. He said we are in a great depression. It was not the time to litigate, but the time to come together, communicate, and try to resolve these matters.

Attorney Eggert said when he was talking about fiscal autonomy he was not talking at all about corporate autonomy. He said Attorney Krans said the City of Dover was a single corporation. He said it was simply the question of how the City allocates responsibilities for the operation. He said another point that is important is that the School Department is regulated by the State's Department of Education. He said the School Board needs to go to the State's Department of Education if they wish to expend beyond an appropriation or make an emergency expenditure. He said the City Council doesn't answer to the State. He said the School Board is responsible for the implications of the school tax, which is a State tax. He said the City Council has a role in setting the local municipal tax, and ultimately is very concerned about the impact on the school tax. He said the irony of this particular decision is, reducing the good faith revenue estimate affects the local tax rate. He said if the Council can convince the DRA of that revenue estimate, then the Council should be good with that. He said the State may not give you a supplemental appropriation if you find out you don't have that revenue. He said that's the control point that the City Council has in that context. He said he agreed with City Attorney Krans, fundamentally they want to continue what appears to be an excellent collaborative relationship.

Ms. Hooper asked what had changed in the past six years in the Charter or City Ordinances that would change the information that she had always worked under, that the Council has bottom line authority only.

City Attorney Krans said he didn't feel there was any change in the last four or five years. He said the Council has always had the bottom line authority. He said the proper definition of bottom line authority is the tax levy. He said if they went back in history, it becomes clearer what is meant by bottom line. He said in the 1970's the annual resolution for adopting a budget was only three paragraphs long, with the last paragraph being the tax levy. He said we now have longer resolutions, with the tax levy imbedded in the middle. He said in his research of the Minutes for the last three or four decades, there was quite a bit of activity regarding School Board revenues. He said in the 1970's it was very common for the Councilor to move to amend the school revenues. He said in the 1980's and 1990's that slowed down, but he saw discussions and questions about school revenues during the budget process. He said the bottom line was the tax levy, which include revenues and expenditures.

Ms. Hooper said she respectfully disagrees with that interpretation.

Councilor Weston asked both attorneys about a statement she read from the State of New Hampshire Northern District of Hillsborough County; Manchester v. Manchester by Judge Joseph Nadeau: "The Board of Mayor and Alderman must accept the School Board's budget as submitted, or reject it, and return it to the School Board along with an explanation for the rejection and the maximum dollar amount which the Board of Mayor and Alderman will approve." She said she had her own interpretation of this statement, but wanted to hear the attorneys' interpretation.



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Attorney Eggert said he represented the School District in that case. He said the Manchester City Charter has much more City direction, and it really lays out what probably has been the historic practice in Dover. He said in Manchester the School Board delivers their budget as a single line item, the expenditure, to the City. He said the City says they will accept or reject this expenditure. He said the Dover Charter doesn't have that specificity. He said the Council can go through the budget line by line, but the School District is a single line item, because the City has elected school officials who set the budget. He clarified that Judge Nadeau was interpreting very specific Charter language for Manchester.

City Attorney Krans said that case does have some value regarding its reasoning, but doesn't govern the City of Dover. He said that may be a good practice, but didn't feel the Council was bound to do that.

Ms. Grady referred to Ms. Hooper's question, and asked City Attorney Krans with whom the conversation was made between, the School Board and City Council, when it was made, where it was made, and give any written changes to general procedure that she has seen followed since 1947. She said she has never seen anything but a basic bottom line, which means final result according to the dictionary. She said in her 60-something years she has never seen anyone touch revenue, because revenue for the School Department has to be an estimate. She said for somebody to make an estimate in January that you don't really know until October, and tell the State this is what is anticipated, she has difficulty signing this year's paper to the State because it isn't what the School Board estimated, but is what the City Council has estimated. She said she would refuse to sign it unless a letter went to the State indicating it was not the School Board's estimated revenue.

City Attorney Krans agreed with Ms. Grady that it doesn't happen too often. He said he knew she had been on the Board since 1994, but he wanted to refer to 1974.

Ms. Grady said she was in Dover in 1974.

City Attorney Krans said she was a teacher at that time.

Ms. Grady agreed.

City Attorney Krans said on March 15, 1974, Councilor Morrisette moved to reduce the School revenues during the annual budget process. He said there were similar motions by other Councilors in the late 1960s and all through the 1970s. He said in 1981 Superintendent Ryder was asked to provide revenue and expense accounts for food services. He said there were further questions regarding revenues in the School Department at the next meeting. He said there was a difference of opinion regarding \$100,000. He said these types of discussions happen several times over the last four decades.

Ms. Grady said conversation doesn't mean much to them as a Board unless it is given to them in writing, stated definitely, and then they could have argued it.

Councilor Scott said he wanted a yes or no answer to his question: "Is it their opinion that the Council overstepped their authority in modifying the revenue from the School Board?"

Attorney Eggert said yes, the Council probably did overstep their authority.

City Attorney Krans said no.

Councilor Scott asked the City Attorney why he felt that way.

City Attorney Krans said for all the reasons he stated in his argument. He referred to his chart and reiterated that the Council amended the tax levy, which was the official action.

Councilor Scott asked the City Attorney if it was logical, because the impact resulted in a tax increase.



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City Attorney Krans said he was going to let the Council and School Board answer that question, because it's a political question and not a legal question.

Ms. Setear said she had two questions, and she doesn't know who is best suited to answer the first one. She asked: given that the School Board's revenue has been reduced by \$200,000, what happened to the money if the revenues do come in as projected? She said the School Board would have been responsible if the revenues came in lower, and then they would have to adjust their bottom line, and not pass it on to the taxpayer. She asked if that revenue would be returned to the citizens or someplace else.

Attorney Eggert said if the revenue comes in and the School Board doesn't have an appropriation that allows the School to expend that revenue, it would lapse into the General Fund. He said the Council's decision to reduce revenues on the School's side did increase the School tax rate.

City Attorney Krans said if revenues come in higher than expected then they will flow into the General Fund. He said they are always subject to, as has happened in the past, reappropriations, subsequent action by the Council, to increase the appropriation for the School side. He said it was his understanding that has occurred in the past.

Deputy Mayor Trefethen said he wanted to ask Attorney Eggert a question. He prefaced it with a hypothetical situation, which he wanted to make clear the School Board has not engaged in this activity. He said, let's say the School Board had revenues last year for \$20 million, and during their budget deliberations during the current year they decide to set their revenues at \$40 million, which would have the opposite effect of the last question, the tax rate would go way down. He said using Attorney Eggert's comment that the School Board has the responsibility to certify their revenues and the Council should not question that, then wouldn't it be irresponsible of the City Council to not question or reset the revenue under that situation?

Attorney Eggert said that was why the DRA had a certain mechanism in place to avoid that type of hypothetical. He said they will require that the School Board show historic revenues and then demonstrate where their estimates come in. He said it was possible to have that large jump if you enter into a long term tuition agreement with another district. He said Deputy Mayor Trefethen's hypothetical presupposes that the revenue estimate is off. He said the benefit of whether or not the estimate is off is that the Council will choose whether or not to approve any type of supplemental appropriation. He said the School Board has historically sucked it up and expended what they take in. He said the real problem the Council would have is if they began to deficit expend. He said the School Board cannot deficit expend.

Deputy Mayor Trefethen said the DRA would correct that for the School Board.

Attorney Eggert said that was correct.

Deputy Mayor Trefethen said he wasn't sure where that left the taxpayer. He said since the budget was adopted in June the taxpayer is under the assumption that there is a much lower tax levy, and it may go up in October when the DRA sets the rate. He said he wasn't sure where the responsibility for that falls. He felt it would be with the Council if the Council believes there is something wrong that should be corrected as soon as possible.

Attorney Eggert said unlike other City departments, this department is administered by elected officials, and can be self-cured. He said if the citizens see a history of being sandbagged by revenue estimates that don't work out, and the result is an increase on the taxation side, then the citizens will hold the School Board responsible because they got the revenue estimate wrong. He felt the Council should decide what the best allocation of that responsibility is. He



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said the School Board is responsible ultimately for a State tax. He said the Council had to make it clear to the citizen who is to blame if it is wrong.

Ms. Fisher asked both attorneys, if the City Council has the right to adjust the revenues, who signs off to the DRA? She said she would not feel comfortable signing off if she knows the School Board is not the one setting this revenue.

Attorney Eggert said it was his understanding that it is required that the School Board certify those revenues to the DRA and the State Department of Education. He said it would be unusual for the Council to certify revenues to the State Department of Education, and he wasn't sure it would be accepted from a board that doesn't administer the budget from day to day. He said he understood the intent of the motion, but it all goes back to how the responsibility is allocated within the corporation. He said usually the Council puts pressure on the School Board to keep their estimates high.

City Attorney Krans said most cities don't have a tax cap. He said that Dover's tax cap is based upon the previous year's tax levy and impacts the next year. He said there was an impetus to get it right and have an accurate tax levy. He said the certification is certifying the official action of the City Council.

Ms. Fisher said the School Board has always certified what they think the revenue estimate was, and not what the Council thought the revenue estimate was. She said she would feel uncomfortable certifying something that the School Board did not estimate.

Councilor Cheney asked City Attorney Krans what actions the Council took in previous years after a motion was made.

City Attorney Krans said the Council had conversations with the School Board. He said the last time, he believed, was in 2007 when the Council talked about revenues. He said it was a conversation during a workshop, and had to do with adequacy money coming from the State for the schools. He said the School Board was estimating \$4.7 million for 2008 in adequacy money. He said there was a conversation between the Mayor and the Superintendent regarding what happens if the adequacy money comes in higher, and if the School would be asking for more money, and he took a pledge not to do that. He said there was some action taken over the past four decades, but there has been plenty of conversations.

Ms. Schuman asked hypothetically if there was any conflict by having the Council do an estimate if they continuously underestimate the revenues, and therefore are benefiting from the surplus that they have in the General Fund that the School doesn't have access to.

City Attorney Krans said the City Council is obligated if they adjust revenue. He said it has to be based on something.

Ms. Schuman said it was hypothetical, but she felt there was a little bit of conflict there because in the end the School doesn't have that money. She said the School Board is not supposed to come up with numbers out of nowhere, and they do have to get them certified. She said it was a trust issue, a trust issue that was brought up way after the process has been completed, and something new that the School Board didn't expect.

Councilor Callaghan referred to the Tax/Spending Cap, and noted to both attorneys that the language in the Tax/Spending Cap says that the City Manager shall prepare a budget and it goes through the CPIU for adjustments. He said it then says that the School Superintendent or School Board will take this information. He said it doesn't say anywhere that the City Manager or Council takes full responsibility for that.



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City Attorney Krans said that Charter provision 6-4 says that the City Council adopts the budget, and that meant revenues and expenses. He said he felt that allowed the Council to address revenues. He said the Tax Cap in 2007 amplified or reiterated what was already there. He asked Councilor Callaghan for clarification on the point that he was trying to make.

Councilor Callaghan said he understood that the Tax Cap changed the rules, and that the bottom line is now defined as revenues and expenditures. He said the Council hasn't reached farther in, because they haven't needed to. He said he understood that now that there is a Tax Cap there is a reason to look further in. He said he was trying to understand how the Council can do that, and he felt the City Attorney did put some light on that. He said the second reason he asked about that was because of Attorney Eggert's comments about the court's view of responsibility, and he asked Attorney Eggert for his spiel was on the responsibility factor, because he felt the Tax/Spending Cap again placed the responsibility on the School Department to come up with a budget that meets the Tax/Spending Cap.

City Attorney Krans asked again for clarification.

Councilor Callaghan said several times the City Attorney mentioned the Tax Cap, and how we were in difficult times. He said he wanted to know how those statements relate to the situation.

City Attorney Krans said his point about difficult time is you don't spend money litigating, but spend money on the services that apply directly to the citizens of Dover. He said the City Council had the power to look at revenues without the Tax Cap language, but the addition of the Tax Cap language reiterated that power.

Attorney Eggert said he felt the Tax Cap language did not change the budgetary process at all. He said each board has to respond to the Charter amendment. He said it may have created a more diligent duty on the part on both boards to scrutinize their revenue estimates.

Councilor Callaghan asked if the Tax Cap reaffirmed that the School Board was responsible for their piece of the budget.

Attorney Eggert said it didn't change the status quo. He said occasionally the School Board can do something wrong, so the fact that there had been some adjustments made in the 1970s wouldn't mean that it was a correct practice. He said until 1977 the legislature hadn't weighed in on the idea of home rule Charter. He said sometime in 1977 the City adopted its own City Charter, which made the City subject to RSA 49-C, and it was no longer the same game.

Mayor Myers said in his six years on the Council he has never sent a budget back to the School Board. He said they have adjusted revenues after the budget has been passed. He said one time they adjusted revenues up because the School received another \$1 million from the State, and part of it was used for a one time capital project and the rest stayed with the School. He said it was the Council that did that. He asked Attorney Eggert to comment on the legality of the Council taking that action and changing revenue in a positive manner. He wanted to know why it was okay then and not now.

Attorney Eggert said the School Board came to the Council and said they were anticipating additional revenues, and therefore they wanted the Council to make a supplemental appropriation. He said if the School Board comes to the Council and says they are changing their revenue estimate, and therefore request that the Council make a supplemental appropriation, the City's Charter clearly enables the Council to make a supplemental appropriation. He said the distinction is that the School Board was the entity estimating the revenues. He said it is the Council's decision to approve or decline a supplemental appropriation.



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Mayor Myers clarified that it was done during the budget process, and was not a supplemental appropriation.

Attorney Eggert said the proper procedure would have been for the School Board to pass on an amendment for the Council to receive and act upon.

Councilor Weston said she felt City Attorney Krans did not answer Ms. Fisher's question on what would happen if they refused to sign the certification.

City Attorney Krans said the School Board has a statutory duty to certify the official act of the City Council.

Councilor Weston asked, if they did this, whether they agreed with the action or not.

City Attorney Krans said they are certifying an official action, similar to certifying a birth record. It's a record of what happened. He said he knew the School Board had some misgivings, and he wasn't sure how he could address that.

Mayor Myers said the point of the Workshop will be to open up for general discussion. He said City Manager Joyal, Superintendent of Schools Dr. O'Connor, Finance Director Daniel Lynch, and Business Administrator for the Schools Laurie Verville were present to answer any questions.

Ms. Grady asked Ms. Verville what happened if the School had an overage.

Ms. Verville said it was turned over to the City's General Fund.

Ms. Grady said when the School had a deficit they made up for it from other revenues. She said when they had an overage it went back into the General Fund. She said one year, the School Board asked for the overage back to pay for the roof on the Dover High School. She said a comment was made that never has a budget been sent back to the School Board with a cut, and asked Ms. Verville if she recalled any time when the budget was returned to the School Board with a major reduction.

Ms. Verville said she did, but would have to double check the years.

Ms. Grady said she remembered the budget being sent back once to cut \$500,000, and another time to cut \$250,000, but it wasn't during the Mayor's tenure.

Mayor Myers said his point was that cuts have been made, but it wasn't a statutory requirement to return the budget to the School Board, and then it would have to be resubmitted. He said there were discussions and adjustments were made.

Ms. Setear asked which revenue stream the Council felt the School Board overestimated.

Mayor Myers said it was the total revenues number, because the Council can't look at all the different revenues.

Ms. Setear asked if the Council was looking at last year's revenue, or the last three years, in making that reduction.

Councilor McCusker said he actually looked at revenues for both the City side and School side for the past two years. He said they hear presentations from all the departments on expenditures, and they are discussed line by line. He said it seemed as if the revenues were pre-certified and weren't discussed. He said he looked at the past two years and saw that there were discrepancies, and he brought it forward to the Council.

Ms. Fisher asked Councilor McCusker if he looked at certain areas.

Councilor McCusker said he looked at the bottom line, because the Council doesn't have specific components. He knew that he couldn't go into the School budget and look at certain areas.



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Councilor Weston asked if the City Council gave the overage money in one year back to the School when there was a shortfall in another year.

Mayor Myers clarified that the City budget overages roll into the General Fund as well.

City Manager Joyal said the last two years the School Board has adjusted expenditures to not exceed revenues. He said he will have to research Attorney Eggert's comment that the School Board cannot deficit spend. He agreed that was true of an entity as a whole, but was not sure it about the School, because the School Board has deficit spent in the last 10 years. He said their expenses have exceeded the amount of revenues that came in. He said given that the City is one entity, when department expenditures exceed revenues then they draw upon the cash reserves of the City. He said the Council authorizes a certain amount of expenditures, and that department is authorized to spend up to that level of funding. He said it was his responsibility to look at the finances as a whole and make adjustments in the operations of the City, to stay, ideally, with expenses being less than revenues. He said that hasn't always been the case.

Ms. Hooper said to Councilor McCusker that if he was going to play with the revenue, that he needed to see it all. She said there is a precedent, and she has always been told that the City Council only has bottom line authority. She said she has not heard a real true answer to what has changed. She said she was happy that the Council agreed to keep the Joint Fiscal Committee, because she felt this was a great example of what the committee needs to do. She asked Ms. Verville to tell the public how much money the School Board has turned back to the City in the past 10 years.

Ms. Verville said she actually had a few comments to make, because she couldn't just sit there while the City Manager said there had been several years where the School had deficit spending. She said the third or fourth week in July, the School reconciles with the Finance Department. She said she received a worksheet, and she was surprised that there were one or two years of deficit spending. She said her records have always shown that, in the aggregate of the last nine years, the School Board has returned an excess of \$2.4 million.

Councilor Cheney said she didn't support what happened, and was concerned that the Council also raised the tax bill. She said she heard about the foreclosures and liens being discussed in City Hall. She was astonished that something like this would be happening at a time like this.

Ms. Schuman said none of the City Councilors came to the School Board's budget meetings. She said it was brought up at a Council meeting, but never at a School Board meeting. She said the Council could have come to the School Board and asked them to take another look at the estimated revenues, rather than coming up with a number. She said this came out of left field.

Deputy Mayor Trefethen said the \$2+ million returned to the City is real, but it is not returned to the City Council. He said it was returned to the City, which is the taxpayers, where it sits in a fund for their use in the future. He reviewed Councilor McCusker's comments and how he arrived at the motion to amend the budget. He referred to his conversation with the City Manager on how he was going to propose adjustments in the City's proposed revenues, because they were running behind. He said people were not registering cars like they used to and felt the trend would continue into fiscal year 2010. He said that the City Manager also said that some of the areas in the School Department are running behind in fiscal year 2009. He said he researched the audited financial reports for 2008, and the revenues were less than they had been projected. He said he understood that they were low because of the economy that we're in. He said the City and School are not meeting revenues in 2009 and the economy is



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showing no signs of recovery, so what are the expectations that our revenues are going to meet fiscal year 2010 estimates? He said Councilor McCusker's budget amendment made sense to him. He does agree with Councilor McCusker's comment that his method was not the best execution, but he agreed with the thought process. He said he has not heard anything to tell him that it was not sound. He said he knew there was a suspicion that there was some type of concerted effort to do something nefarious, and in his mind that was not what was happening. Ms. Mebert said it did seem like a capricious act, and we're spending a lot of money on lawyers and spending a lot of time on this issue. She said if the Council had raised the question, they would have considered it. She asked how it could blindly be brought before the Council and have the majority vote for it. She said she was astounded that it happened this way. Deputy Mayor Trefethen said he didn't know Councilor McCusker was bringing up his motion, but at the time it made sense to him because he had been following that train of thought already. He said just as the City needed to reduce revenue on car registrations, it made sense. Ms. Mebert said for the Council to reduce revenue to the School budget, without discussing it with the School Board, after they spent weeks discussing it, didn't make sense. Ms. Hooper said she wanted to move this forward. She said they were all elected officials serving the City of Dover working on the same team. She said it was a courtesy issue, and this could have been done with discussions between the Superintendent and City Manager. She said the issue is that she is not in a position to let something slip by that will affect future School Boards. She said the City Council stepped over the line, where it shouldn't have been, and a precedent will be set. She said she had always been told that the City Council is allowed bottom line authority only, and the question is if the Council can touch the School Board's budget, other than the bottom line. She said it was her contention that the Council cannot. Mayor Myers said he felt it has been recognized that communications could have been better. He said to be fair, everything is open for discussion during a Council Workshop. Ms. Grady said this all came about because someone looked at revenue for the School Board and thought that there was something wrong, a judgment was made, and a decision to cut revenue with an intent that they were hiding something. She said they had eight budget meetings going over line item by line item. She said there is no exactness to revenues, as the City has found out with the \$600,000 shortfall from the State. She said she believed that the School Board needed a written statement for the future so no one is in this position again. Mayor Myers clarified that the City Council adjusted revenue and did not cut the School's budget by \$200,000. He said it did change the tax levy, but did not cut their budget. He said the Council knew that the revenue from the State was a moving target. He said when the School Board presented their budget he said it was okay, but if something changed in Concord they would need to look at it again. He said he felt this was going to come down to what bottom line authority is, and if it is 2 pieces; expenses and revenue. Councilor DeDe said when the motion was presented there was a little background presented by Councilor McCusker. He said the Council was already aware of downtrends on the City side. He said the vote that night was a recognition of downward trends. He said the Deputy Mayor's suggestion that the Joint Fiscal Committee be eliminated was appropriate because it consisted of three people from the Council and three people of the School Board, which is not a quorum. He said one of the City Attorney's solutions in his handout was the restoration of the Joint Fiscal Committee. It needed to be more broad, and a consensus in a joint meeting like tonight helps prevent problems like this. He said the School Board is actually getting more money this year.



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He said the Governor keeps telling the cities that in the aggregate they are receiving the same amount of money. He said the State lost the lawsuit and took the money away from the City side by downshifting to the towns and cities. He said the ultimate loser is the taxpayer. He said the City is now in a shortfall, and asked if the City side is supposed to shoulder the whole thing. He said that is the type of thing that should be discussed at a Joint Fiscal Committee meeting. He said if he was asked if the City had authority on the budget: yes, they do. He said it has been pointed out that a budget consists of two pieces: income and outgoing, and both are subject to review.

Ms. Fisher said they were present to see if it was legal for the Council to cut revenues. She said she still believed it wasn't legal, and didn't know if anyone's mind has been changed. Mayor Myers asked if anyone has changed their mind. He said at this point no one has changed their mind.

Ms. Hooper said the School Board would have gone into the Joint Fiscal Committee thinking they were going to follow the Tax Cap, which was 3.5%, but it was during that meeting that the School Board realized that they were going to be held to a 2% increase. She said she sees the real reason for the Joint Fiscal Committee, and sees no problem with expanding it. She did say she is still holding her position that the Council stepped over the line and shouldn't have touched their budget.

Mayor Myers disagreed with her timeframe, because the Joint Fiscal Committee didn't meet until April, which was after the School's budget was already passed. He said the direction came from a Council Workshop, where they gave the City Manager direction and discussed giving the same direction to the School Board.

Dr. O'Connor spoke in the hypothetical. He said the School's budget is \$40 million; \$20 million in revenues and \$20 million in expenditures. He asked if the City Council has the authority to learn more about the School's expenditures. He said the Council does not have the authority to do that. He said the Council can only deal with the bottom line. He then asked why the Council would do it with revenues. He said it was the School Board's responsibility. He said if you tell the School Board that \$20 million is too much and to cut \$500,000, then it is up to the School Board to figure out where that \$500,000 is going to be cut.

City Manager Joyal said communication needs to improve; earlier and more often. He said they have started discussions about the revenue shortfalls coming. He said it is important that the Council understands the impact of their decisions. He said the Council can ask questions and gather information from any department. However, he did agree that the Council only has bottom line authority, but will continue to disagree about the definition.

Mayor Myers gave an overview of what was discussed. He said he understood that the School Board wanted something in writing to say the Council overstepped beyond the Council's purview and it should not happen again. He felt he could accurately say that it would not be agreeable to the majority of the Council. He felt he could accurately say that the Council agrees that they do not have line item authority, but the bottom line is made up of expenses and revenues.

Councilor Callaghan said he has learned a lot and that they should have another workshop. He said he was convinced that the Council did not have the authority to change the revenue. He said he would like to see some kind of a straw vote.

Councilor Cheney said she voted no on the budget amendment, because she didn't feel it was her place to vote on that budget and because it would increase taxes.



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Councilor Weston said she voted yes on the budget amendment, but if she had to do it over again she would have voted no. She asked if this had to go to court. She said she wasn't sure how they came to some agreement.

Mayor Myers asked the Council how many felt they overstepped their authority.

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

Mayor Myers said they would need six votes to amend the budget.

Councilor Weston asked if there was something the Council could do to assure the School Board that this wouldn't happen again so it didn't have to go to court.

Mayor Myers said the City has to defend the Charter, and the Council can't waive positions on the Charter.

Ms. Schuman asked who would certify their revenue estimates.

Mayor Myers said the City Attorney said it was the official action taken by the City. So when the School Board signs off on it, it is not necessarily in agreement of the number, but that this was the action that was taken by the City.

Ms. Schuman said the School Board can refuse to sign it and say the City Council who has come up with this revenue can sign it, and then it becomes the issue whether the City Council can sign it or not.

Councilor Scott asked if he understood the Mayor that he wanted six votes to block a lawsuit.

Mayor Myers said any legal action taken will be coming from the School Board. He said he needed six votes to amend the budget.

Councilor Scott asked for a vote from the Council on whether the Council was wrong.

City Attorney Krans said it was an informal poll and has no legal authority in a workshop. He said official votes are taken during a regular session. He said as City Attorney for the whole corporation, the discussion should be about better communication and not about litigating.

Ms. Grady said the School Board is in favor of a written statement. She recommended that if the Council made the same decision during a regular meeting, she would prefer that the School Board refer the Statement to our Council so it would be worded in such a way as to protect the School Board.

Deputy Mayor Trefethen said he had not heard anything from the School Board about a lawsuit, and was very dismayed to hear it from the City Council. He proposed a different question.

which he felt would possibly get an unanimous vote: The Council presents a resolution that going forward they will not adjust revenues. He said he would vote for that. He said it was a policy resolution that would expire December 31st. He said it was his opinion that the Council acted wrongly. He said he it would take 6 votes to amend the budget. He said as soon as it is on the table, the Council can amend the amendments. He felt the Council didn't want to go there. He said the real issue is what is going to happen now, and he hoped it wasn't a lawsuit.

Ms. Fisher asked Attorney Eggert what he suggested that would help them have some kind of agreement. She asked about a resolution of some sort.

Attorney Eggert said this meeting was a good start. He agreed with the City Attorney that neither board can bind the City. He said this board can impact the relationship. He said the first obvious step would be to amend the budget. He said there could be a formal resolution of the Council that it would be the policy of this City Council to interpret the Charter such that the bottom line is that single number. He did agree with the City Attorney that this policy is subject to review and revision by subsequent Councils. He said better communication coupled with the



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Meeting Time: **Immediately following Special Meeting**

policy resolution certainly moves things forward. He said the School Board will have to weigh how they feel about the \$200,000 hit. He said the political reality may be that the 6th vote is not there. He said quite candidly that a court weighs in with finality. He said finding the 6th vote solves everything.

Councilor Weston asked City Attorney Krans if it was a violation of the Charter if they do the resolution.

City Attorney Krans referred to Councilor Callaghan's comment to change the word to process rather than decision. He said he felt a combination of a letter of understanding of the process, and better and earlier communication, is the way to resolve this. He didn't think they were at a stalemate. He said they should be careful what they draft as a resolution so it doesn't violate the Charter.

2. CITIZEN'S FORUM

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

Ronald Huml, 199 Mast Road: He said he listened to both Attorneys, the City Council, and the School Board. He said he felt the School Board is right. He was disappointed in the four Councilors who voted against reinstating the \$200,000, and felt they were responsible in raising taxes on the taxpayers. He said the School Board can prove they will get the revenue. He said there were different scenarios every year for revenue. He said he felt the City was right on reducing the revenue for motor vehicle registrations, but should rescind the \$200,000 reduction to the School. He said their vote cost the taxpayers \$254,000. He said he would see their point if they had justified their decision, but felt they didn't justify their point.

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

3. ADJOURN

Deputy Mayor Trefethen made a motion to adjourn; seconded by Councilor Cheney.
Vote: 16/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

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

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor McCusker led the Pledge of Allegiance.

3. ROLL CALL

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

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

4. PROCLAMATIONS

Mayor Myers presented a Proclamation to Thomas Fargo for all of his years of service to the City of Dover.

Mr. Fargo said a few words of thanks.

5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any changes to the Agenda.

Deputy Mayor Trefethen asked to add a Resolution to the Agenda as 12.B.3. Budget Amendment #1; seconded by Councilor DeDe.

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

Councilor Weston asked to add a Resolution to the Agenda as 12.B.4. Budget Amendment #2; seconded by Councilor Carrier.

Vote: 9/0.

Mayor Myers said he would like to add under Council Matters of Interest that the Council fills the vacant position on the Joint Fiscal Committee; seconded by Councilor DeDe.

Vote: 9/0.

Mayor Myers asked for a vote on the amended Agenda.

Vote: 9/0.

6. CITIZEN'S FORUM

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

John Scruton, 99 Sixth Street: He spoke regarding the \$600,000 shortfall. He said Rochester built around the shortfall, and asked why Dover was not aware that State funds were not coming. He said Strafford County had meetings in February about the shortfalls and positions being cut. He said the City should be having one or two annual independent audits to find out where the money is going. He said it's a known fact that new commercial and residential properties only raise taxes, and open space and farmland don't raise taxes. He said less is better. He felt the City was going to become wall to wall buildings.



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David Montenegro, 55 Union Street: He said he answered the Mayor's call and applied for a volunteer position on the Ethics Commission. He has not heard back from the Appointments Committee, and asked what was taking so long. He said he was dedicated to seeing that the integrity of Dover was maintained, and asked who would be more qualified than him.

Mayor Myers said he will respond to that during the Appointments Committee Report.

Unidentified Speaker: He asked about the definition of a business owner; if it was only for operating owners, or if it also included stockholders.

Mayor Myers said it has typically meant only operating owners.

Marilyn Follansbee, 25 Dover Point Road: She said it was an election year and it amuses her to see the paper bashing from the Council. She said there were a few things that have bothered her about the Council. She spoke about the infamous bench and said that as a citizen she doesn't want to sit on a broken bench, and as a taxpayer she didn't want to pay \$8000 for a new one. She said the possibility that it was moved for Café on the Corner is okay with her, because she felt it could be viewed as thanks for all the "Coffee with the Mayor" meetings they have hosted. She felt it was extremely immaterial, an election bash, and she hoped that they have heard the last of it. She said the long debate about emails bothered her, and she still doesn't know what it was about. She felt the Councilors only cared about doing it their way, and didn't care about their constituents. She said she has emailed almost everyone on the Council through the City email address, and has always received a reply. She said the one time she used a private email she did not receive a reply. She said the City's system is working, and the Councilors should let it work. She spoke on Resolutions being brought up and moved to a Workshop, and then to another meeting with changes. She said the citizens have a chance to speak about the resolutions and see the resolution on the website. She said she and her husband are retired and live on a fixed income in Councilor Scott's ward. She said they do not agree with Councilor Scott when it comes to taxes, which is probably why he didn't respond to her email. She said he has watched several Councilors work very hard to keep the taxes low, but she was from the old school and doesn't expect to get something for nothing. She said she wants the streets paved, lines painted, potholes fixed, and decent schools. She said she wants all of these things, but she is willing to pay. She said there were a few things this year that the City did not okay, and she did send money in to help fund them because she is able to do so. She said this is a horrible economy and the County and State put it to us. She said perhaps we needed more people going to the County and State meetings, because everything is blamed on the City and Mr. Joyal. She said she would propose the City having an "Adopt of Pothole" program whereby citizens can send money to the City to fill a pothole that might be on their street. She dispelled the rumor that she is running for Mayor.

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

7. PUBLIC HEARINGS – None



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8. CITY MANAGER'S REPORT

City Manager Joyal said the City Manager's Report for the second Council meeting of August consists of a summary of the City Attorney's office. He said he doesn't have a summary from the Economic Developer because he has been out on the road. He went over areas where paving and utility work are being done in the City. He said the wet spring and summer has affected the line painting, but they have been pressuring the contractor to come back to finish. Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor Weston.

Vote: 9/0.

9. MINUTES

- A. **August 5, 2009**
- B. **August 12, 2009**

Deputy Mayor Trefethen moved to approve the Minutes as presented; seconded by Councilor DeDe.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said it had been quiet the last few weeks. He attended the Chamber of Commerce's Business After Hours event. He did a few ribbon cuttings for new businesses in Dover.

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

Vote: 9/0.

11. UNFINISHED BUSINESS

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

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**



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7. RESOLUTION: B10003 McCONNELL CENTER DOORS
 SPONSORED BY MAYOR MYERS BY REQUEST

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 |

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

Mayor Myers asked if there were any items that the Council would like pulled for discussion. Councilor Scott asked to pulled Items 12.A.7. and 12.A.8.

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

Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.7.; seconded by Councilor Scott. Councilor Scott said he pulled this Resolution for two reasons. He said it was over \$25,000 and shouldn't be on the Consent Calendar. He said he has talked with several of his constituents in Ward 3 and they do not want their taxes raised. He said the City and School need to tighten their belts. He said California is selling their assets. Rhode Island is shutting down the government for 10 days. Concord is considering layoffs. He said the City needs to look where the City can stop or reduce the spending, and not put it onto the taxpayer.

Councilor Cheney asked if the doors were required for ADA accessibility, and if would they lower the insurance rate.

City Manager Joyal said it will improve ADA accessibility. He said the funding for the doors is coming from the Community Development Block Grant program, which requires the funds be used for projects that benefit low or moderate income organization or individuals. He said this was Federal Funds being used to improve handicap accessibility to a public facility.

Councilor Callaghan asked if this had anything to do with the energy compliance audit.

City Manager Joyal said no, it didn't.

Councilor DeDe said the Children's Center is through those doors, and no child has been able to open the heavy old steel doors. He said the City is also anticipating that there will be a Senior Day Care Center in the building as well. He said the doors were also used to access Human Services.

Councilor Scott said the Council can justify any kind of spending, but unless the Council pulls the brakes on spending we're going to be adding to the taxes. He said this project could be delayed six months, other doors can be used, and he didn't see this as an urgent matter.



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Councilor McCusker asked the City Manager if he just told the Council that it was Community Block Grant money paying for the doors.

City Manager Joyal said these funds were grant funds and not property tax dollars.

Councilor McCusker asked Councilor DeDe if there currently was a handicap access to these doors, which went to the lobby and elevators of the McConnell Center, and allowed access to the whole building.

Councilor DeDe said no.

Councilor McCusker said there is no justification required here, but the fact was it was a definitive need. He said we're not adding to the taxpayers, regardless of what 12 people in Ward 3 say.

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

Deputy Mayor Trefethen moved for the approval of Item 12.A.8.; seconded by Councilor DeDe.

Councilor Scott said he had the same issues with this Resolution. He said it was an \$85,000 expenditure, and he asked that it be put off for six months to a year. He said he also saw that the Library was advertising for two new people and didn't think it was appropriate at this time. He said the City should be limiting new hiring and trying to work on the turnover to reduce expenses. He said each person costs between \$60,000 and \$70,000 in salary and benefits. He said 10 people not hired would make up the \$600,000 shortfall.

Councilor Cheney asked if the amount listed in the Resolution is the amount that will be spent. She also asked if the prices were competitive, since we're co-opting with the State and not going out to bid.

City Manager Joyal said the whole amount may not be spent. He said the State went through the bidding process, and the City is benefitting by piggy-backing and co-opting with the State. Councilor Cheney asked for the amount.

City Manager Joyal asked Library Director, Cathy Beaudoin, how much was spent last year.

Ms. Beaudoin said they spent about 90% of their appropriation with this vendor. She said they get 45% off each book, and 28% off each DVD. She said she doesn't know of any library in the State that doesn't belong to this book purchasing co-op.

Councilor Cheney asked if it was about \$160,000 for the year.

Ms. Beaudoin referred to the Resolution and said the second figure was fines money. She said they have about \$57,000 in the account as of July 31st. which they don't try to spend but to carry over year to year. She said State law requires that fine money go towards library materials.

She said it wouldn't be the total of the two numbers that was spent. She said the book budget was \$93,000, and it is the seventh year that the City has spent that amount. She said with increased costs of books, it actually means they are buying fewer books, and dipping into the fines money more. She said they might spend around \$25,000 to \$30,000 of the fines money, making the total for new materials around \$125,000 from various sources.

Councilor McCusker asked if this was the same line item that the Council appropriated in the budget that was unanimously voted on.

Ms. Beaudoin said that was correct.

Councilor Scott asked Ms. Beaudoin what the damage would be if she spent half the amount.

Ms. Beaudoin said she would have a lot of very unhappy customers.

Councilor Scott asked how many.



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Ms. Beaudoin said that money was used to buy every new book, new reference book, new DVD, new music CD. She said citizens expect the library to be like a book store and have all the new items. She referred to Dan Brown's new book, and said she has 37 people waiting for it, requiring her to buy several copies of it. She said \$93,000 doesn't really go that far. Roll Call Vote: 8/1; Passed. Councilor Scott was opposed.

Deputy Mayor Trefethen said he neglected to mention the Appointments Committee Report, and said it was next on the Agenda.

Mayor Myers referred to the Citizen's Forum comments, and went over the procedures for the Appointments Committee. He said they interview candidates and put forth recommendations. He said trying to keep it in a positive tone, they don't put names out that were not recommended. He said a Councilor alone can put forth a name, without going through the Appointments Committee, and the Council can vote on it. Therefore, if someone didn't get the response they wanted from the Appointments Committee they can go to a Councilor to be put forward to vote. He said all applications are on file for 12 months, and no rejections are given. He said the Appointments Committee met on August 19, 2009 and have the following recommendations for appointment:

- Carrie Keech to the Parking Commission
- Lee Skinner to the Planning Board as an Alternate
- Michael Murphy as a Trustee of the Trust Fund

Councilor Callaghan said he has received several phone calls regarding the Appointments Committee and their concerns. He said he felt the Council should know all the applicants and have an opportunity to review their applications before a vote is taken. He said it was the responsibility of the Council as a whole to determine who serves on these very important committees. He made a motion to postpone these appointments until the Council has an opportunity to review all the applications so they can be more knowledgeable about what they are voting on; seconded by Councilor Cheney.

Councilor Cheney said she agreed that this should be tabled. She felt the Council should be aware of the pool of candidates.

Mayor Myers said he would not support tabling this issue. He said three Councilors work specifically to filter and make recommendations to the Council. He said the meetings are open to the public and recorded. He said the lists of people interviewed and people pending are available.

Councilor DeDe said he would not support tabling this issue. He said it was open to the public and information is freely available. He said it was time to move on.

Councilor Cheney said she has heard about debates on the Appointments Committee, and felt the Council should know more about the process, who applied, and what the votes were.

Councilor McCusker said he wouldn't support this right now. He asked why now. He said the Council has been elected and served 20 months. He said the Appointments Committee, consisting of the Mayor, Councilors Callaghan and DeDe, and the Council has voted on their recommendations. He said questioning the Appointments Committee opens the door to questioning what all the committees do. He asked where this would end. He said there has been nothing wrong with the process until tonight. He said he knew Carrie Keech and Michael Murphy and felt they were wonderful choices. He said he didn't know Lee Skinner and felt he didn't need to, because he trusted the Appointments Committee to make the right choice.



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Councilor Scott said he was disappointed and a mistake was made when the Appointments Committee took Rick Hebbard off the Dover Utilities Commission.

Councilor Callaghan said the Council had the ultimate responsibility with what takes place, and to turn your back on that responsibility boggles his mind. He said it was also unfortunate when the Council is unable to understand when something may need a little bit of fixing. He said it wasn't the first time he has heard these comments. He said the most recent were today, and he wanted to satisfy those people by bringing it forward to the Council tonight. He felt it was even more evident that this should be tabled.

Deputy Mayor Trefethen said the Council received the Agenda packet on Friday, and the audio for the Appointments Committee is available on the web for anyone to listen to. He said the onus is on the individual Councilor to do their job. He said he has listened to the audio and he knows who else was considered. He said the whole Council had five days to do this, and asked what another week is going to do.

Councilor Weston said she knew the Council wanted to review the makeup of the committee and have workshops on it, and suggested to Councilor Callaghan that he bring forward a review on the Appointments Committee. She said right now they have people ready to volunteer and she wouldn't support tabling.

Mayor Myers said the Appointments Committee has talked about reviewing the process at their next administrative meeting. He said he always tried to keep it positive by not mentioning the people that they didn't recommend.

Councilor Scott asked what criteria were used for accepting or rejecting a volunteer.

Mayor Myers said the motion was to table. He said that question pertains to the criteria of the Appointments Committee, and could be different for all three members.

Mayor Myers asked for a vote on the motion to table.

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

Mayor Myers asked for a vote on the Appointments Committee recommendations.

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

B. RESOLUTIONS

1. B09090 RIVER STREET PUMP STATION UPGRADE SPONSORED BY MAYOR MYERS BY REQUEST

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

Mayor Myers asked the City Manager about the issue with the numbers, and noted that it needed to be amended to include a 10% contingency.

Councilor DeDe made a motion to add the 10% contingency; seconded by Councilor McCusker.

Mayor Myers asked for a vote on the amendment.

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

Councilor Scott asked who would be harmed by putting this Resolution off for one year. City Manager Joyal said the River Street Pump Station is coming upon 20 years old and is one of the key facilities in the City's wastewater treatment facilities that run 24/7. He said there are different technologies that the City is looking to implement that are more efficient. He said there will also be less manual labor, which is better for safety. He said



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the funding for this project is provided through a 50% grant applied to the loan that is being afforded to the City by the stimulus funds, AARRA program.

Councilor Scott said if the City doesn't start tightening its belt there will be people losing their houses.

Councilor Cheney said she remembered the history on this, and how there will be less manual labor and less contact with the material that is in the sewer. She asked if less manual labor also meant less manpower.

City Manager Joyal said it will not result in less staff, but will result in freeing up employees to work on other backlogged maintenance needs in the City.

Councilor McCusker asked for the new number.

City Manager Joyal said it was \$1,606,421.

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

2. RIVER STREET PUMP STATION CONSTRUCTION OVERSIGHT

SPONSORED BY MAYOR MYERS BY REQUEST

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

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

3. BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, COUNCILOR MCCUSKER

Deputy Mayor Trefethen moved for its approval and to refer to a Public Hearing on September 9, 2009; seconded by Councilor McCusker.

Deputy Mayor Trefethen said the budget amendment restores the \$200,000 in estimated revenues to the School Department, thereby reducing the amount of money that needs to be raised by taxes in the next fiscal year.

Councilor Callaghan said he was going to support this going to public hearing. He said there was nothing in the Resolution by which the City Council acknowledges that they didn't have the authority to remove the money. He said the School Board was looking for something in writing.

Mayor Myers said he felt it was done intentionally to keep the two issues separate, to encourage unanimous support and have this completed by the October 1st deadline when the DRA sets the tax rate.

Councilor Scott said he would support this Resolution, but agreed with Councilor Callaghan that there should be a sentence stating that the Council overstepped its authority.

Vote: 9/0.

4. BUDGET AMENDMENT #2

SPONSORED BY COUNCILORS CARRIER AND WESTON

Deputy Mayor Trefethen moved for its approval and to refer to a Public Hearing on September 9, 2009; seconded by Councilor Weston.



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Councilor Weston said this budget amendment was a comprehensive plan that will take care of the \$600,000 shortfall. She said it takes the \$200,000 from reversing the revenue from the School Department, and then it is also taking \$400,000 from the Sand and Gravel Fund. She said instead of having the debate tonight she would rather go to public hearing. She said it was a comprehensive plan to take care of the shortfall, and the result would mean no additional layoffs, no additional cuts in services, and no additional tax to the taxpayers.

Deputy Mayor Trefethen asked if the Council was adding the \$200,000 back to the School Department twice with both Resolutions.

Councilor Weston said no, the Resolution had nothing to do with the previous Resolution.

Mayor Myers asked if in theory it is the same \$200,000 being discussed in Budget Amendments #1 and #2. He said he felt Budget Amendment #2 had some merits, but he wanted to be able to vote on the \$200,000 change of revenue for the School Department and using \$400,000 from Sand and Gravel separately. He did not want to package it together for one vote. He asked the two sponsoring Councilors if they wanted to keep Budget Amendment #1 and amend Budget Amendment #2 to focus on the \$400,000 in the Sand and Gravel Fund. He felt that addressed the \$600,000 and was a neater way to do it.

Councilor Weston said she anticipated that response. She felt it would be much more valuable to have one budget amendment to bring to the DRA. She said she had brought up the \$200,000 several times to the Council and it was always rejected. She referred to the August 5th Council Meeting Minutes and read them to the Council. She said Budget Amendment #2 is not a political measure, but addresses the revenue adjustments and taking care of the shortfall. She asked the Council to let it go to public hearing, to hear what the people have to say.

Councilor Cheney said she liked Budget Amendment #2, because it does address all the problems. She agreed that there was political posturing going on.

Councilor Callaghan said he disagreed with splitting up the Resolution. He said he would support this going to public hearing as is.

Councilor McCusker said he wanted to address the two separate issues. He referred to the implication that the three people that sponsored Budget Amendment #1 were posturing. He said he brought forth the amendment to the table on the night of the budget and 7 people voted for it. He said the Council knew the history on it, and they had a Joint Workshop with the School Board. He said he felt Budget Amendment #1 was showing the School Board that we listened to what they had to say, and understood it was probably in the best interest of everyone to reverse that decision. He said he was doing it in good faith and not political posturing. He said he didn't agree with Budget Amendment #2, because he remembered the money from the Sand and Gravel Fund being earmarked for a bathhouse. He said he knew the Sand and Gravel Fund would be stripped. He felt Budget Amendment #1 addressed the issue with the School Board. He said Budget Amendment #2 is a creative way to address the shortfall. He felt they shouldn't duplicate themselves.



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Councilor Weston said she was willing and asked Councilor Carrier if he was willing to add on Mayor Myers, Deputy Mayor Trefethen, and Councilor McCusker as co-sponsors to Budget Amendment #2, so they could go forward as a unified front.

Councilor Carrier said he had no problem with that.

Mayor Myers said his objection was in having one vote lock in the entire package. He said the Resolution was forcing one vote on two very different issues.

Councilor Cheney referred to the Fund Balance, and said it is over the Council's limit by about \$400,000. She did feel that both issues should be addressed at once.

Mayor Myers asked the City Manager if the Council policy says they should have just a 6% Fund Balance.

City Manager Joyal replied that it says the City will maintain a minimum 6% Fund Balance, but ideally it should be much higher.

Councilor Carrier said the Council is after the same thing. He did feel that if the \$200,000 isn't put back, then the Resolution is not going to work. He asked if separating them will help this move forward and achieve exactly what they're after.

Councilor Weston said this was déjà vu to her with the Charter amendments. She felt the Council was going to shoot down her Resolution before the public had a chance to speak. She said she was just asking for it to go to public hearing and didn't understand what was wrong with that.

Councilor DeDe asked to move the question; seconded by Councilor Weston.

Vote: 8/1; Passed. Mayor Myers was opposed.

Mayor Myers asked for a Roll Call Vote on referring the Resolution to a public hearing.

Roll Call Vote: 8/1; Passed. Mayor Myers was opposed.

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE – None

13. COUNCIL MATTERS OF INTEREST

A. JOINT FISCAL COMMITTEE APPOINTMENT

Mayor Myers reminded everyone that Deputy Mayor Trefethen resigned from the Joint Fiscal Committee. He said he is willing to fill the vacancy, but opened up the floor to see if there were others on the Council interested in filling the vacancy.

Councilor Scott said he would like to volunteer to be on the Committee. He felt this was a case where someone with experience should be placed on the Committee. He said his background is finance, general management, and making sure budgets come in appropriately. He said he felt he would be a very valuable member of that Committee.

Councilor Cheney said when Councilor Scott was first elected he wanted to be on the Joint Fiscal Committee. She said he does have a lot of background and she supported him.

Mayor Myers said Councilor Scott was on the Joint Fiscal Committee when he was first elected, but out of four meetings he may have attended two. He said the minutes for those meetings will reflect that. He said Councilor Scott did have the opportunity to be on the Committee, but he



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had at best 50% participation. He said it may have been the recommendation of the Council that he wasn't put back on the Committee, but that would be reflected in the minutes.

Councilor DeDe said he proposed to put the Mayor's name in nomination. He said there was no one on the Council that knows as much about what is going on with the budget and the relationship between various segments of the budget than the Mayor. He said the Mayor is the right person, particularly at this juncture in time, to be serving in that seat. He reminded the Council that it wasn't a decision-making group.

Councilor Callaghan said he has heard Councilor Scott get indirectly chastised several times for not serving on a board. He said now Councilor Scott is being chastised for stepping forward to be on a board. He said he has missed two of the four meetings scheduled; once because he was in the hospital and once because he was out of town. He said there was a meeting called for next Tuesday and felt it was short notice. He felt Councilor Scott should have the opportunity to do this. He said he was disappointed with Mayor Myers' email looking for votes and already stepping into the role without support from the Council. He said he was supportive of Councilor Scott's offer.

Mayor Myers said if what he said could be construed as ridicule and beating, for clarifying what he believed was a misstatement by Councilor Cheney that Councilor Scott never served on that Committee, then he would love to go back and see the tape. He told Councilor Callaghan that he should go read the language for the Joint Fiscal Committee and how meetings get called. He said a quorum of the Joint Fiscal Committee can call for a meeting. He said the School Board Chair and the Mayor, if they agree, may also call for a meeting. He asked Councilor Callaghan to go see how it works, and also asked him to please show him where he had ridiculed and beaten Councilor Scott, or already overstepped his bounds, because he takes these false accusations personally when they go against his character and the things he is doing here.

Councilor Weston asked Councilor Scott if he had justification for missing two out of four meetings.

Councilor Scott said his business takes him out of state.

Councilor Weston asked if Councilor Scott could make a 6:00 pm meeting.

Councilor Scott said he would have to get the notice well in advance, but yes, he could make the meeting.

Councilor Weston said she felt Councilor Scott would be a good person to represent the City Council on the Joint Fiscal Committee.

Councilor DeDe said he was at the first Joint Fiscal Committee meeting Councilor Scott attended, and he was very disruptive. He said the same type of harangue the Council hears night after night happened at the Joint Fiscal Committee meeting, and it upset the School Board. He said there was further evidence tonight with the 8/1 votes he exhibited during the meeting. He said to say that person is a representative of the Council is unrealistic. He reminded the Council that he put Mayor Myers' name in for nomination.

Councilor Scott said he felt Councilor DeDe was wrong that the Council must all vote the same way, because they weren't a group of Rockettes. He said it is good to have people with different backgrounds to bring other ideas to the table. He said people in Ward 3 want the Council to look for ways to cut spending so their taxes don't go up.

Councilor DeDe said they have done 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 26, 2009**
Meeting Time: **7:00pm**

Mayor Myers asked for a vote for those in favor of Councilor Scott filling the vacancy on the Joint Fiscal Committee.

Vote: 4.

Mayor Myers asked for a vote for those in favor of himself filling the vacancy on the Joint Fiscal Committee.

Vote: 5.

Mayor Myers said he would be filling the vacancy. He reminded the Council that there will be a Joint Fiscal Committee meeting on Tuesday, September 1, 2009.

Councilor Callaghan said he did not intend for his comments to be taken personally, because he was actually directing his comments to other members of the Council.

Councilor Weston said it was suggested to her today that the School cut a one-time cost of \$350,000 for the purchase of books. She said the School has already ordered their school books for the year on July 1st and spent the \$350,000. She said her Resolution solves the \$600,000 shortfall and they don't need to ask the School to make any cuts.

Deputy Mayor Trefethen said he presented his budget amendment to the Council and then shut up. He now wanted to do the math for the Council. He said in June when the Council approved the budget they had removed \$200,000 in revenue from the School. He said the result of that was that the taxpayers had to pay \$200,000 more in their tax bill. He said as the summer progressed the State finalized their budget and we were hoping that they would see the light, but they didn't, and that shortfall was \$600,000. He said that is revenue that the City won't see. He said his math sees it as \$800,000 that is being passed on to the taxpayers if the City doesn't do anything. He said there was broad consensus to restore the \$200,000 to the School budget, so that would leave \$600,000 that would get passed on to the taxpayers if the Council does nothing. He said the proposal is to alleviate that by \$400,000. He said his math shows that it is still \$200,000 being passed on to the taxpayers. He referred to Councilor Scott's editorials to two newspapers, and his proposal to cut \$325,000 from the School's budget and \$325,000 from the municipal budget. He asked Councilor Scott if that Resolution was going to appear anywhere to accomplish those things.

Councilor Scott said he did put forth a Resolution, but asked City Attorney Krans to hold it back until he fully understood the implication. He said he still may put it in.

Mayor Myers clarified the time frame for budget amendments, which have to be forward to public hearings, and completed by September 24, 2009.

Councilor Carrier said if the \$400,000 is used from the Sand and Gravel Fund, there was still residual money left and the bathhouse will be built.

Councilor Weston said she didn't understand Deputy Mayor Trefethen's math. She said in essence it does not equal \$800,000. She said she spoke with Finance Director Daniel Lynch to make sure she understood it correctly. She said if the Council reverses the \$200,000 and puts it back into the revenue of the School, the City has already estimated a tax increase. She said that would give the City \$200,000 leeway in offsetting the \$600,000 shortfall. She said taking the \$400,000 from the Sand and Gravel Fund, it ends up as a wash. She asked Finance Director Lynch if she was correct.

City Manager Joyal said she wasn't correct. He said Deputy Mayor Trefethen's math was correct. He said this is why the Council should be talking with the City Manager about budget



CITY OF DOVER

CITY COUNCIL - MINUTES

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

amendment resolutions, so he can coordinate the collection of information. He said the Council approved reducing the School's revenue by \$200,000, creating it to be passed on to the tax levy. He referred to the \$600,000 shortfall from City revenues, and said if the Council did nothing the Department of Revenue Administration would force that onto the City's tax levy. He said the net effect of that is \$800,000 and if the Council did nothing that would be added to tax levy. He said reversing the \$200,000 revenue back to the School still leaves \$600,000 in revenue that needs to be addressed. He said taking \$400,000 from the Sand and Gravel Fund still leaves a gap of \$200,000 that will flow onto the tax levy.

Councilor Weston said she wasn't there to debate with the City Manager. She said when the Council passed the budget with an increase based on the removal of the revenue from the School budget, the citizens realized that their taxes were going to go up. She said the additional \$400,000, with the tax increase the Council already approved, would make it a wash. She asked Finance Director Lynch what she was saying wrong.

Mayor Myers said Councilor Weston was starting with the end result of what was adopted in June.

Councilor Weston asked where else they would start.

Mayor Myers said the City Manager is starting from the beginning of the budget process.

Councilor Scott asked if they could get the remaining \$200,000 from Fund Balance.

Mayor Myers said he would have to bring forth a budget amendment. He said next year is right around the corner. He referred to the CPI number for July, -2.1, making the average so far for the year -0.8, which is used in the tax cap formula. He said we are adding to that deficit financing by using \$200,000 of Fund Balance this year. He said that is their starting point next year.

Councilor Scott said this was the reason they have a high-priced City Manager, to address these problems and recognize that the taxpayers can't always be asked to pay more money. He asked if the Fund Balance was \$5.5 million. He asked if it was lowered \$200,000, who was going to complain if they start with \$5.3 million?

Mayor Myers asked Councilor Scott to bring it forth as a budget amendment, and if it gets a 2/3 majority the Council can take that action.

Councilor McCusker referred to the comments made about the two positions being advertised for the Library, and that they cost \$70,000 a piece. He asked the City Manager is there were two positions for the Library being advertised for \$70,000 a piece.

City Manager Joyal said absolutely not.

Councilor McCusker asked if the positions were full-time or part-time.

City Manager Joyal said they were part-time, one at 15 hours and one at 11 hours. He said there was a full-time position that is being eliminated by attrition and being replaced by two part-time positions.

Mayor Myers said that was in the City Manager's Report two weeks ago.

Councilor McCusker wanted this clarified for the citizens.

14. ADJOURN

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

Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R – 2009.08.26 - 118**
Resolution Re: Budget Amendment #1

WHEREAS: The City Council reduced the estimated education revenue during its budget adoption on June 3, 2009; and

WHEREAS: The City Council has been assured by the members of the School Board during a recent joint workshop that the original estimate of education revenues accurately reflects the experience of the School Board regarding its revenues; and

WHEREAS: The reduction of the tax levy will result in a lower tax burden for the taxpayers of Dover;

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

The tax levy portion of the FY'10 annual budget resolution adopted by the City Council is amended to read:

“4. To provide for the raising by property taxation the sum of \$59,538,923. This includes City Property Taxes of \$21,164,339, Education Property Taxes of \$31,422,216 and County Property Taxes of \$6,952,368.”

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
Deputy Mayor Dean Trefethen
Councilor Steven McCusker

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R – 2009.08.26 - 118**
Resolution Re: Budget Amendment #1

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

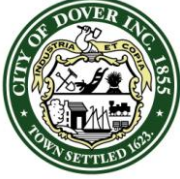
CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R – 2009.08.26 - 118**
Resolution Re: Budget Amendment #1

RESOLUTION BACKGROUND MATERIAL:

This resolution reverses the action of the Dover City Council on June 3, 2009 in the adoption of the FY'10 annual budget regarding reducing the total education revenues contained on p. 66-67 of the FY'10 budget. It restores the total estimate of education revenues to \$13,211,005 as estimated by the Dover School Board.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R – 2009.08.26 - 118**
Resolution Re: Budget Amendment #1 (SUBSTITUTE AS A WHOLE)

WHEREAS: The City Council reduced the estimated education revenue during its budget adoption on June 3, 2009; and

WHEREAS: The City Council has been assured by the members of the School Board during a recent joint workshop that the original estimate of education revenues of \$13,211,005 accurately reflects the experience of the School Board regarding its revenues; and

WHEREAS: If a budget amendment is to be made by the City Council prior to tax rate setting, it should also account for the revenue shortfall of approximately \$600,243 in the FY10 annual budget as it is now known the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the original adoption of the annual budget; and

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

The tax levy portion of the FY'10 annual budget resolution adopted by the City Council is amended to read:

“4. To provide for the raising by property taxation the sum of \$60,139,166. This includes City Property Taxes of \$21,714,530, Education Property Taxes of \$31,422,216 and County Property Taxes of \$7,002,420.”

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
Deputy Mayor Dean Trefethen
Councilor Steven McCusker

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

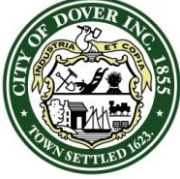
Resolution Number: **R – 2009.08.26 - 118**
Resolution Re: Budget Amendment #1 (SUBSTITUTE AS A WHOLE)

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R – 2009.08.26 - 118**

Resolution Re: Budget Amendment #1 (SUBSTITUTE AS A WHOLE)

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the revenue portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution makes no changes in appropriations of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reverses the action of the Dover City Council on June 3, 2009 in the adoption of the FY'10 annual budget regarding reducing the total education revenues contained on p. 66-67 of the FY'10 budget. It restores the total estimate of education revenues to \$13,211,005 as estimated by the Dover School Board.

This resolution amends the adoption of the FY'10 annual budget regarding estimated Shared Revenue Block Grant funds contained on p. 55 of the FY'10 budget. The estimate for Shared Revenue Block Grant will be reduced by \$600,243 to a revised amount of \$0.00.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2

WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and

WHEREAS: The City Council has been assured by the members of the School Board during a recent joint workshop that the original estimate of education revenues of \$13,211,005 reflect the experience of the School Board regarding its revenues; and

WHEREAS: The City has \$585,278 in the Sand and Gravel fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The tax levy portion of the FY10 annual budget resolution adopted by the City Council is amended to read:

“4. To provide for the raising by property taxation the sum of \$59,138,923. This includes City Property Taxes of \$21,114,339, Education Property Taxes of \$31,072,216 and County Property Taxes of \$6,952,368.”

AND, FURTHER BE IT RESOLVED;

The sum of Four hundred thousand (\$400,000) dollars is appropriated from the Sand and Gravel Fund to be used as a transfer to the General Fund as a funding source for the General Fund appropriations in the FY10 annual budget, and to amend the FY10 annual budget resolution adopted by the City Council to read:

“15. There is the sum of Four Hundred Thousand (\$400,000) dollars appropriated from the Sand and Gravel Fund as a transfer to the General Fund for the purpose of offsetting property taxes. Said funding being allocated \$50,000 to off set City portion of property tax levy and \$350,000 allocated to offset School portion of property tax levy. ”

AND, FURTHER BE IT RESOLVED;

The appropriation of \$815,000, previously voted by City Council on April 9, 2008 Item 11C-4 for \$750,000 and vote by City Council on December 17, 2008 for \$65,000, for use of Sand and Gravel Fund revenue for reconstruction of the Thompson Pool Bathhouse is amended to an amount of \$185,000.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston
Councilor Robert Carrier

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2

RESOLUTION BACKGROUND MATERIAL:

This resolution reverses the action of the Dover City Council on June 3, 2009 in the adoption of the FY10 annual budget regarding reducing the total education revenues contained on p. 66-67 of the FY10 budget. It restores the total estimate of education revenues to \$13,211,005 as estimated by the Dover School Board.

In addition, this resolution addresses the shortfall in revenues from the State of New Hampshire in the approximate amount of \$600,243 dollars by authorizing the use of the Sand and Gravel Fund in the amount of \$400,000 and reversing the school revenues in the amount of \$200,000.

This resolution will also have the effect of partially rescinding previous Council action regarding funding improvements to the Jenny Thompson pool using Sand and Gravel funds. City Council approved \$750,000 on April 9, 2008 (Item 11C-4) for the Thompson Pool bathhouse project. As part of the FY10 CIP, City Council approved \$65,000 for design services for the Thompson Pool bathhouse project. The total amount appropriated for the project is \$815,000. This resolution will reduce by \$630,000 the amount appropriated for the Thompson Pool Bathhouse project. The revised amount appropriated for the project will be \$185,000 (\$815,000 - \$630,000).

The current balance of funds in the Sand and Gravel Fund is as follows:

\$625,278 Fund Balance

\$ 40,000 Appropriated for Library Roof Repairs

\$585,278 Available Subtotal

\$400,000 Appropriation for Transfer to General Fund (This resolution)

\$185,278 Available for Jenny Thompson Pool Bathhouse project



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2 (SUBSTITUTE AS A WHOLE)

WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and

WHEREAS: The City Council has been assured by the members of the School Board during a recent joint workshop that the original estimate of education revenues of \$13,211,005 reflect the experience of the School Board regarding its revenues; and

WHEREAS: The City has \$585,278 in the Sand and Gravel fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The tax levy portion of the FY10 annual budget resolution adopted by the City Council is amended to read:

“4. To provide for the raising by property taxation the sum of \$59,739,166. This includes City Property Taxes of \$21,664,530, Education Property Taxes of \$31,072,216 and County Property Taxes of \$7,002,420.”

AND, FURTHER BE IT RESOLVED;

The sum of Four hundred thousand (\$400,000) dollars is appropriated from the Sand and Gravel Fund to be used as a transfer to the General Fund as a funding source for the General Fund appropriations in the FY10 annual budget, and to amend the FY10 annual budget resolution adopted by the City Council to read:

“15. There is the sum of Four Hundred Thousand (\$400,000) dollars appropriated from the Sand and Gravel Fund as a transfer to the General Fund for the purpose of offsetting property taxes. Said funding being allocated \$50,000 to off set City portion of property tax levy and \$350,000 allocated to offset School portion of property tax levy. ”

AND, FURTHER BE IT RESOLVED;

The appropriation of \$815,000, previously voted by City Council on April 9, 2008 Item 11C-4 for \$750,000 and vote by City Council on December 17, 2008 for \$65,000, for use of Sand and Gravel Fund revenue for reconstruction of the Thompson Pool Bathhouse is amended to an amount of \$185,000.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston
Councilor Robert Carrier

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2 (SUBSTITUTE AS A WHOLE)

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.08.26 - 119**
Resolution Re: Budget Amendment #2 (SUBSTITUTE AS A WHOLE)

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the revenue portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution makes no changes in appropriations of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reverses the action of the Dover City Council on June 3, 2009 in the adoption of the FY10 annual budget regarding reducing the total education revenues contained on p. 66-67 of the FY10 budget. It restores the total estimate of education revenues to \$13,211,005 as estimated by the Dover School Board.

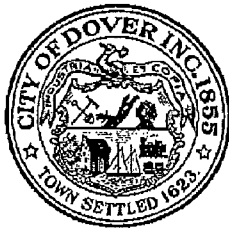
This resolution amends the adoption of the FY'10 annual budget regarding estimated Shared Revenue Block Grant funds contained on p. 55 of the FY'10 budget. The estimate for Shared Revenue Block Grant will be reduced by \$600,243 to a revised amount of \$0.00.

In addition, this resolution addresses the shortfall in revenues from the State of New Hampshire in the approximate amount of \$600,243 dollars by authorizing the use of the Sand and Gravel Fund in the amount of \$400,000 and reversing the school revenues in the amount of \$200,000.

This resolution will also have the effect of partially rescinding previous Council action regarding funding improvements to the Jenny Thompson pool using Sand and Gravel funds. City Council approved \$750,000 on April 9, 2008 (Item 11C-4) for the Thompson Pool bathhouse project. As part of the FY10 CIP, City Council approved \$65,000 for design services for the Thompson Pool bathhouse project. The total amount appropriated for the project is \$815,000. This resolution will reduce by \$630,000 the amount appropriated for the Thompson Pool Bathhouse project. The revised amount appropriated for the project will be \$185,000 (\$815,000 - \$630,000).

The current balance of funds in the Sand and Gravel Fund is as follows:

\$625,278 Fund Balance
\$ 40,000 Appropriated for Library Roof Repairs
\$585,278 Available Subtotal
\$400,000 Appropriation for Transfer to General Fund (This resolution)
\$185,278 Available for Jenny Thompson Pool Bathhouse project



CITY OF DOVER
09 AUG 32 AM 10:00

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: "Jadens Wish"

Federal Tax ID number for Organization: _____

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

Contact Person: Janet Clement Day Time Telephone: (w) 516-1191 @ 973-2864

Address: 14 Gray Ave Email Address: jclement_23@yahoo.com

Purpose of Permit: Raffle \$50-50 table @ Apple Harvest. make-a-wish got my son a hot tub and we are fundraising for the enclosure

Date of Event: OCT 3rd Specific Time: 830

Location of Event: Downtown Dover

(Raffle Permit only)
Prize (s) To Be Awarded: Bruins signed photo & Puck, webkin animals, story land passes and much more.

Amount of Donation: \$1 for 1 \$5 for 6 tickets Date of Drawing: OCT 3rd Specific Time: End of harvest day

Place of Drawing: @ our table (need not be present to win)

* 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: Janet Clement Date: 8/31/09

Licensing Board approval: [Signature] Date: 9/2/09
Revised 03/17/08

See article

Make-a-wish Enclosure for Jaden Clement
Recipient must pay TAXES on income otherwise OK with



Jaden Clement, 3, has a rare disorder that leaves him vulnerable to strokes.

Follow-up story on Jaden:

Jaden has MoyaMoya Disease it is a very rare condition in which the walls of the internal carotid arteries - which supply blood to important areas of the brain - become thickened. This gradually slows the flow of blood to the brain and increases the likelihood of blood clot formation, both of which can lead to strokes and transient ischemic attacks.

In this condition, small blood vessels also form a network of "side roads" trying to supply oxygen to the oxygen-starved areas of the brain once served by the narrowed arteries. These many tiny blood vessels show up clearly on an angiogram, explaining the name for the disease; in Japanese, "moyamoya" means puff of smoke. More fragile than normal blood vessels, arteries in this network can also break and bleed into the brain, causing hemorrhages (In the brain, hemorrhage can be even more dangerous than elsewhere in the body, as brain tissue becomes irritated and inflamed and the pressure inside the skull increases), in certain patients.

Jaden was diagnosed last September following a stroke. The doctors did the surgery to restore blood flow to the brain by opening narrowed blood vessels. The surgery works by inducing the development of new blood vessels from the donor scalp artery in the area of the area of the synangiosis, which provides an additional source of blood to the underlying brain. These blood vessels develop not only from the scalp artery, which is the major source of new blood, but also from blood vessels which sprout from the coverings of the brain around the skull opening. We are not sure what makes these new blood vessels sprout and grow.

Jaden had the surgery on October 30, 2008. He had several complications the first night following his bilateral Pial Synangiosis brain surgery, he had two more strokes that night, which left his left side paralyzed. Over the course of the next day, Jaden had severe swelling on his brain and had to have a Craniotomy. Jaden remained in Boston for 6 weeks in the ICU Department, then 3 Months at Franciscans Childrens Hospital (a rehabilitation facility also in Boston).

Jaden was able to come home on February 20th following decanulation of a trach from Boston Childrens Hospital. Jaden lives with his Mom, Sister Shelby, and Brother Zachary. He is currently in a Wheelchair, and getting services for Physical Therapy, Occupational Therapy, Speech, and A tutor for school.

Jadens Wish is for a Hot tub, we are currently working on this wish, "therapeutically" this will help Jaden to improve his ability to stretch and move freely, Due to him having very high tone reduction this will reduce his muscle spasms that he has on a "daily" basis, and cries, because it hurts very bad, the hot tub will create a "weightless environment" for Jaden to be able to move freely. The water makes Jaden Happy! Currently I am not working one day a week just to make it possible for Jaden to be able to have therapy in a warm pool traveling him to therapy outside of the house once a week for this and it is a safety concern due to his bone flap, and due to how much time it takes to travel he cannot have his other needed therapies on that day. Jaden is currently receiving

Occupational Therapy, Physical Therapy, Speech Therapy, and a tutor for school at home. The Hot tub must have an enclosure due to Jaden's respiratory status. Jaden was always outside, so it is very important for us to have a "skylight" for Jaden to be able to see the stars! As Jaden's mom "My only focus is Jaden and my only focus will be him until he gets better, I hope the other things will fall into place."

"Jaden is the strongest, bravest person I know, He is My HERO!"

A fund for "Jaden's Wish" has been set up at TD Banknorth, 4 Central St. Farmington, NH 03835 Please make checks payable to "Jaden's Wish Fund".



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R – 2009.09.09 – 120**

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

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

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

WHEREAS: On August 24, 2009 the Dover School Board accepted establishment of the Donald and Rita MacLeod Memorial Scholarship Fund; and

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

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.2.

Resolution Number: **R – 2009.09.09 – 120**

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

RESOLUTION BACKGROUND MATERIAL:

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

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

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

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

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

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

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

On August 24, 2009 the Dover School Board approved acceptance of the of the Donald and Rita MacLeod Memorial Scholarship Fund. A copy of the School Board resolution is attached.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.09.09 – 121**
Resolution Re: **Asphalt Trench Patching Services B09061 Revisited**

- WHEREAS: Sealed bids # B09061 were requested and received for Asphalt Trench Patching Services on April 7, 2009 at 2:00 PM EST.; and
- WHEREAS: The low bid for each situation, was submitted by Durell AP Enterprises Inc of Kensington NH. The next most favorable rate structure came from Tri-State Sealcoat & Paving of Dover who is the vendor that the city has used since June 2005 with complete success; and
- WHEREAS: The city checked the references of Durell AP Enterprise and the outcome was of uncertainty that this vendor could successfully handle the work load. Due to the extremely competitive pricing structure the recommendation was to give Durell AP Enterprises Inc the opportunity to prove itself but also to award Tri-State Sealcoat & Paving as a back up vendor.
- WHEREAS: The city has already tried Sinclair on a couple small locations and they have proved satisfactory. The work load is extremely large at this time and the city is currently using Tri-State Paving for many other locations, therefore, recommends adding Sinclair as replacement for Durell AP Enterprises, Inc at rates provided in original bid B09061 dated 4/7/09.

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 Sinclair Paving of Rochester NH as needed, given the rates provided April 7, 2009. This authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance 9/2//09
4008-43121-4751-3121-08-30	CIP Street Improvements	2,000,000	195,472
4009-43121-4751-3121-09-30	CIP Street Improvements	1,400,000	845,090

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.3.

Resolution Number: **R - 2009.09.09 – 121**
Resolution Re: **Asphalt Trench Patching Services B09061 Revisited**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.09.09 – 121**
Resolution Re: **Asphalt Trench Patching Services B09061 Revisited**

RESOLUTION BACKGROUND MATERIAL:

Four (4) different types of construction-related situations were identified for which trench patching service might be utilized in the upcoming construction season.

- 1a Asphalt delivery no trench prep (hand work)
- 1b Asphalt delivery no trench prep (machine work)
- 2a trench prep and pave (hand work)
- 2b trench prep and pave (Machine work)

Bid Information:

Sealed bids # B09061 were requested and received for Asphalt Trench Patching Services on April 7, 2009 at 2:00 PM EST

Award Information:

A blanket purchase orders will be issued to both vendors at rates submitted on Bid #B009061 to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	15	Number of Responses:	7
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	no
Prices will hold for:	2009 construction season	Estimated Delivery:	As needed
Recommended Award to:	Durell Enterprise and Tri-State Paving	Fund:	Various
Other Approvals Required:	No	References Checked:	Durell- Yes with Some reservations/ Tri-State excellent
Previously Worked for City:	Durell in 2004 Tri-State Paving 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.3.

Resolution Number: **R - 2009.09.09 – 121**

Resolution Re: **Asphalt Trench Patching Services B09061 Revisited**

Vendor Solicitation List:

Durell Paving
508 Sixth Street
Dover, NH 03820

Sinclair Paving LLC
11 Quaker Lane
Gonic, NH 03839

Tri State Sealing & Paving,
Inc.
P. O. Box 162
Dover, NH 03820

East Coast Utilities
Construction
RH White Construction Co
619 Sand Rd Ste 6
Pembroke NH 03275

R&M Paving
50 Crosby Road
Dover, NH 03820

Dixon Paving Corporation
P.O. Box 342
York, ME 03909

Shamrock Paving
11 Ledge Road
Seabrook, NH 03874

C&L Construction
P.O. Box 130
Greenland, NH 03840

CLD Paving, Inc.
426 So. Main Street
Laconia, NH 03246

Ecker Paving
422 Banfield road
Portsmouth, NH 03801

Wentworth Paving
115 Drew Road
Dover, NH 03820

Precision Paving
31 Luanna Drive
Barrington, NH 03825

Advanced Excavating &
Paving
PO Box 581
Suncook NH 03275

Durell Enterprises, Inc.
211 N. Haverhill Road
Kensington, NH 03833

K.C. Paving
85 Knox Marsh Road
Dover, NH 03820



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.3.

Resolution Number: **R - 2009.09.09 – 121**

Resolution Re: **Asphalt Trench Patching Services B09061 Revisited**

Results #B09061

Vendor Name	Asphalt Delivery Not to include trench Preparation	Equipment to be used	Asphalt Delivery Trench Preparation and asphalt application	Equipment to be used	Saw Cutting \$ Per Foot
Sinclair Paving 11 Quaker Ln Gonic NH	1A. 220.00 1B. 300.00	1a) 3-5 man crew, trench paver, dump truck, roller, compactor, service truck 1b) 3-5man crew, trench paver, 18500 leboy paver, dump truck, 3-5 ton roller, compactor, service truck	2A. 255.00 2B. 335.00	2a) 3-5 man crew, excavator, trench paver, roller, dump truck, service truck 2b) 3-5 man crew, skidsteer, leeboy 8500 paver, dump truck, paver 3-5 ton roller, compactor, 1 ton roller, service truck	\$1.75
R & M Paving 50 Crosby Road Dover, NH	1A. 300.00 1B. 395.00	1a) 5 men crew, roller, 4 dump trucks, paver, backhoe,uniloader, pickup, excavator 1b) same as 1a 6-7 men crew	2A. 350.00 2B. 400.00	2a) 6 man crew, roller, 5 dump trucks, paver, backhoe, uniloader, pickup, excavator 2b) same as 1b 7 men crew and 3 yrd loader	\$2.00
Durell Paving, Inc 508 Sixth Street Dover, NH	1A. 320.00 1B. 400.00	1a) 4-6 man crew, dump trucks, service truck, plate compactor roller 1b) same as 1a & power paver	2A. 395.00 2B. 475.00	2a) as in 1a & backhoe or excavator as required. 2b) as in 1b & backhoe/excavator/grader as required	\$2.00
Tri – State Sealcoat & Paving 299 Durham Road Dover, NH	1A. 200.00 1B. 275.00	1a) 4-5 men crew, paver, backhoe, bobcat with 3-5 and 2 ton rollers, grader att, planner att, rollers 10 wheel and 6 wheel 1b) 4-5 men crew, paver, roller, 3-5 ton vibrator & (2 ton), plate compactor, bobcat, backhoe, dump truck,	2A. 250.00 2B. 325.00	2a) 4-5 men crew, paver, rollers, bobcat, backhoe, trucks, cold planner walk behind road saw, all hand tools 2b)4- 5 men crew, trucks, paver, roller, backhoe, bob cat, planner, and all hand tools, tool truck	\$1.50
Dixon Paving Co PO Box 342 York ME 03909	1A. 315.00 1B. 415.00	1a) 4-6 man crew, service truck, 2 dump truck, roller, compactor, bobcat, 1b) same as 1a plus addition of asphalt paver	2A. 380.00 2B. 415.00	2a) same as 1a plus addition of back hoe 2b) same as 1b plus backhoe	\$1.25
Durell A P Enterprises Inc 211 No. Haverhill Rd Kensington NH	1A. 150.00 1B. 150.00	1a) 5 man crew, hand tools 1b) 5 man crew, paver 1000C leeboy, 1 ½ ton roller. Two 6 wheel dumps and two 10 wheel dumps	2A. 210.00 2B. 225.00	2a) 5 man crew, trench prep komoster PC27 or JD 300D 2b) same as 2a and two 6 wheel dumps and twp 10 wheel dumps	\$1.50
Patches Infrared Pavement Restoration LLC 5 Thompson Rd Dover NH	1A. 175.00 1B.	1a) 2 person crew, 1 truck 2 ton hot box 1 single drum vibrator roller 1b) no bid	2A 2B	2a) no bid 2b) no bid	

1A & 2A Hand Applications

2A & 2B machine applications



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.09.09 - 122**
Resolution Re: B09095 Change Order #1 Sidewalk Improvements

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

WHEREAS: The low bid meeting specifications was submitted by Steve Sarette and Son Excavation LLC of Goffstown NH in the total bid amount of \$356,571.00. Via resolution R2009.06.24-87 Item 12a7 council approved with a 25% reduction and a purchase order was issued in the amount of \$267,428.25; and

WHEREAS: On August 26, 2009, change order #1 was received from Steve Sarette & Sons Excavation LLC to add Lexington Street to the agreement at original bid unit pricing for a total amount of \$123,066.40.

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

The purchasing agent is hereby authorized to issue Change Order #1 to Steve Sarette and Son Excavating LLC given the amount of \$123,066.40 and corresponding rates provided 6/12/09. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance 9/03/09
1000-43121-4715-0000-99-30	Streets- land improvements	419,446.66	419,446.66

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.09.09 - 122**
Resolution Re: B09095 Change Order #1 Sidewalk Improvements

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.09.09 - 122**

Resolution Re: B09095 Change Order #1 Sidewalk Improvements

RESOLUTION BACKGROUND MATERIAL:

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

Bid Information:

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

Award Information:

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

Purchasing Information:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.09.09 - 122**

Resolution Re: B09095 Change Order #1 Sidewalk Improvements

B09095 Vendor List:

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

Santorelli Construction
3 Gumwood Lane
Wakefield, MA 01830

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

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

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

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

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

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

Pandelena Construction
6 Starwood Drive
Hampstead, NH 03841

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

Bell & Flynn
65 Bunker Hill Avenue
Stratham, NH 03885

Gove Construction
P. O. 6606
Portsmouth, NH 03801

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

J Parker & Daughters
70 Daroska Road
Pittsfield, NH 03262

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

Pavit Asphalt Surfacing
PO Box 415
Methuen MA 01844

Arlington Paving Co
PO Box 120
Keene NH 03431

Matrix Concrete
83 Central Street
Farmington, NH 03835

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

STS Construction
PO Box 429
E. Lebanon, ME 04077

Accurate Concrete LLC
26 Cadogan Way
Nashua, NH 03062

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

Ricci Construction
225 Banfield Road
Portsmouth, NH 03801

Durell Paving Inc.
508 Sixth Street
Dover, NH 03820

John D. Hartnett
56 Hanover Street
Newbury, MA 01950

Fred Meyer Masonry
Box 298
Rochester, NH 03867

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R - 2009.09.09 - 122**

Resolution Re: B09095 Change Order #1 Sidewalk Improvements

B09095 Results

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R - 2009.09.09 – 123**
Resolution Re: Highway Road Salt

WHEREAS: In August 2009, the State of NH conducted a bid solicitation for Highway Road Salt. The bid was awarded to Granite State Minerals Inc for the seacoast areas via contract # 8000295 at varying rates depending on the district location; and

WHEREAS: The City of Dover uses approximately 3000 tons of road salt and on August 31, 2009 contacted Granite State Minerals Inc to inquire about piggy backing off the State of NH contract at the bid price of \$55.41 per ton delivered to Dover; and

WHEREAS: Granite State Minerals Inc has agreed and will guarantee pricing to hold until April 15, 2010 as long as they receive written acceptance by the City of Dover before September 15, 2009. The city has, in the past, bid this out in combination with Somersworth and Rochester needs for salt and the State NH pricing has been lower than or at the bid price the city had received.

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 Granite State Minerals Inc for road salt at the rate of \$55.41 per ton delivered. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance 9.01.09
1000-43125-4612-0000-00-30	Snow Removal Op Supplies	\$120,000.00	\$120,000.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R - 2009.09.09 – 123**

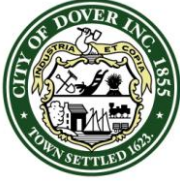
Resolution Re: Highway Road Salt

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R - 2009.09.09 – 123**
Resolution Re: Highway Road Salt

RESOLUTION BACKGROUND MATERIAL:

In August 2009, the State of NH conducted a bid solicitation for Highway Road Salt. The bid was awarded to Granite State Minerals Inc via contract # 8000295 (attached) at varying rates depending on the district location. The City of Dover uses approximately 3000 tons of road salt and on August 31, 2009 contacted Granite State Minerals Inc to inquire about piggy backing off the State of NH contract at the Bid Price of \$55.41 per ton delivered to Dover.

Granite State Minerals Inc has agreed and will guarantee pricing to hold until April 15, 2010 as long as they receive written acceptance by the City of Dover before September 15, 2009. The city has bid this out over the last few years in combination with Somersworth and Rochester needs for salt and the state NH pricing has been lower than or the same as the bids the city had received. Season of 2008-2009 State pricing \$59.23 City bid \$63.07 for a difference of \$3.84. Season of 2007-2008 State Pricing \$45.96 City Bid \$45.96 (same vendor).

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	None	Number of Responses:	0
Warranty:	Meets State NH Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	na	Contract:	Yes
Prices will hold for:	April 15, 2010	Estimated Delivery:	As needed
Recommended Award to:	Granite State Minerals Inc	Fund:	Snow Removal
Other Approvals Required:	Yes State NH	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waived bid – Cost exceeds \$10,000.00

**STATE OF NEW HAMPSHIRE
BUREAU OF PURCHASE AND PROPERTY
STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301
NOTICE OF CONTRACT - PRIMARY AWARD CONTRACT**

COMMODITY: ROAD SALT - ROCK DATE: 8/13/2009

CONTRACT NUMBER: 8000295

CONTRACTOR: GRANITE STATE MINERAL INC. VDR 154316
227 MARKET STREET
PORTSMOUTH, NH 03801
B001

TELEPHONE NO.: 1-800-582-7907 OR 603-436-8505, FAX 603-436-2458

E-MAIL: gsmsalt@aol.com

CONTACT PERSON: PAUL WENTWORTH

REMIT ADDRESS: SAME AS ABOVE

CONTRACT PERIOD: 7/1/2009 THROUGH 6/30/2010

TERMS: NET 30 DAYS

F.O.B.: DESTINATION

COMMODITY CODE: 775-4573

ORDERING: ORDERS SHALL BE PLACED DIRECTLY TO VENDOR.

OTHER ELIGIBLE PARTICIPANTS Any resulting contracts for State use shall be between the State and the successful vendor(s). Under the provisions of RSA 21-I:17, the successful vendor(s) shall make additional salt procurement contracts available to participating counties, cities, towns, school districts, special districts or precincts, governmental sub-divisions, any non-profit Agency certified under the provisions of section 501 (C) (3) of the Federal Internal Revenue Code, and the NH College and University Council, **“Other Participants” at the same terms and conditions as stated herein.**
The successful vendor(s) and Other Participants shall determine service and contract requirements. Any resulting contracts between the successful vendor(s) and Other Participants shall be at the same terms and conditions as the State Contract(s) The State shall not be liable for any breach of contract by any of the participating counties, cities, towns, school districts or other governmental sub divisions. ...

DELIVERY: PRIMARY AWARD CONTRACT
NH DOT INITIAL FILL UPS SHALL BE COMPLETED AS STATED

Districts 3, 4, 5 & 6 NHDOT	80% FILL COMPLETION BY 11/15/2009
Districts 3, 4, 5, & 6 NHDOT	100% FILL COMPLETION BY 11/15/2009
Districts 3, 4, 5, & 6 OTHER STATE AGENCIES	100% FILL COMPLETION BY 10/31/2009

NH DOT BALANCE OF SEASON FILL UPS SHALL BE COMPLETED AS STATED

Districts 3, 4, 5 & 6 NHDOT	NOT TO EXCEED 9 WORKING DAYS ARO
Districts 3, 4, 5 & 6 OTHER STATE AGENCIES	NOT TO EXCEED 9 WORKING DAYS ARO

DELIVERY DELIVERIES SHALL NOT BE REQUIRED TO EXCEED
3,000 TONS PER WEEK PER DISTRICT

PRICING SEE ATTACHED PAGES

QUESTIONS: DIRECT ANY QUESTIONS TO: MICHAEL P. WALSH II, PURCHASING AGENT
TEL: 603/271-3235 EMAIL: michael.walsh@nh.gov

GRANITE STATE MINERAL - ROCK SALT
DISTRICT 3 LOCATIONS - NHDOT & OTHER STATE AGENCIES

NH DOT REQUIREMENTS

District	Section	Principal Storage Point	Salt Delivery address	INITIAL FILL	Delivery from 11/1/2009 through 6/30/2010 Balance of season requirements			LOCATION COMMUNICATION INFORMATION			
					80% = 11-15-2009 100% 12-15-2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	ESTIMATED SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX
3				3,300		\$62.73	3,300	Bill Roswell	524-6667	524-8027	wroswell@dot.state.nh.us
3	301	Conway			100	\$62.73	100	"	"	"	" "
3	302	Tamworth		650		\$62.73	650	"	"	"	" "
3	302	Tamworth			950	\$62.73	950	"	"	"	" "
3	303	Freedom		2,000		\$62.73	2,000	"	"	"	" "
3	303	Freedom			100	\$62.73	100	"	"	"	" "
3	304	Ashland		2,300		\$62.73	2,300	"	"	"	" "
3	304	Ashland			100	\$62.73	100	"	"	"	" "
3	305	Moultonborough		700		\$62.73	700	"	"	"	" "
3	305	Moultonborough			600	\$62.73	600	"	"	"	" "
3	307	Ossipee		1,000		\$62.73	1,000	"	"	"	" "
3	307	Ossipee			700	\$62.73	700	"	"	"	" "
3	309	Meredith		1,800		\$62.73	1,800	"	"	"	" "
3	309	Meredith			200	\$62.73	200	"	"	"	" "
3	311	Tuftonboro		900		\$62.73	900	"	"	"	" "
3	311	Tuftonboro			100	\$62.73	100	"	"	"	" "
3	312	Wakefield		2,400		\$62.73	2,400	"	"	"	" "
3	312	Wakefield			100	\$62.73	100	"	"	"	" "
3	313	Belmont		1,700		\$62.73	1,700	"	"	"	" "
3	313	Belmont			100	\$62.73	100	"	"	"	" "
3	314	Belmont		2,000		\$62.73	2,000	"	"	"	" "
3	314	Belmont			1000	\$62.73	1,000	"	"	"	" "
3	315	Alton		2,300		\$62.73	2,300	"	"	"	" "
3	315	Alton			100	\$62.73	100	"	"	"	" "
3	316	Loudon		600		\$62.73	600	"	"	"	" "
3	316	Loudon			800	\$62.73	800	"	"	"	" "
3	324	New Hampton		3,100		\$62.73	3,100	"	"	"	" "
3	324	New Hampton			1,400	\$62.73	1,400	"	"	"	" "
3	325	Thornton		3,500		\$62.73	3,500	"	"	"	" "
3	325	Thornton			2,100	\$62.73	2,100	"	"	"	" "

GRANITE STATE MINERAL - ROCK SALT
DISTRICT 3 LOCATIONS - NHDOT & OTHER STATE AGENCIES

OTHER STATE AGENCIES

<u>District</u>	<u>Section</u>	<u>Principal Storage Point</u>	<u>Salt Delivery address</u>	DELIVERY NOT TO EXCEED 10/31/2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
3		NH Veterans Home	139 Winter street, tilton,NH	30		\$62.73	30	Jon Bossey	527-4452	527-4873	jon.bossey@nhvh.nh.gov
3		NH Veterans Home	139 Winter street, tilton,NH		60	\$62.73	60	Jon Bossey	527-4452	527-4873	jon.bossey@nhvh.nh.gov
3		NH DOC - lakes Region	1 Rightway Path, laconia,NH	15		\$80.00	15	Cavid Clapp	271-4231	c-340-3497	david.s.clapp@dhhs.state.nh.us
3		NH DOC - lakes Region	1 Rightway Path, laconia,NH		15	\$80.00	15	Cavid Clapp	271-4231	c-340-3497	david.s.clapp@dhhs.state.nh.us
3		NH Community College	379 Belmont Rd, laconia NH	30		\$62.73	30	Roger Lajoi	524-3207		
3		NH Community College	379 Belmont Rd, laconia NH		30	\$62.73	30	Roger Lajoi	524-3207		

GRANITE STATE MINERAL - ROCK SALT

DISTRICT 4 LOCATIONS - NHDOT & OTHER STATE AGENCIES

NH DOT REQUIREMENTS

District	Section	Principal Storage Point	Salt Delivery address	INITIAL FILL	Delivery from 11/1/2009 through 6/30/2010 Balance of season requirements			LOCATION COMMUNICATION INFORMATION			
					80% = 11-15-2009 100% 12-15-2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX
4	401	Charlestown/Walpole		1,650		\$59.33	1,650	Charles Flagg	352-2302	352-7725	cflagg@dot.state.nh.us
4	401	Charlestown/Walpole			100	\$59.33	100	"	"	"	"
4	403	Alstead/Marlow		800		\$59.33	800	"	"	"	"
4	403	Alstead/Marlow			950	\$59.33	950	"	"	"	"
4	404	Hillsboro		1,200		\$59.33	1,200	"	"	"	"
4	404	Hillsboro			300	\$59.33	300	"	"	"	"
4	405	Westmoreland/Chesterfield		1000		\$59.33	1,000	"	"	"	"
4	405	Westmoreland/Chesterfield			300	\$59.33	300	"	"	"	"
4	406	Swanzey		1,100		\$59.33	1,100	"	"	"	"
4	406	Swanzey			150	\$59.33	150	"	"	"	"
4	407	Nelson		1,100		\$59.33	1,100	"	"	"	"
4	407	Nelson			400	\$59.33	400	"	"	"	"
4	408	Hancock		1,300		\$59.33	1,300	"	"	"	"
4	408	Hancock			450	\$59.33	450	"	"	"	"
4	409	Greenfield		800		\$59.33	800	"	"	"	"
4	409	Greenfield			650	\$59.33	650	"	"	"	"
4	410	Winchester		1,200		\$59.33	1,200	"	"	"	"
4	410	Winchester			50	\$59.33	50	"	"	"	"
4	411	Troy/Marlborough		1,250		\$59.33	1,250	"	"	"	"
4	411	Troy/Marlborough			50	\$59.33	50	"	"	"	"
4	412	Marlborough		1,300		\$59.33	1,300	"	"	"	"
4	412	Marlborough			100	\$59.33	100	"	"	"	"
4	413	Rindge		1,300		\$59.33	1,300	"	"	"	"
4	413	Rindge			100	\$59.33	100	"	"	"	"
4	414	Temple		1,250		\$59.33	1,250	"	"	"	"
4	414	Temple			100	\$59.33	100	"	"	"	"
4	415	Greenville		1,400		\$59.33	1,400	"	"	"	"
4	415	Greenville			100	\$59.33	100	"	"	"	"

GRANITE STATE MINERAL - ROCK SALT
DISTRICT 5 LOCATIONS - NHDOT& OTHER STATE AGENCIES

NH DOT REQUIREMENTS

District	Section	Principal Storage Point	Salt Delivery address	INITIAL FILL 80% = 11-15-2009 100% 12-15-2009	Delivery from 11/1/2009 through 6/30/2010 Balance of season requirements			LOCATION COMMUNICATION INFORMATION			
					9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
5	501	Warner		600		\$54.53	600	Gary Clifford	485-9526	485-9825	tgclifford@dot.state.nh.us
5	501	Warner			630	\$54.53	630	"	"	"	"
5	503	Chichester		850		\$54.53	850	"	"	"	"
5	503	Chichester			890	\$54.53	890	"	"	"	"
5	504	Henniker		500		\$54.53	500	"	"	"	"
5	504	Henniker			880	\$54.53	880	"	"	"	"
5	505	Bow/Concord		1000		\$54.53	1,000	"	"	"	"
5	505	Bow/Concord			120	\$54.53	120	"	"	"	"
5	506	Allenstown		400		\$54.53	400	"	"	"	"
5	506	Allenstown			295	\$54.53	295	"	"	"	"
5	507	Goffstown/New Boston		700		\$54.53	700	"	"	"	"
5	507	Goffstown/New Boston			1,035	\$54.53	1,035	"	"	"	"
5	508	Hooksett		400		\$54.53	400	"	"	"	"
5	508	Hooksett			730	\$54.53	730	"	"	"	"
5	509	Candia		1100		\$54.53	1,100	"	"	"	"
5	509	Candia			1,005	\$54.53	1,005	"	"	"	"
5	510	Milford		700		\$54.53	700	"	"	"	"
5	510	Milford			1,145	\$54.53	1,145	"	"	"	"
5	511	Bedford		4000		\$54.53	4,000	"	"	"	"
5	511	Bedford			100	\$54.53	100	"	"	"	"
5	512	Londonderry		900		\$54.53	900	"	"	"	"
5	512	Londonderry			100	\$54.53	100	"	"	"	"
5	513	Raymond/Chester		1400		\$54.53	1,400	"	"	"	"
5	513	Raymond/Chester			450	\$54.53	450	"	"	"	"
5	514	Salem		1200		\$54.53	1,200	"	"	"	"
5	514	Salem			375	\$54.53	375	"	"	"	"
5	515	Hollis		650		\$54.53	650	"	"	"	"
5	515	Hollis			560	\$54.53	560	"	"	"	"
5	516	Londonderry		800		\$54.53	800	"	"	"	"
5	516	Londonderry			200	\$54.53	200	"	"	"	"
5	525	Canterbury		1500		\$54.53	1,500	"	"	"	"
5	525	Canterbury			1,730	\$54.53	1,730	"	"	"	"
5	526	Warner		1600		\$54.53	1,600	"	"	"	"
5	526	Warner			2,315	\$54.53	2,315	"	"	"	"
5	527	Manchester		1700		\$54.53	1,700	"	"	"	"
5	527	Manchester			995	\$54.53	995	"	"	"	"
5	528	Derry		2000		\$54.53	2,000	"	"	"	"
5	528	Derry			440	\$54.53	440	"	"	"	"

**GRANITE STATE MINERAL - ROCK SALT
DISTRICT 5 LOCATIONS - NHDOT& OTHER STATE AGENCIES**

CENTRAL TURNPIKES

<u>District</u>	<u>Section</u>	<u>Principal Storage Point</u>	<u>Salt Delivery address</u>	80% = 11-15-2009 100% 12-15-2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
5	815	South Nashua		400		\$54.53	400	Dix Bailey	485-3806	485-2107	dbailey@dot.state.nh.us
5	815	South Nashua			2,600	\$54.53	2,600	"	"	"	" "
5	820	Merrimack		600		\$54.53	600	"	"	"	" "
5	820	Merrimack			3,600	\$54.53	3,600	"	"	"	" "
5	825	Hooksett		700		\$54.53	700	"	"	"	" "
5	825	Hooksett			3,700	\$54.53	3,700	"	"	"	" "

OTHER STATE AGENCIES

<u>District</u>	<u>Section</u>	<u>Principal Storage Point</u>	<u>Salt Delivery address</u>	DELIVERY NOT TO EXCEED 10/31/2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
5		NH HHS - Juvenile Justice	1056 N. River Rd Manchester	10		\$65.00	10	Harry Hadley	625-5471	623-2434	harry.r.hadley@dhhs.state.nh.us
5		NH HHS - Juvenile Justice	1056 N. River Rd Manchester		10	\$65.00	10	Harry Hadley	625-5471	623-2434	harry.r.hadley@dhhs.state.nh.us
5		NH DOC - Mens Prison	187 N. state St. Concord, NH	30		\$54.53	30	Rick Morrill	271-1854	271-6994	rmorrill@nhdot.state.nh.us
5		NH DOC - Mens Prison	187 N. state St. Concord, NH		90	\$54.53	90	Rick Morrill	271-1854	271-6994	rmorrill@nhdot.state.nh.us
5		NH - General Services	79 S. Fruit St. Concord, NH	30		\$54.53	30	David Clapp	271-4231	c-340-3497	david.s.clapp@dhhs.state.nh.us
5		NH - General Services	79 S. Fruit St. Concord, NH		30	\$54.53	30	David Clapp	271-4231	c-340-3497	david.s.clapp@dhhs.state.nh.us
5		New Hampshire Hospital	79 S. Fruit St. Concord, NH	30		\$54.53	30	Gerard Fraher	271-5270	271-5784	gmfraher@dhhs.state.nh.us
5		New Hampshire Hospital	79 S. Fruit St. Concord, NH		30	\$54.53	30	Gerard Fraher	271-5270	271-5784	gmfraher@dhhs.state.nh.us
5		NH Community College - Manch	1066 Front St. Manchester NH	90		\$54.53	90	Steve Bruneau	668-6706		
5		NH Community College - Manch	1066 Front St. Manchester NH		200	\$54.53	200	Steve Bruneau	668-6706		
5		NH Community College - Concord	31 College Drive, Concord NH	60		\$54.53	60	Mike Therrien	271-2474		
5		NH Community College - Concord	31 College Drive, Concord NH		180	\$54.53	180	Mike Therrien	271-2474		
5		NH Community College - Nashua	505 Amherst Street Nashua NH	15		\$65.00	15	Scott Bienevue	882-6923		
5		NH Fish & Game	DOT patrol shed 505, Bow NH	120		\$54.53	120	Kathy Labonte	271-2741		kathy.labonte@wildlife.state.nh.us

**GRANITE STATE MINERAL - ROCK SALT
DISTRICT 6 LOCATIONS - NHDOT& OTHER STATE AGENCIES**

NH DOT REQUIREMENTS

District	Section	Principal Storage Point	Salt Delivery address	Delivery from 11/1/2009 through 6/30/2010 Balance of season requirements			LOCATION COMMUNICATION INFORMATION				
				INITIAL FILL 80% = 11-15-2009 100% 12-15-2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
6				1200		\$55.41	1,200	Ralph Sanders	868-1133	868-5397	rsanders@dot.state.nh.us
6	601	Milton			450	\$55.41	450	"	"	"	"
6	602	Strafford		1100		\$55.41	1,100	"	"	"	"
6	602	Strafford			300	\$55.41	300	"	"	"	"
6	603	Gonic		1700		\$55.41	1,700	"	"	"	"
6	603	Gonic			100	\$55.41	100	"	"	"	"
6	604	Northwood		1800		\$55.41	1,800	"	"	"	"
6	604	Northwood			100	\$55.41	100	"	"	"	"
6	605	Lee		1490		\$55.41	1,490	"	"	"	"
6	605	Lee			110	\$55.41	110	"	"	"	"
6	606	Dover		1600		\$55.41	1,600	"	"	"	"
6	606	Dover			100	\$55.41	100	"	"	"	"
6	608	Epping		1830		\$55.41	1,830	"	"	"	"
6	608	Epping			70	\$55.41	70	"	"	"	"
6	609	Newfields		1400		\$55.41	1,400	"	"	"	"
6	609	Newfields			400	\$55.41	400	"	"	"	"
6	610	Rye		1760		\$55.41	1,760	"	"	"	"
6	610	Rye			240	\$55.41	240	"	"	"	"
6	611	South Kingston		1760		\$55.41	1,760	"	"	"	"
6	611	South Kingston			100	\$55.41	100	"	"	"	"
6	612	North Hampton		1700		\$55.41	1,700	"	"	"	"
6	612	North Hampton			400	\$55.41	400	"	"	"	"
6	615	Kingston		1730		\$55.41	1,730	"	"	"	"
6	615	Kingston			100	\$55.41	100	"	"	"	"
6	607	Exeter		2400		\$55.41	2,400	"	"	"	"
6	607	Exeter			100	\$55.41	100	"	"	"	"

EASTERN TURNPIKES

District	Section	Principal Storage Point	Salt Delivery address	80% = 11-15-2009 100% 12-15-2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
6	830	Hampton		1,000		\$55.41	1,000	Dix Bailey	485-3806	485-2107	dbailey@dot.state.nh.us
6	830	Hampton			4,100	\$55.41	4,100	"	"	"	"
6	835	Dover		100		\$55.41	100	"	"	"	"
6	835	Dover			3,700	\$55.41	3,700	"	"	"	"

GRANITE STATE MINERAL - ROCK SALT

DISTRICT 6 LOCATIONS - NHDOT& OTHER STATE AGENCIES

OTHER STATE AGENCIES

District	Section	Principal Storage Point	Salt Delivery address	DELIVERY NOT TO EXCEED 10/31/2009	9 - DAY DELIVERY ARO	TOTAL DELIVERED PRICE PER TON / \$	SALT NEED / TONS	LOCATION CONTACT	CONTACT TEL	CONTACT FAX	CONTACT E-MAIL
6		NH Community College - Port.	320 Corporate Dr. Portsmouth	30		\$55.41	30	Stephen Davis	772-1194		
6		NH Community College - Port.	320 Corporate Dr. Portsmouth		30	\$55.41	30	Stephen Davis	772-1194		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.09.09 – 124**
Resolution Re: **Route 9 Bridge Renovation**

WHEREAS: The State of New Hampshire intends to design, replace, and fund a project to renovate the Route 9 bridge spanning the railroad tracks on Littleworth Road; and

WHEREAS: The cost to the City is limited to future maintenance of a newly constructed sidewalk on the bridge;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The City Manager is authorized to enter into a contract with the State of New Hampshire (NH DOT Project #13042) for the renovation of the Route 9 bridge and the installation of a new sidewalk.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.09.09 – 124**
Resolution Re: **Route 9 Bridge Renovation**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.09.09 – 124**
Resolution Re: **Route 9 Bridge Renovation**

RESOLUTION BACKGROUND MATERIAL:

This resolution pertains to bridge repair and sidewalk installation on Littleworth Road. The current bridge spans over the existing railroad tracks near the garage owned and operated by Dicky Kay.

The Dover 13042 TIP Project is different than our other TIP projects in that the state DOT will be managing, engineering, administering and constructing with very little assistance from municipal staff. Additionally, funding for this project consists entirely of federal and state dollars with no City match. This is primarily due to the fact that the project limits lie outside the urban compact and the project is on a state route facility. A municipal agreement is required by the Federal Highway Administration and serves the purpose of setting the state's work scope into an agreement and of setting the City's requirement to winter maintain the sidewalk as per the City's established policy for winter maintenance of such facilities in that area of the City. This is a standard municipal agreement.

The NH DOT has held several public informational and public hearings as well as two officials' update meetings between 2005 and 2008 in the City.

The purpose and need for the project is to replace a deficient and functionally obsolete bridge. Bridge inspections cite numerous structural deficiencies, including but not limited to: cracking, leaking, spalling, and delaminations of the concrete bridge deck; rusted, plated, and holed locations of the structural steel stringers; rusted and deteriorated bearing areas; and cracking and spalling of the abutments and pier columns. The federal sufficiency rating for the bridge presently is 33.7 out of a possible 100 points. In addition the vertical clearance above the railroad tracks is deficient, and the bridge width, as well as approaching roadway is too narrow with a lack of shoulders to adequately serve the existing and future traffic needs. Further, the vertical and horizontal geometry of the bridge approaches limit the sight distances, and make this segment of NH 9 functionally deficient.

The intent of the project is to replace the existing bridge on essentially the same alignment, lengthen and widen the crossing, increase the sub-standard vertical clearance over the RR tracks, and reconstruct the roadway approaches. Due to the numerous constraints in the area, the project will be constructed in phases with traffic detoured onto a temporary bridge located just south of the existing structure. Please refer to the attached Environmental Document for the project for more in-depth background information.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT**

**DOVER
BRF-X-222(001)
13042**

**Environmental Study/
Programmatic Section 4(f) Evaluation**

EXISTING CONDITIONS / PROPOSED ACTION:

The New Hampshire Department of Transportation is proposing to replace Bridge No. 109/106, located in the City of Dover, which carries NH Route 9 (Littleworth Road) over the active Boston & Maine (B&M) Railroad line (Exhibits A, A1, B1 & B2). The surrounding area is composed of several mid-nineteenth to mid-late twentieth century period residential homes and several new industrial complexes. Just beyond the project area, to the north and south, the area becomes more residentially influenced.

The existing two span bridge, which carries NH Route 9 over the B&M Railroad, was constructed in 1935. It is a steel I-beam with concrete deck structure, 22.8 m (75 ft.) in length with 5.26 m (17.25 ft.) of clearance to the tracks below. There are guardrail approaches to the bridge from both sides which matches into aluminum bridge railings on the bridge. Over its 65 years of operation, deterioration of the bridge and its substructure has rendered it structurally deficient, and therefore, it is on the Department's Red-List of structurally deficient bridges. Due to the extent of the deficiencies (see Need Section for details), the Federal Sufficiency Rating (FSR) only ranked 31.5 out of a possible 100 points. This indicates that the bridge is in poor condition. In addition, the bridge is too narrow (7.3 m (24 ft.) curb to curb) and lacks shoulders to adequately serve current and future traffic needs. Further, the vertical and horizontal geometry of the bridge approaches limit the sight distances, and make this segment of NH Route 9 functionally deficient. A traffic study conducted in 1998 determined that the average daily traffic (ADT) within the project study area is approximately 10,240 vehicles per day (VPD). The existing posted speed limit of 35 mph (60 kph) through the project area, will be maintained following completion of the project.

The intent of this project is to replace the bridge on essentially the existing alignment, lengthen and widen the crossing, increase the sub-standard clearance of the bridge to the railroad tracks, and reconstruct the roadway approaches. The proposed improvements will require the acquisition of new right-of-way, and temporary and permanent property impacts. Two of the residential properties in the area (that abut and are on opposite sides of the bridge) have been determined to be eligible for the National Register of Historic Places (Exhibit C). In addition, there is a convenience store/gas station/service garage (Richard Kay property) located in the northeast quadrant of the bridge which is one of the controls for the proposed design. In order for the design to improve the vertical and horizontal geometry of the roadway and bridge, the widening is being proposed towards the south.

Due to the numerous constraints surrounding the bridge, the project will be constructed in phases with traffic detoured onto a temporary bridge located just south of the existing bridge. A description of the existing conditions and proposed action is as follows:

NH Route 9 Bridge over the B&M Railroad

The existing two-span bridge was constructed in 1935 and carries NH Route 9 over the B&M Railroad. The bridge consists of a poured concrete deck on steel I-beams supported by one pier and concrete abutments. The bridge has an overall span of 22.8 m (75 ft.), which accommodates two railroad tracks, and has a curb-to-curb width of 7.3 m (24 ft.). The existing roadway width provides for two 3.6 m (12 ft.) wide travel lanes with no shoulders. The proposed bridge will provided an overall span of 35 m (115 ft.) with a roadway width of 13.7 m (45 ft.). The bridge also supports a town water main, natural gas line and telephone conduits. Due to several structural and functional deficiencies (see Project Need section), the existing bridge will be replaced with a new and wider bridge supported on pre-cast concrete beams with two new piers and abutments.

The bridge's existing vertical clearance of 5.26 m (17.25 ft.) over the B&M Railroad tracks does not meet current standards set forth by the Department. A vertical clearance to the railroad tracks of 6.4 m (21 ft.) will be provided under the bridge. The piers and bridge foundations will be designed with

provisions which will allow Guilford Rail Transportation System (owners of the B&M line) to lower the tracks and provide 6.9 m (22.5 ft.) of clearance at some future date, if desired.

The existing lateral clearances of the railroad track do not meet current standards set forth by the American Railway Engineering and Maintenance-of-Way Association (AREMA). The new bridge substructure has been designed to meet the desirable horizontal clearance criteria. Planned future improvements by Guilford Rail Transportation System, which consist of the relocation of the easterly track, to meet the track separation criteria, and the construction of a third track, have been considered in the bridge design.

Following are the specifics on the existing and proposed lane layout of the NH Route 9 bridge over the B&M Railroad.

Existing Lane Layout

Eastbound

- One 3.6 m (11.8 ft.) wide travel lane.
- No shoulder.
- No sidewalk.

Westbound

- One 3.6 m (11.8 ft.) wide travel lane.
- No shoulder.
- No storage lane.
- One 1.2 m (4 ft.) wide sidewalk.

Proposed Lane Layout

Eastbound

- One 3.6 m (12 ft.) wide travel lane.
- One 1.2 m (4 ft.) wide paved shoulder.
- No sidewalk

Westbound

- One 3.6 m (12 ft.) wide travel lane.
- One 1.5 m (5 ft.) wide paved shoulder.
- One 3.6 m (12 ft.) wide left turn storage lane.
- One 1.5 m (5 ft.) wide sidewalk.

NH Route 9

The proposed improvements to NH Route 9 within the project limits will begin approximately 140 m (450 ft.) to the west of the Industrial Park Drive intersection and will proceed easterly for approximately 600 m (1,968 ft.) to a point 61 m (200 feet) east of the Old Littleworth Road intersection, where it will match in with the existing roadway typical (Exhibits B1 & B2).

The intersection of NH Route 9 with Industrial Park Drive will be reconstructed to provide a 3.6 m (12 ft.) exclusive westbound left turn storage lane. This lane will extend beyond the crest of the proposed bridge to a point 135 m (443 ft.) east of the intersection, and will provide adequate sight distance for intersection recognition, and address safety concerns.

West of the bridge, the NH Route 9 approach will be widened to the south. This widening will begin approximately 120 m (390 ft.) west of Industrial Park Drive and will proceed to just east of the proposed bridge. The NH Route 9 approach east of the bridge will be widened and shifted to the north to just west of Old Littleworth Road intersection. The widening will match in with the existing alignment 61 m (200 feet) east of Old Littleworth Road. Due to substantial raise in grade, in the order of ± 2 m (± 6 ft.), the roadway will need to be fully reconstructed. The proposed pavement widths will vary from 9.75 m (32 ft.) to 13.7 m (45 ft.).

Additional improvements will include: reconstructing the approaches of Industrial Park Drive and Old Littleworth Road to match into the improved section of NH Route 9; matching in with existing driveways; relocating the Sousane property driveway 54 m (177 ft.) to the south; relocation of utilities; and re-establishment of pavement markings. Subsurface drainage structures will be adjusted or replaced as required. Furthermore, a 1.5 m (5 ft.) wide paved sidewalk will be constructed along the north side of NH Route 9 from the Cambridge Tool Manufacturing property 410 m (1,345 ft.) east to Old Littleworth Road.

Following are the specifics, within the limits of the project, on the existing and proposed roadway lane layout of NH Route 9.

Existing Lane Layout

Eastbound

- One 3.6 m (11.8 ft.) wide travel lane.
- One 1.2 m (4 ft.) wide shoulder.

Westbound

- One 3.6 m (11.8 ft.) wide travel lane.
- One 1.5 m (5 ft.) wide shoulder.
- No storage lane.
- One 1.2 m (4 ft.) wide gravel sidewalk.

Proposed Lane Layout

Eastbound

- One 3.6 m (12 ft.) wide travel lane.
- One 1.5 m (5 ft.) to 3.0 m (10 ft.) wide shoulder.

Westbound

- One 3.6 m (12 ft.) wide travel lane.
- One 3.0 m (10 ft.) to 1.5 m (5 ft.) wide shoulder.
- One 3.6 m (12 ft.) wide left turn storage lane.
- One 1.5 m (5 ft.) wide paved sidewalk.

The B&M Railroad is a primary rail system carrying service from Boston, MA to Portland, ME and is being upgraded to carry higher speed passenger trains, which are scheduled to begin in late 2001. Uninterrupted train service during construction will be necessary. It is estimated that 12 freight trains and 8 passenger trains will pass through the area daily.

The project study area is primarily zoned for rural residential and agricultural use, however, at the northerly end of the project the zoning changes to commercial and light industry. The southwestern quadrant of the bridge is developed with light industry. The southeastern quadrant mainly consists of residential properties and includes small open farmlands. The northwestern quadrant of the bridge is also composed of residential properties. And lastly, the northeastern quadrant includes a convenience store/gas station/service garage facility with surrounding farm fields extending to the north.

In an effort to maintain traffic through the project area, the new bridge will be built utilizing a detour bridge. Traffic will be shifted to a detour bridge, located south of the existing bridge, while the new bridge is being constructed in the location of the existing bridge. Traffic will then be shifted to the new bridge and the detour bridge will be removed. This detour alignment was selected because it accommodates improvements to the vertical and horizontal geometry of the bridge and its approaches, and it will facilitate the maintenance of traffic during construction. The construction of a new alignment will involve slope impacts and culvert extensions.

The preliminary cost for this project is estimated to be approximately \$2.45 million, of which 80% will be federally funded and the remaining 20% State funded. The project is tentatively scheduled to advertise for bids in the fall of 2004, with construction scheduled for the spring of 2005.

PROJECT NEED:

This project is needed to correct the structural and functional deficiencies associated with the existing bridge. The most recent bridge inspection, conducted on November 10, 1999, cited numerous structural deficiencies, which include, but are not limited to the following: the bridge deck exhibits cracking with heavy leakage, medium spalling and delamination of the structural concrete with rebar exposed and rusting, and joint failure is evident; the steel I-beam superstructure has plated areas, one beam is holed at the web, angle bracing is rusting, and thin areas were noted at the east end. The bearing plates are also rusted with section loss and cracked weld at the southwest bearing. The abutments and the pier columns have cracks and are spalling, mortar is missing in the masonry with cracked stones and loose mortar at the west side. Due to these deficiencies the bridge currently has a Federal Sufficiency Rating (FSR) of 31.5 points out of a possible 100-point system, which warrants its replacement.

The existing vertical clearance of 5.26 m (17.25 ft.) to the bridge over the B&M Railroad tracks does not meet current standards of 6.9 m (22.5 ft.) set forth by the Department. The minimum vertical clearance by State Law is 6.7 m (22.0 ft.) (unless exempted by the Department of Transportation). The desired vertical clearance by Guilford Rail Transportation System to the railroad tracks is 6.9 m (22.5 ft.). The Department determined that the potential impacts to abutments to the bridge would be severe if the desirable clearance was met. As a result, several meetings were held between the Department and Guilford Rail Transportation System, and a compromised vertical clearance of 6.4 m (21 ft.) for the new bridge was accepted. The bridge foundations will be constructed to allow the tracks to be lowered, by Guilford Rail Transportation System, to achieve the desired clearance of 6.9 m (22.5 ft.) in the future.

The existing lateral clearances of the railroad track do not meet current standards set forth by AREMA. The existing clearance between the track centerlines is 4 m (13 ft.), from the track centerline to the bridge pier is 2.45 m (8 ft.), and from track centerline to the westerly bridge abutment is 6.18 m (20.3 ft.). The desirable AREMA lateral clearances are: 4.3 m (14 ft.) between parallel track centerlines; 3.7 m (12 ft.) between track centerline and objects; and, with a service road, 5.5 m (18 ft.) of clearance between track centerline and objects. Guilford Rail Transportation System stated that a service access road is not required at this location, thus the substructure of the new bridge will meet the desirable horizontal clearance criteria between the track centerline and objects for a three track layout. Future construction by Guilford Rail Transportation System of a third track and the relocation of the easterly track, to meet track separation criteria, have been incorporated in the bridge design by the Department to attain all the desirable clearance criteria for the ultimate tracks positions.

This section of NH Route 9 is a primary east-west travel corridor in the State of New Hampshire, and is classified within the project area as an urban minor arterial. It intersects with NH Route 155 approximately 600 m (2,000 ft.) east of the project limits. NH Route 9 continues east from NH Route 155 intersecting with the Spaulding Turnpike then into the urban area of the City of Dover. In 1998, the Department conducted a traffic study for this project and determined that 10,240 VPD utilize NH Route 9 in this area. Traffic volumes for the year 2022, are estimated to increase to approximately 14,900 VPD. Truck traffic is currently 9.4 % of the ADT. These traffic volumes combined with various functional and structural bridge conditions make this section of NH Route 9 functionally obsolete.

The sharp vertical crest which occurs at the existing railroad bridge, in conjunction with the tight radii of the horizontal curvature, results in deficient geometry and inadequate sight distance along NH Route 9. The roadway vertical curve will be designed to meet AASHTO standards and will be realigned with a flatter horizontal curve which complements the proposed profile. There is no left turn or passable shoulder for westbound vehicles along NH Route 9 at its intersection with Industrial Park Drive. Recent accident data reveals that there have been at least two rear end collisions at that location. Traffic data for weekday morning and evening peak hours warrant the installation of an exclusive left turn lane. The existing sight distance for the Sousane property driveway (Exhibit B2) does not meet desirable criteria of the proposed profile. The driveway will be relocated away from the crest vertical curve to meet the desirable distance criteria.

Traffic accident statistics for the project area indicate that during the period of January 1993, through December 1998, a total of nine reported accidents have occurred. Of these, four resulted in injuries while the remaining five resulted in property damage only. Accident statistics are on file with the Department of Transportation.

ALTERNATIVES TO THE PROPOSAL:

The following alternatives have been reviewed during the preliminary design process and were not recommended because of engineering or financial constraints, environmental impacts, property impacts, and/or failure of the alternatives to adequately address the area's transportation needs and/or safety problems.

1. No-Build - This alternative is not considered prudent since it would do nothing to correct the structural deficiencies associated with the existing bridge. In addition, this section of NH Route 9 is a primary east-west travel corridor in the State of New Hampshire and is classified within the project area as an urban minor arterial. It intersects with NH Route 155 approximately 600 m (2,000 ft.) east of the project limits. If nothing is done, this bridge will continue to deteriorate while traffic demands continue to increase. Furthermore, the environmental impacts associated with the preferred alternative are not of a magnitude to warrant the selection of the "No-Build" alternative.
2. Replace Bridge to the North - This alternative would realign NH Route 9 to the north of its current alignment. This would require additional right-of-way impacts including the total acquisition of the Richard Kay property east of the bridge and would severely impact the National Register eligible Rogers property (Hayes-Kittredge-Wolcott House). This alternative was not considered reasonable or prudent and was not selected.
3. Replace Bridge to the South - This alternative would realign NH Route 9 to the south of its current alignment. This would require additional right-of-way impacts to residential and industrial properties, including greater impacts to the National Register eligible property, the Joseph Kay Farm (Stonewall Farm). It would also result in an undesirable horizontal and vertical alignment relationship to the north of the bridge. This alternative would not avoid, but would actually increase the impacts to the cultural resource. For these reasons this alternative was not selected.
4. Rehabilitation of the Existing Structure - This alternative would rehabilitate the existing bridge. Rehabilitating the existing bridge would be costly and have limited value in the long term considering the deteriorated condition of the major elements of the bridge. In addition the narrow width on the bridge, the poor sight distances and the sub-standard vertical and lateral clearances from the railroad tracks to the bridge would not be addressed with this alternative. Since this alternative will not serve the purpose and need for the project, it was not selected.
5. Improvements on Other Alignments - The proposed project is the replacement of an existing bridge which carries NH Route 9 over the active Boston & Maine Railroad line. Other alignments which would avoid the National Register eligible properties would require substantial realignment of NH Route 9 resulting in much greater right-of-way acquisitions. An alignment on new location would go through undeveloped lands, resulting in greater environmental impacts. In addition, the size (20+ ha (50+ ac)) of the Joseph Kay Farm (Stonewall Farm) would make it extremely difficult to avoid this property. As such alternatives on other alignments would not be reasonable or prudent.

There are no other feasible or prudent alternatives for the reconstruction of NH Route 9, which are within the scope of this project.

EVALUATION OF ENVIRONMENTAL EFFECTS:

The effects of the project relative to the following social, economic, natural and cultural resources/issues, if applicable, have been reviewed. Those which appear in **BOLD** are applicable to this project.

Resources/Issues

	<u>Social/Economic</u>	<u>Natural</u>	<u>Cultural</u>
Safety	Land Acquisition	Water Quality	Historical
Displacements	Business Impacts	Surface Water	Archaeological
Neighborhoods	Farmlands	Groundwater	Stonewalls
Recreation	Community Services	Floodplains	Aesthetics
Public Lands	Energy Needs	Wildlife or	
Construction Impacts	Utilities	Fisheries	
Transportation Patterns	Land Use	Endangered Species/ Natural Communities	
Air Quality	Tax Base	Wild & Scenic Rivers	
Noise		Stream Rechannelization	
Hazardous Materials		Wetlands	
		NH Designated Rivers	
		Forest Lands	
		Coastal Zone	

Discussions on resources/issues, which are affected follow.

SAFETY / TRANSPORTATION PATTERNS:

This project is proposed to correct the structural and functional deficiencies associated with the existing bridge (see Need Section). If no action were to be taken, this structure would continue to deteriorate and possibly pose additional safety problems. In association with its replacement, the Department is proposing to widen the bridge to accommodate wider shoulders and a 1.5 m (5 ft.) wide paved sidewalk which will improve the level of safety for bicyclists, motorists and pedestrians. The sidewalk will extend along the north side of NH Route 9 from the Cambridge Tool Manufacturing driveway 410 m (1,345 ft.) east to Old Littleworth Road. Improved sight distances from properties in the project area will result from the proposed improvements to the vertical geometry of the roadway and from the relocation of the Sousane property driveway away from the crest of the bridge. Installing a dedicated left-turn lane at the Industrial Park Drive intersection with NH Route 9 will enhance safety and intersection recognition. Following the completion of the project, it is anticipated that emergency vehicle response time will be improved if traffic becomes congested since the shoulders will allow motorists to yield.

Traffic will be shifted to a detour bridge, located south of the existing bridge. Two lanes of traffic will be maintained throughout all phases of construction although unavoidable delays may occur. It is anticipated that temporary closure of one lane and travel on gravel surfaces will be required periodically. Transportation patterns will return to normal after construction with increased safety.

AIR QUALITY:

This project is located in a part of the State that is classified as a "serious" ozone non-attainment area pursuant to the Clean Air Act Amendments of 1990. It is included in the "FY 2001 CONFORMITY DETERMINATIONS FOR TRANSPORTATION IMPROVEMENT PROGRAMS, TRANSPORTATION PLANS, AND REGIONAL EMISSIONS ANALYSIS OF TRANSPORTATION PROJECTS IN NEW HAMPSHIRE'S NONATTAINMENT AREAS," January 11, 2001. The area is in attainment with respect to the National Ambient Air Quality Standards for all other criteria pollutants (CO, NOx, VOCs, and PM10). The proposed work is not considered a "Regionally Significant Project" as defined in the final Transportation Conformity rules (40 CFR 51.392) or in the rules adopted by the New Hampshire Department of Environmental Services in accordance with the interagency consultation

provisions required by 40 CFR 51.402. When completed, the project is not expected to result in significant air quality impacts or contribute to violations of the NAAQS. Consequently, the project has been determined to be exempt from the requirement that a conformity determination be made. This report was reviewed by the US Environmental Protection Agency (USEPA) and the US Department of Transportation (USDOT). The conformity determinations were found to be in conformance with the State Implementation Plan and the CAAA and were approved by the USDOT in January 2001. The project has not been revised since completion of the conformity analysis.

The nature of the proposed action, replacement of a bridge on essentially the same location with no additional travel lanes, is similar to projects that have been classified as “neutral” projects in the final transportation conformity rules. Under these rules, the USDOT and the EPA have agreed that neutral projects will not impact regional emissions and are exempt from conformity determinations. They have also agreed that these “neutral projects” do not require localized carbon monoxide impact analysis because of the minimal potential for adverse emissions impact. Therefore, it can be concluded that this project will not have an adverse impact on air quality.

NOISE:

This bridge replacement project includes the realignment of a portion of NH Route 9. It is, therefore, considered to be a Type I highway project as defined in the NHDOT's "Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects". In accordance with the Policy, an analysis of traffic-generated noise was conducted to predict traffic noise levels at receptor locations within the project area. The analysis considered the proposed alignment under existing traffic conditions (2002), and those anticipated in the year 2022.

The Federal Highway Administration has established noise abatement criteria (NAC) of Leq 67 decibels (dBA) for residential land use and Leq 72 decibels (dBA) for commercial land use. These criteria apply to exterior areas where frequent human use occurs and where a lowered noise level would be of benefit. Traffic noise impacts occur when the predicted traffic noise levels approach (within 1 dBA), equal, or exceed the noise abatement criterion or when the predicted traffic noise levels substantially exceed the existing noise levels (increase by 15 dBA or more).

This analysis examined 11 residential and 3 commercial receptors located within the project area. For analysis purposes, those properties with a combined residential/commercial use were considered to be residential properties. The analysis used a 35 mph speed limit through the project area.

In 2002, traffic noise levels within the project area will range from 56 dBA to 62 dBA under both No-Build and Build conditions. These levels are all well below the abatement criteria. By the year 2022, increased traffic volumes are expected to increase noise levels within the project area by 1 or 2 decibels. Noise levels within the project area will range from 57 dBA to 63 dBA under both Build and No-Build conditions. As these levels are all well below the criteria and completion of the project will not cause a noticeable increase in traffic noise levels at any receptor location, consideration of noise abatement measures is not warranted for this project.

In an effort to prevent future noise impacts on currently undeveloped land, noise levels were determined at various distances from the centerline of NH Route 9. The results of the analysis are as follows:

Predicted Noise Level dBA (Leq)

Distance From Centerline of Route 9		
meters (feet)	2002	2022
10 (33)	69	71
15 (49)	65	67
20 (66)	63	64
25 (82)	61	63
30 (98)	60	62

As can be seen, as long as some care is taken to avoid locating sensitive receptors immediately adjacent to the highway right-of-way, land adjacent to the road may be developed without becoming incompatible with anticipated highway noise levels.

HAZARDOUS MATERIALS:

The Department’s Bureau of Environment has completed an Initial Site Assessment (ISA) for this project (Exhibit D). This included coordination with City Officials and a file review of the NH Department of Environmental Services (NHDES) Hazardous Materials listings. Based on the information collected, the Richard Kay property, at 21 Littleworth Road, has been identified as having concerns regarding the potential presence of hazardous materials. The proposed project will impact gasoline pumps located in front of the convenience store. The gasoline storage tanks and other pumps, located to the north of the building, are not anticipated to be impacted by the project. The Department will undertake a Preliminary Site Assessment of the areas to be acquired and impacted by the project. This site assessment will be used to determine the remediation measures required to protect the environment and the public health and welfare.

It is anticipated that any contaminated soils that are encountered during construction, will be disposed of in an appropriate and approved manner. Furthermore, if contaminated groundwater is encountered and dewatering of the construction area is necessary, a groundwater discharge permit will need to be obtained from the NHDES.

COMMUNITY SERVICES:

Community services include local resources such as police, fire, schools, libraries, or public health facilities. Since there are none of these within or adjacent to the project area, it does not appear that any community services will be directly affected. Furthermore, the contractor is required to maintain access for emergency vehicle response and school bus service, at all times. Following the completion of this project, traffic patterns will return to normal.

UTILITIES:

The proposed project will require the relocation of overhead utility lines and power poles, and some modifications to buried utilities. The following utility companies have been identified within the project area:

SERVICE	LOCATION
AT&T Broadband (CATV)	Aerial
Public Service of New Hampshire (Electric)	Aerial
AT&T Communications (Telephone service)	Aerial
US Sprint (Telephone service)	Aerial
Verizon (Telephone service)	Aerial & on bridge
Northern Utilities (Natural Gas)	Buried & on bridge
Dover Public Works Department (Water)	Buried & on bridge

If, during the construction period, impacts to additional utilities are identified, then the appropriate utility companies will be notified to ensure disruption to service, if any, will be kept to an absolute minimum.

WATER QUALITY:

There are no surface water courses present within the project limits. The Department is, however proposing storm water treatment along the west approach of NH Route 9 at the B&M Railroad. Treatment is anticipated to be established in the southwest quadrant of the bridge adjacent to the roadway. Depending on the soil characteristics of the proposed treatment area, on the south side of NH Route 9 east of Industrial Drive, storm water will be directed to a chambered detention and infiltration system in this area or directed along Industrial Drive to outlet into an existing grassed treatment swale.

ENDANGERED SPECIES / NATURAL COMMUNITIES:

The proposed action has been reviewed by the US Fish & Wildlife Service (USF&WS), NH Fish & Game Department (NHF&GD) and the NH Natural Heritage Inventory (NHNHI) for the presence of federal or state, listed or proposed, threatened or endangered species, or other species or habitat of concern. A response letter has been received from the NHNHI (Exhibit E). Fringed Gentian (*Gentian crinita*), a state-threatened wildflower, was historically recorded within the project limits. A site visit to the historical location revealed that this area has been developed and is now the site of an industrial building. No evidence of the sensitive species was found and it appears to have been extirpated from the area. Based on currently available information no other species or habitats occur within the project area. Coordination with the appropriate agencies will continue, as required.

WETLANDS:

The Department's Bureau of Environment conducted a delineation of wetland resources within the limits of the project. They were delineated utilizing the 1987 *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, produced by the US Army Corps of Engineers, Wetlands Research Program. The wetlands were classified, utilizing the *Classification of Wetlands and Deepwater Habitats of the United States*, Lewis M. Cowardin, US Department of the Interior, Fish and Wildlife Service, as Palustrine systems. The proposed action will have minor impacts to wetlands.

Palustrine type wetlands were identified along this section of NH Route 9. These include: emergent areas, noted as PEM1E; and scrub/shrub areas, noted as PSS1E. A functional assessment of the impacted palustrine wetland areas indicates that their functions and values are flood storage, groundwater discharge, and storm water sediment and nutrient filtering. The project will not have a substantial effect on the ability of these wetlands to continue these functions.

The total impacts (Exhibit F) to the wetland areas are estimated at $\pm 113 \text{ m}^2$ ($\pm 1,228 \text{ ft}^2$). To prevent degradation of adjacent wetland areas, adequate erosion control measures will be established. Prior to the commencement of work, the contractor will be required to submit an erosion control and storm water management plan specific to this project and the construction scheduling. It is anticipated that no long-term impacts to water quality will occur.

DISPLACEMENTS/LAND ACQUISITIONS/BUSINESS IMPACTS/TAX BASE/LAND USE:

The project area is a mix of residential, industrial, and commercial properties. The project area north and west of the railroad tracks is zoned low-density residential, and to the south and east the area is zoned rural-restricted industrial. A residential neighborhood is located east of the project area along Old Littleworth Road, between NH Route 9 and the Spaulding Turnpike. An industrial park is located west

of NH Route 9 along Industrial Park Drive. Fronting NH Route 9 northwest of the bridge a few industrial/commercial properties are interspersed with residential properties. Apart from the commercial Kay property, a handful of residences are located along NH Route 9 southeast of the bridge.

The proposed action will require minor sliver acquisitions from the adjacent properties and the removal of the gas pumps located in front of the convenience store/gas station/service garage building on the Kay property. The proposed action will also require the reconfiguration of parking in front of and formalizing access along the side of the Kay property building. The Sousane property driveway will be relocated 54 m (177 ft.) southeasterly. Impacts to these properties have been coordinated with their owners. Although the gas station aspects (and possibly the convenience store) of the business on the Kay property will be lost, the service garage feature of the business will be retained. Access into the adjacent properties will be maintained during construction. If necessary, temporary signs directing customers into the commercial/industrial properties will be installed.

The new right-of-way acquisition, the permanent and temporary easements, and the number of properties involved are listed in the following table.

Type of Impact	Area of Impact		Properties
	Square Meters	Square Feet	
R.O.W. Acquisition	1305	14,047	5
Slope Easements	2255	24,273	11
Construction Easements	1660	17,868	3

R.O.W. (Right-of-Way) Acquisition –Permanent sliver acquisitions from abutting properties for the establishment of new right-of-way. Slope Easements –Permanent easements, not acquisitions, which include the property/area beyond the limits of new right-of-way, which are necessary to construct and maintain the roadway. Construction Easements –Temporary easements, not acquisitions, which allow for construction activities and staging of equipment and supplies needed to accomplish the work.

This project is not anticipated to cause a change in land use in the project area. It will not have a substantial effect on Dover’s tax base.

FARMLANDS

The Sousane property, located at 30 Littleworth Road, has been identified as having farmland soils of statewide importance. Coordination with the Natural Resource Conservation Service (NRCS) regarding minor slope impacts to these soils are ongoing. If necessary, a Farmland Conversion Impact Rating form will be submitted to the NRCS to evaluate the impacts to this resource.

HISTORICAL / ARCHEOLOGICAL RESOURCES:

The Department has consulted with the State Historic Preservation Officer (SHPO), the NH Division of Historical Resources (NHDHR) and the Federal Highway Administration (FHWA) to locate and identify National Register of Historic Places listed or eligible properties or districts within the immediate area of the proposed project. The proposed design was presented at Monthly Cultural Resource Agency Meetings held on March 2, 2000 and November 2, 2000. On September 6, 2000, a Determination of Eligibility (DOE) review meeting determined that two properties in the project area are eligible for the National Register of Historic Places. Additional information on these properties is presented in the Programmatic Section 4(f) Section of this document (page 13). In addition, NHDHR Historic Inventory Forms, with photos, are on file at the NHDHR and the NHDOT’s Concord offices for anyone who wishes to review them. No archeological resources were determined to occur within the project area.

The two properties that are eligible for the National Register are:

- Joseph Kay Farm (Stonewall Farm), 30 Littleworth Road (NH Route 9), under Criterion A, and
- Hayes-Kittredge-Wolcott House, 29 Littleworth Road (NH Route 9), under Criterion C.

The proposed action will not result in right-of-way acquisition from any historic properties, however, permanent and temporary easements will be required from the Joseph Kay Farm (Stonewall Farm), property (Exhibit F). The impacts to the Joseph Kay Farm (Stonewall Farm) property are as follows:

Property Name	Perm. Const. Easement		Temp. Const. Easement	
	Sq. Meters	Sq. Feet	Sq. Meters	Sq. Feet
Individually Eligible Properties				
Joseph Kay Farm (Stonewall Farm)	295	3,175	220	2,368
TOTAL IMPACT AREA	295	3,175	220	2,368

Permanent Construction Easements - includes the construction of new roadway slopes and driveway relocation. Temporary Construction Easements - includes those activities which may include temporary or minor impacts (such as driveway connections) to properties located within the proposed project area.

The above referenced coordination meetings among the SHPO, NHDHR, FHWA and NHDOT were held to discuss alternatives and measures to minimize harm to these National Register eligible properties. The measures which were considered feasible and prudent were evaluated and incorporated into the design of this project. At the November 2, 2000, Cultural Resource Agency Meeting it was agreed that this project will not adversely affect any historic or archeological resources within the project area. A “no-adverse effect” memo was prepared, which addresses unavoidable impacts to historic properties, and was signed on January 4, 2001 (Exhibits F & G).

CONSTRUCTION IMPACTS:

Traffic will be shifted to a detour bridge, located south of the existing bridge, while the new bridge is being constructed in the location of the existing bridge. Two lanes of traffic will be maintained throughout all phases of construction. It is anticipated that temporary closure of one lane and travel on gravel surfaces will be required periodically. Access for adjacent properties as well as emergency vehicles will be maintained throughout the construction period.

The proposed project is anticipated to create temporary increases in noise and dust levels during the construction period, resulting from heavy equipment operations. Precautions will be employed to minimize these inconveniences, primarily for the abutting receptors located adjacent to the project area.

The proposed action will have minor impacts to small wetland pockets. To prevent degradation of adjacent wetland areas, adequate erosion control will be established. Prior to the commencement of work, the contractor will be required to submit an erosion control and storm water management plan specific to this project and the construction scheduling. It is anticipated that no long-term impacts to water quality will occur.

COORDINATION AND PUBLIC PARTICIPATION

Meetings were held periodically with various Federal, State and local agencies, as well as the general public throughout the development of this project. Project review meetings were held on the following dates:

Cultural Resource Agency Meetings – March 2, 2000 and November 2, 2000

Public Officials Meeting - December 18, 2000

Public Informational Meeting – July 27, 2001

Public Hearing Target Date – December 3, 2001

Letters were sent to various Federal, State and local agencies, as well as the general public asking for input on this project on the following dates:

City of Dover – December 6, 2000

City Mayor

City Manager

City Engineer

City Planning Director

City Planner

Conservation Commission

Historical Society

Historic Commission

Police Chief

Fire Chief

NH Natural Heritage Inventory – December 6, 2000

NH Office of State Planning – December 6, 2000

US Fish and Wildlife – December 21, 2000

NH Fish and Game – December 6, 2000

Stratford Regional Planning Commission – December 6, 2000

PART II

PROGRAMMATIC SECTION 4(f) EVALUATION

- **INTRODUCTION:**

The proposed project involves a Programmatic Section 4(f) Evaluation.

One of the Department of Transportation, Federal Highway Administration (FHWA), Programmatic Section 4(f) Evaluations are for FHWA Projects which improve existing highways and use minor amounts of land (including non-historic improvements thereon) from historic sites that are adjacent to existing highways. The approval for its use is subsequent to design studies, which determine that there are no feasible and prudent alternatives to the use of historic sites and that the project includes all possible planning to minimize harm resulting from such use. For the purpose of assessing impacts to historic sites, these have been defined to include all individual properties and districts either currently on the National Register of Historic Places, or those determined eligible for inclusion by the State Historic Preservation Officer (SHPO) and FHWA.

The approval is made pursuant to Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303, and Section 18(a) of the Federal-Aid Highway Act of 1968, 23 U.S.C. 138. The Act states that the Secretary of Transportation may approve a taking of such lands of national, state or local significance only when:

1. There is no prudent and feasible alternative to using that land, and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife or waterfowl refuge, or historic site resulting from the use.

- **PROPOSED ACTION:**

The proposed action involves the replacement of Bridge No. 109/106, which carries NH Route 9 (Littleworth Road) over an active B&M Railroad line, in the Town of Dover (Exhibits A, B1 & B2). The existing two-span bridge, which carries NH Route 9 over the B&M Railroad, was constructed in 1935. It is a steel I-beam with concrete deck structure, 22.8 m (75 ft.) in length with 5.3 m (17 ft.) of clearance to the tracks below. There is guardrail on the approaches to the bridge from both sides which matches into aluminum bridge railings on the bridge. Deterioration of the bridge has rendered it structurally deficient, and therefore, it is listed on the Department's Red-List of structurally deficient bridges.

The intent of this project is to replace the bridge on essentially the existing alignment, lengthen and widen the crossing, increase the sub-standard clearance of the bridge to the railroad tracks, and reconstruct the roadway approaches. The proposed improvements will require the acquisition of new right-of-way, and temporary and permanent property easements. Two of the residential properties in the area (that abut and are on opposite sides of the bridge) are eligible for the National Register of Historic Places (Exhibit C). The construction of the new bridge will involve slope impacts onto adjacent properties.

DESCRIPTION OF HISTORIC 4(f) RESOURCES:

The proposed project has been reviewed by the State Historic Preservation Officer (SHPO) and Federal Highway Administration (FHWA) pursuant to the National Historic Preservation Act and the Advisory Council on Historic Preservation (ACHP) procedures for the "Protection of Historic and

Cultural Properties” (36 CFR 800). Following the completion of this review it was determined that two properties are individually eligible for the National Register of Historic Places.

The two properties that are eligible for the National Register are:

- Joseph Kay Farm (Stonewall Farm), 30 Littleworth Road (NH Route 9), under Criterion A, and
- Hayes-Kittredge-Wolcott House, 29 Littleworth Road (NH Route 9), under Criterion C.

The Joseph Kay Farm (Stonewall Farm) is an excellent representative of a local, mid-sized farm, of which there were once many in Dover. The property retains its primary agricultural characteristics, including extensive open land in active use, historic outbuildings, an 18th century farmhouse, and an interrelationship of buildings and spaces that has remained unaltered since at least the late 19th century. It is one of a handful of farms which survives in the city of Dover and its future is ensured through the placement of a conservation easement on the property. The eligible bounds for the property include the entire 20.4 hectare (50.5-acre) parcel, which are also the historic bounds of the property.

The Hayes-Kittredge-Wolcott House is an excellent example of transitional Federal/Greek Revival architecture, a common style in Dover. The Federal style is expressed through the building’s massing, proportions, twin chimney form, cornice molding along the horizontal eaves, front entrance door, window sash and interior shutters. The Greek Revival style is exhibited in the front entry surround, and cornice molding and returns along the raking eaves. The eligible boundary for the property was determined to consist of the footprint of the house, plus the front yard, extending to the road frontage to include the brick and granite front walkway. The boundary extends east of the house approximately 7.6 m (25 ft.) to the beginning of the wooden rail fence that runs parallel with the road and west of the house to the driveway.

NH Division of Historical Resources (NHDHR) Historic Inventory Forms, with photos, are on file at the NHDHR and the NHDOT’s Concord offices for anyone who wishes to review them.

• **IMPACTS TO SECTION 4(f) PROPERTIES:**

The proposed action will not result in right-of-way acquisition from any historic properties, however, permanent and temporary easements will be required from the Joseph Kay Farm (Stonewall Farm), property (see Cultural / Archaeological Resources Section and Exhibit F).

The SHPO and FHWA have determined that the proposed action will have a “no adverse effect” upon the properties that are eligible for the National Register (Exhibit G). The impacts to the Joseph Kay Farm (Stonewall Farm) property are as follows:

Property Name	Perm. Const. Easement		Temp. Const. Easement	
	Sq. Meters	Sq. Feet	Sq. Meters	Sq. Feet
Individually Eligible Properties				
Joseph Kay Farm (Stonewall Farm)	295	3,175	220	2,368
TOTAL IMPACT AREA	295	3,175	220	2,368

Permanent Construction Easements - includes the construction of new roadway slopes and driveway relocation. Temporary Construction Easements - includes those activities which may include temporary or minor impacts (such as driveway connections) to properties located within the proposed project area.

- **ALTERNATIVES WHICH AVOID SECTION 4(f) PROPERTIES:**

The proposed project has been designed to preserve the integrity of, and minimize the impacts to, the properties, which are eligible for the National Register of Historic Places. Early coordination between federal, state and local officials (see coordination section) as well as ground reconnaissance, identified important resources that were taken into consideration during the design of this project. The following alternatives which would avoid impacts to 4(f) properties have been reviewed during the preliminary design process and were not recommended because of engineering or financial constraints, environmental impacts, property impacts, and/or failure of the alternatives to adequately address the area's transportation needs and/or safety problems.

1. No-Build - This alternative is not considered prudent since it would do nothing to correct the structural deficiencies associated with the existing bridge. In addition, this section of NH Route 9 is a primary east-west travel corridor in the State of New Hampshire and is classified within the project area as an urban minor arterial. It intersects with NH Route 155 approximately 600 m (2,000 ft.) east of the project limits. If nothing is done, this bridge will continue to deteriorate while traffic demands continue to increase. Furthermore, the environmental impacts associated with the preferred alternative are not of a magnitude to warrant the selection of the "No-Build" alternative.
2. Replace Bridge to the North - This alternative would realign NH Route 9 to the north of its current alignment. This would require additional right-of-way impacts including the total acquisition of the Richard Kay property east of the bridge and would severely impact the National Register eligible Rogers property (Hayes-Kittredge-Wolcott House). This alternative was not considered reasonable or prudent and was not selected.
3. Replace Bridge to the South - This alternative would realign NH Route 9 to the south of its current alignment. This would require additional right-of-way impacts to residential and industrial properties, including greater impacts to the National Register eligible property, the Joseph Kay Farm (Stonewall Farm). It would also result in an undesirable horizontal and vertical alignment relationship to the north of the bridge. This alternative would not avoid, but would actually increase the impacts to the cultural resource. For these reasons this alternative was not selected.
4. Rehabilitation of the Existing Structure - This alternative would rehabilitate the existing bridge. Rehabilitating the existing bridge would be costly and have limited value in the long term considering the deteriorated condition of the major elements of the bridge. In addition the narrow width on the bridge, the poor sight distances and the sub-standard vertical and lateral clearances from the railroad tracks to the bridge would not be addressed with this alternative. Since this alternative will not serve the purpose and need for the project, it was not selected.
5. Improvements on Other Alignments - The proposed project is the replacement of an existing bridge which carries NH Route 9 over the active Boston & Maine Railroad line. Other alignments which would avoid the National Register eligible properties would require substantial realignment of NH Route 9 resulting in much greater right-of-way acquisitions. An alignment on new location would go through undeveloped lands, resulting in greater environmental impacts. In addition, the size (20+ ha (50+ ac)) of the Joseph Kay Farm (Stonewall Farm) would make it extremely difficult to avoid this property. As such, alternatives on other alignments would not be reasonable or prudent.

There are no other feasible or prudent alternatives for the reconstruction of NH Route 9, which would avoid impacts to Section 4(f) properties within the project area.

- **MEASURES TO MINIMIZE HARM / MITIGATION:**

The design of the proposed action has been developed with the intent of preserving the integrity and minimizing the potential impacts to the properties which are eligible for the National Register. The desired vertical clearance of the new bridge to the railroad tracks is 6.9 m (22.5 ft.). The clearance was reduced to 6.4 m (21 ft.) to minimize impacts to the abutting National Register eligible properties. The alignment of NH Route 9 was designed to provide a maximum 12 m (40 ft.) shift to the north in front of the Joseph Kay Farm (Stonewall Farm) and a corresponding shift to the south in front of the Hayes-Kittredge-Wolcott House. This alignment provides for the majority of the proposed work along the National Register-eligible properties to be constructed within the existing right-of-way. The impact to these resources was reduced to temporary and permanent slope easements required for the establishment of the temporary detour bridge, the placement of fill for the new bridge abutments, and the relocation of the driveway on the Joseph Kay Farm (Stonewall Farm) property.

The limits of work along both National Register-eligible properties were designed to preserve existing vegetation, including saving a large ash tree located southeast of the Hayes-Kittredge-Wolcott House. Construction of the new and detour bridges requires the taking of small trees and shrubs along the northwest corner of the Joseph Kay Farm (Stonewall Farm) property, however, the design preserves the majority of vegetation along the frontage of the farmhouse. Mitigation will consist of replanting trees along this northwestern portion of the property. Furthermore, the proposed alignment resulted in no acquisition of right-of-way being required from any National Register-eligible property.

Since the impacts associated with the proposed action are minor, it was determined at the January 4, 2001, Cultural Resource Agency Meeting that mitigation for this project will consist of replanting trees along the western portion of the Joseph Kay Farm (Stonewall Farm).

- **COORDINATION:**

Coordination meetings among the SHPO (NHDHR), FHWA, Guilford Transportation System, Dover public officials and concerned citizens, and NHDOT were held to discuss alternatives and measures to minimize harm to National Register-eligible properties. The measures, which were considered feasible and prudent were evaluated and incorporated into the design of this project. A “no-adverse effect” memo was prepared which addresses unavoidable impacts to historic properties (Exhibit G). See the Coordination and Public Participation section of the Environmental Study for additional information.

- **PROGRAMMATIC APPLICABILITY/CONCLUSION:**

This project meets the criteria for a Programmatic Section 4(f) Evaluation for Federal-Aid highway projects that necessitate minor involvement with historic sites because:

1. The project is designed to improve the operational characteristics and safety of the highway facility on essentially the same alignment.
2. The historic sites involved are located adjacent to the existing highway.
3. The project does not involve the removal or alteration of historic buildings, structures or objects on the historic property.
4. The project does not require the removal or disturbance of archeological resources.

5. A minor amount of historic property will be impacted. It has been determined that the project will have a “no adverse effect” on the historic property.
6. The SHPO has agreed in writing with the assessment of the impacts of, and the proposed mitigation for, the proposed project.
7. This project does not require the preparation of an Environmental Impact Statement.

SUMMARY OF ENVIRONMENTAL COMMITMENTS

The following environmental commitments have been made for this project.

1. Prior to the commencement of work, the contractor will submit an erosion control and storm water management plan specific to this project, pages 9 and 11. (CONSTRUCTION / ENVIRONMENT)
2. Precautions will be employed to minimize noise and dust levels during the construction period, primarily for the abutting receptors located adjacent to the project area, page 11. (CONSTRUCTION)
3. Mitigation of the impacts to Joseph Kay Farm (Stonewall Farm) historic property will consist of replanting trees along the northwestern portion of the property, page 16. (HWY DESIGN / CONSTRUCTION / ENVIRONMENT)
4. Any contaminated soil encountered during construction will be disposed of by the contractor in an appropriate manner. If contaminated groundwater is encountered and dewatering of the construction area is necessary, the contractor will be required to obtain a groundwater discharge permit from the Department of Environmental Services (DES), page 8. (CONSTRUCTION / ENVIRONMENT)
5. Bridge construction will be coordinated and phased to minimize impacts on the Boston and Maine Railroad passenger and freight service. (CONSTRUCTION)

PHOTOGRAPHS

DRAFT

**MUNICIPAL AGREEMENT
FOR**

DOVER

STATE PROJECT: Dover 13042
FEDERAL PROJECT: BRF-X-T-2220(001)

THIS AGREEMENT, executed in *triplicate*, made and entered into this ____ day of _____, 2009, between the New Hampshire Department of Transportation, hereinafter called the “DEPARTMENT” and the City of Dover hereinafter called the “CITY”.

WITNESSETH that,

WHEREAS, the DEPARTMENT will be reconstructing the NH 9 Bridge over the B&M Railroad along with portions of NH 9 leading to and from the Bridge, as well as, completing approach work on two CITY streets as part of the project; and

WHEREAS, the State Legislature has delegated the Commissioner of the DEPARTMENT with full authority to control traffic in highway/bridge construction work zones on Class I, II, and III highways; RSA 228:21, 236:1, and 228:27; and

WHEREAS, the DEPARTMENT intends to use a combination of flaggers and/or uniformed officers, as appropriate, to control traffic and ensure public and worker safety; and

WHEREAS, sidewalks, which are a primary benefit to the community and adjoining neighborhoods, are proposed along the reconstructed portions of NH 9; and

WHEREAS, the DEPARTMENT maintenance forces, by policy and practice, do not maintain sidewalks;

NOW, THEREFORE, in consideration of the above premises, it is mutually agreed as follows:

- A. The DEPARTMENT shall construct the project titled Dover BRF-X-T-2220(001), 13042, a federal aid construction project, which reconstructs the bridge over the B&M Railroad, along with portions of NH 9 leading to and from the bridge, as well as, roadway approach work on two CITY streets including Industrial Park Drive and Old Littleworth Road.
- B. The DEPARTMENT shall construct a sidewalk along the north side of NH 9 between the Cambridge Tool Drive and Old Littleworth Road, as part of the project as has been discussed and coordinated with the CITY through the public participation process and design for the project. All work associated with the construction of this facility will be in accordance with DEPARTMENT specifications.
- C. The DEPARTMENT will be responsible for the management and operation of these facilities throughout the duration of the construction of the project. The CITY delegates to the DEPARTMENT the authority to control traffic within the CITY road construction zones of this project.
- D. The CITY will, at its own cost and expense, maintain the reconstructed CITY road portions indicated above as they are originally constructed, including pavement markings, signing, removal of snow, and to provide for full flow of traffic.

- E. The CITY shall provide or cause to provide for the future maintenance of the sidewalk indicated above, including winter maintenance and snow removal in accordance with the requirements of 23 CFR 1.27 and 28 CFR 35.133, once the work under this AGREEMENT is completed.
- F. The CITY agrees that should adjustments be necessary due to changed traffic conditions or operational needs such adjustments will not be made without prior approval of the DEPARTMENT in coordination with the Federal Highway Administration.
- G. The CITY shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the CITY or its subcontractors in the performance of this agreement. Notwithstanding the foregoing, nothing herein contained, shall be deemed to constitute a waiver of the sovereign immunity of the STATE or the DEPARTMENT, which immunity is hereby reserved.
- H. It is further understood and agreed between the DEPARTMENT and the CITY that neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the CITY under this Agreement.
- I. The CITY acknowledges that this Agreement has been approved by the Dover City Council, whereby based on this approval, the CITY represents that it has full power and authority to execute, deliver, and perform this Agreement in accordance with its terms.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the CITY of Dover, New Hampshire, on this ____ day of _____, 2009, and the Department of Transportation on this ____ day of _____, 2009.

**NEW HAMPSHIRE DEPARTMENT OF
TRANSPORTATION**

CITY OF DOVER

By: _____
COMMISSIONER

By: _____
City Manager

cc: Bureau of Construction
Dover Police Chief

Summary of selected changes made during the 2009 New Hampshire State Legislature.

Under Clerk and Ballots...

- 1) Voter Qualifications: modifies voter citizenship affidavits to include sworn affirmation that in addition to being a citizen of the US, persons applying are-or will be, by the next election, 18 years old, are who they say they are, and by doing so, are 'qualified' to vote. Further, it modifies the domicile affidavit by requiring the applicant to swear affirmatively that he/she is not and will not be registered to vote in any other municipality. *Since university students are in such abundance in this area it has a significant impact here.*

Under Intergovernment Relations, Retirement: State Budget

- 1) The Budget does include \$1 for distribution to the municipalities to keep it in the budget, however... '...the statutory formula for increasing this distribution up to \$5 million per year contingent upon increases in meals and rooms tax revenues received by the state, was suspended for the biennium. *This cost the City of Dover \$600,000 in reduced revenue sharing.*
- 2) The budget eliminates a \$17 million state liability to political subdivisions in the NHRS medical subsidy account. '...there will be an increase in the employer contribution rate for employees due to the elimination of this state liability. *So, in effect, the state says, we know we owe the money but instead, we'll let the municipalities pay for it, because we can.*
- 3) Eliminates reductions to NHRS retirement allowances for gainful occupation for group II members on accidental disability status, provided that years of service and age requirements are met. *So, being out on an accidental disability would still allow such a firefighter or police officer to continue to work and there would be no reduction in their disability retirement benefits, in other words 'double dipping' is ok.*
- 4) SB160 allows the continued payment of retirement benefits to a spouse who is killed in the line of duty even if the spouse has remarried. *(not yet signed by the governor, so time will tell)*

Municipal Administration and Financial Management

- 1) HB90 allows any veteran who has received an honorable discharge to take Veterans day off, provided they give advance notice in accordance with employers' policies and procedures. The employer is not required to pay wages to an employee who exercises this option. *However it will cause shift-fill overtime expense for the Group II employees whose absence leaves a shift short of required staffing. In the case of teachers, it will generate an additional day that would require a substitute teacher if this option were exercised.*

Planning and Zoning

- 1) Delayed the implementation of the Workforce Housing Law to next year. *It is likely to be delayed again until the economy picks up and new housing starts begin a recovery.*

The Full Legislative Report can be reviewed on the Local Government Center (a lobbying representative for the municipalities) at www.nhlgc.org



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.09.09 – 125**
Resolution Re: **Park Street Park Improvements**

WHEREAS: Residents in the area of the Park Street Park seek renovations to the park to enhance the neighborhood and the available activities for families and children; and

WHEREAS: The Rotary Club of Dover NH has generously offered to donate the time, talents and monies of the members and the club to renovate the Park Street Park; and

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

The City Manager is authorized to receive the donation of the Rotary Club and to enter into an agreement with the Rotary Club to renovate the Park Street Park

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Robert Carrier

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 – 2009.09.09 – 125**
Resolution Re: **Park Street Park Improvements**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.09.09 – 125**

Resolution Re: **Park Street Park Improvements**

RESOLUTION BACKGROUND MATERIAL:

Spearheaded by Councilor Carrier, public meetings have occurred involving citizens in the area of the Park Street Park on the subject of renovating the park to meet the needs of the public, families and children.

The Rotary Club of Dover NH has offered to assist with design, construction, supervision and monies needed to accomplish the renovation.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R – 2009.09.09 - 126**
Resolution Re: **Willand Pond Ad-Hoc Committee Amendment #1**

- WHEREAS: All the merits of establishing a Willand Pond Ad-Hoc Committee are still valid as proclaimed in Resolution **R – 2007.08.08-110**, *Forming a Willand Pond Ad-Hoc Committee*; and
- WHEREAS: The residents of the cities of Dover and Somersworth have been working together to resolve the water quality and water height; and
- WHEREAS: The Willand Pond Ad-Hoc Committee often does not have a quorum to conduct business due to the absence of other members; and
- WHEREAS: The Willand Pond Ad-Hoc Committee meeting have been attended by representatives of both cities on a regular basis; and
- WHEREAS: The Willand Pond Ad-Hoc Committee voted on August 18, 2009 to request of the Dover City Council to allow three members who represent Somersworth; and
- WHEREAS: The Dover City Council can make an exception to the residency requirement for commissions, boards, and committees;

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

The 7 person membership of the Willand Pond Ad-Hoc Committee shall be increased to ten (10) members and comprised of residents of Dover (7) and Somersworth (3). Three new members will be appointed by the Dover City Council if they agree with the recommendations from the Willand Pond Ad-Hoc committee membership, provided they are a resident of Dover or Somersworth.

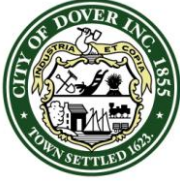
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Callaghan

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 – 2009.09.09 - 126**
Resolution Re: **Willand Pond Ad-Hoc Committee Amendment #1**

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 – 2009.09.09 - 126**

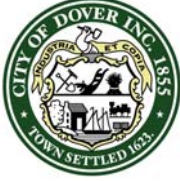
Resolution Re: **Willand Pond Ad-Hoc Committee Amendment #1**

RESOLUTION BACKGROUND MATERIAL:

The Dover/Somersworth city line intersects the residential area which lies to the East of Rt. 108 and the Willand Pond shore line, thereby making some Somersworth land owners directly affected by the Willand Pond water issues. These individuals have been in attendance on a regular basis providing volunteer help and positive suggestions, and should be as much of the solution as the Dover residents.

Attached Resolution **R – 2007.08.08-110**, *Forming a Willand Pond Ad-Hoc Committee*

Attached map showing the City boundary lines



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#12B-6:

Resolution Number: **R – 2007.08.08-110**
Resolution Re: Forming a Willand Pond Ad-Hoc Committee

- WHEREAS: Willand Pond, located in both the cities of Dover and Somersworth, has recently experienced water levels that are three (3) feet higher than ever previously recorded; and
- WHEREAS: Historically, Willand Pond has provided area residents with a multitude of cultural and recreational opportunities; and
- WHEREAS: Currently Willand Pond has been CLOSED to the public; and
- WHEREAS: The City of Dover is concerned about further non-point pollution, parking lot run-off, cyano-bacteria, erosion and other environmental impacts that are occurring around Willand Pond; and
- WHEREAS: The City of Dover wishes to accurately identify the problem, lower the excessively high water levels and then build a permanent and engineered solution that will adequately control the water levels so that future flooding doesn't happen again; and
- WHEREAS: The City of Dover wishes to have both citizens and staff interact with consultants which have specialized skills to identify those issues and potential solutions for problems related to high water levels, involved and working with said consultants; and
- WHEREAS: The City of Dover encourages cooperation on regional issues with neighboring communities.

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

There is hereby created an Ad Hoc Working Committee of ~~six (6)~~ **seven (7)** members appointed to look at the issues surrounding Willand Pond and the surrounding environment. The membership shall be made up as follows: Chairperson, Thomas Fargo, Betsey Andrews Parker, Jean Hausman, Joe McCormack, Peter Allan, Cherie Bartlett, Meghan Houlahan

AND, FURTHER BE IT RESOLVED;

The City of Dover ~~AND~~ ask the City of Somersworth recognize these volunteers as residents whom have been directly affected by the changes that have happened in the areas around Peter's Marsh Brook and Stackpole Pond. And to recognize that the goal of these volunteers, is to work with the consultants and engineers (of both cities) to return the pond to historic levels, and to also pursue a properly engineered and permanent solution.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Councilor Harvey Turner

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

Recorded by: Valerie French
Interim City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#12B-6:

Resolution Number: **R – 2007.08.08-110**

Resolution Re: Forming a Willand Pond Ad-Hoc Committee

DOCUMENT ACTIONS:

Regular Council Meeting held August 8, 2007.

Turner moved to adopt, seconded by Cheney.

Turner moved to amend number of members from 6 to 7, seconded

By Cheney. Turner moved to “Further be it resolved” from “AND” to “ask”

The City of Somersworth, seconded by Trefethen. Motion to pass both amendments

Passed on a 7-0 vote.

VOTING RECORD		
Date of Vote: 08/08/07	YAY	NAY
Mayor Scott Myers	X	
Deputy Mayor Jason Thomas Hindle, At Large	ABSENT	
Councilor Robert Keays, Ward 1	X	
Councilor Douglas DeDe, Ward 2	X	
Councilor David Scott, Ward 3	ABSENT	
Councilor Dean Trefethen, Ward 4	X	
Councilor Catherine Cheney, Ward 5	X	
Councilor Harvey Turner, Ward 6	X	
Councilor Dennis Ciotti, At Large	X	
Total Votes:	7	0
RESOLUTION PASSES		

RESOLUTION BACKGROUND MATERIAL:

Willand Pond is located in Dover and Somersworth. The pond is currently closed due to cyano-bacteria. A joint effort between Dover and Somersworth is required to affect a solution.



108

Erie St

Gage St

Lakeview Dr

Lake St

Sherman St

Willard Rd

New Rock

tburn St



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R - 2009.09.09 – 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from Woodman Park Tennis Court to “Other” tennis Courts

WHEREAS: On March 14, 2007 City Council Resolution 11C3 granted the adoption of 2008 CIP and expenditure of \$175,000.00 of bond proceeds for tennis court restoration at Woodman Park; and

WHEREAS: In July 2007, the Woodman Park Courts were restored with the low bid coming in a little over \$102,956.00; and

WHEREAS: The city solicited bid for the reconstruction / repairs of the Garrison, Horne St and Longhill Tennis and Basketball Courts and the low bid received from Vermont Recreational Surfacing and Fencing Inc. in the amount of \$13,843.00. This city wishes to use unexpended bond proceeds from the Woodman Park Tennis Court project to update these three locations.

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

The City Council approves reprogramming bond proceeds of \$15,000.00 from the Woodman Park Tennis Court Reconstruction to the “Other Tennis Court & Basketball Court Reconstruction”

Account	Description	Original Budget	Available Balance	Adjustment	Adjusted Budget
4008-45123-4715-5226-08-35	Rec Woodman Park Tennis	\$175,000.00	\$72,044.00	-\$15,000.00	\$57,044.00
4008-45123-4715-5229-08-35	Rec Other Tennis & BB Courts	\$0.00	\$0.00	\$15,000.00	\$15,000.00
		\$175,000.00	\$72,044.00	\$0.00	\$72,044.00

In accordance with NH Municipal Finance Act, RSA33 and City Charter Provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution and must be approved by a 2/3 majority vote of the city council. To Be Referred to Public Hearing and vote on September 23, 2009

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

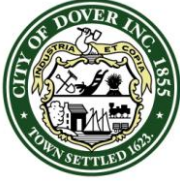
Resolution Number: **R - 2009.09.09 – 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from Woodman Park Tennis Court to “Other” tennis Courts

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.3.

Resolution Number: **R - 2009.09.09 – 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from Woodman Park Tennis Court to “Other” tennis Courts

RESOLUTION BACKGROUND MATERIAL:

It is the recommendation to reprogram unexpended bond proceeds from the Woodman Park Tennis Court Reconstruction CIP account and move to “Other Tennis and Basketball Courts”.

The 2008 CIP contained \$175,000 to restore the Woodman Park Tennis Courts along with repairs and improvements to parking and drainage around the courts. \$120,000 was estimated to be needed for Court repairs and \$55,000 was estimated for parking and drainage improvements.

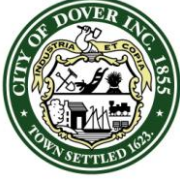
The cost of rebuilding the Woodman Park Tennis Courts, based on obtaining bids, came in at a low bid of \$102,956 resulting in a cost savings of \$17,044. The City wishes to utilize \$15,000 of the \$17,044 savings to repair and make improvements at the other tennis courts and basket ball courts in the City. This proposed action will result in substantially extending the service life of the courts.

\$175,000 CIP Authorization
-\$102,956 Woodman Park Tennis Court contract

\$72,044 Balance Available

\$15,000 Reprogram for other courts

\$57,044 Balance for Woodman Park parking and drainage improvements



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R - 2009.09.09 – 128**
Resolution Re: Amendment of FY2010 Fee Schedule For Hourly Meter Parking Rates

- WHEREAS: The Parking Commission has reviewed all relevant background studies, including the recent Ad Hoc Parking Facility Financial Feasibility Committee Report, and;
- WHEREAS: The Commission has also reviewed a current NH peer cities rate analysis, along with data from other municipalities across the country, and;
- WHEREAS: The Dover Parking Commission has recommended that the hourly rates for metered parking, both on and off street be raised to reflect the findings of recent parking and parking facility studies and peer reviews.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT: The City Council of the City of Dover authorizes changes to the Police section, p. 10 of the approved FY 2010 Fee Schedule as follows:

Meters located in Orchard Street and Belknap Parking Lots and along Henry Law Ave.

20 minutes	\$0.25
1 hour	\$0.75

The City Manager recommends that this resolution be adopted.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R - 2009.09.09 – 128**
Resolution Re: Amendment of FY2010 Fee Schedule For Hourly Meter Parking Rates

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R - 2009.09.09 – 128**
Resolution Re: Amendment of FY2010 Fee Schedule For Hourly Meter Parking Rates

RESOLUTION BACKGROUND MATERIAL:

The Parking Commission voted to recommend increasing the parking meter rate from \$0.50/hr to \$0.75/hr. at their August 4, 2009 regular meeting. Currently, the rate is included in the City's annual fee schedule document adopted as part of the budget. Broken down into increments, the current fees and changes appear as follows:

CURRENT PARKING METER RATES:

Meters are located in Orchard Street and Belknap Parking Lots

6 minutes \$0.05
12 minutes \$0.10
30 minutes \$0.25
1 hour \$0.50

PROPOSED PARKING METER RATES:

Meters located in Orchard Street and Belknap Parking Lots and along Henry Law Ave.

20 minutes \$0.25
1 hour \$0.75

The current parking rate structure needs to be reviewed and updated in order to bring consistency to current fees as a first step towards a systematic approach to downtown parking. The Ad Hoc Parking Facility Financial Feasibility Committee recommended this action as a first step in beginning to bring in more revenue for a future parking facility and to begin to level the field in the fairest way for all types of parking patrons in the downtown parking district area. Revenue opportunities exist by bringing the fee structure in line with peer communities. (See table below)

Peer City Parking Fees

	Concord	Nashua	Keene	Manchester	Portland, ME	Portsmouth	Current-Dover	Proposed-Dover
Paid on street per hour	.50	.50	.50	.75	1.00	.75	.50	.75
Off Street Lot	.50	.50	.20	Permit Only	N/A	.75	.50	.75
Garage	.75	N/A	N/A	.75-1.25	1.00-1.25	.75-1.00	N/A	N/A

Foregoing table data based on 8/31/09 research by Planning Department.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R - 2009.09.09 – 128**
Resolution Re: Amendment of FY2010 Fee Schedule For Hourly Meter
Parking Rates

PARKING COMMISSION MINUTES OF AUGUST 4, 2009:

MEMBERS PRESENT: Otis Perry, Anthony McManus, Jack Buckley, Charles Reynolds, George Maglaras

STAFF PRESENT: Bruce Woodruff, City Planner, Sgt. Marn Speidel, Parking & Traffic Bureau, Dan Barufaldi, Economic Development Director

OTHERS PRESENT: None

Meeting called to order at 8:07 am.

1. Approval of Minutes of July 29, 2009

Change boiler plate to suggested language.

Motion: Maglaras made the motion to approve with corrections, Buckley seconded. Vote: U/A

2. Commission Organization

A. By-laws review of changes

Woodruff stated that he did not have the updated By-laws done because he only had the .pdf document that couldn't be changed. He has requested the word version from the City Attorney. He stated that the City Attorney indicated that the change made to the Amendment Section of the Operating Rules cannot be done. There was discussion on whether this is what the Commission wants. The Commission directed Woodruff to make the change in the draft for now. Woodruff will e-mail the amended document with the changes to the each member of the Commission. It will be voted on at the next meeting.

3. Review of parking related documents

Woodruff passed out studies, financials, multi-space meter information as well as system plans and documents. Questions and discussion by members ensued.

Discussion on Parking Meter rate increase

There was discussion on the system implementation of paid parking as well as the urban core rate. There were questions on the makeup of lots and deeded leases.

The Commission talked about public/private development of City surface parking lots.

Barufaldi discussed the lack of parking in downtown Dover. It was stated that the problem with parking has been around for more than 20 years. The Commission referred to the Study prepared by the City Council's Ad Hoc Parking Facility Financial Feasibility Committee and discussed their recommendation to ultimately go to a \$0.75/hr paid parking rate for meters. It was noted that Manchester and other cities were already at this rate.

Motion: Perry made the motion to amend the fee schedule from \$.50 to \$.75 per hour for meters, McManus seconded. Vote: U/A

Motion: Perry made the motion to authorize the Economic Development Director, to seek out potential public/private developers of surface parking lots, McManus seconded. Vote: U/A

4. Immediate Goals and Objectives

There was discussion on the Commissions ultimate plans, goals and objectives i.e. all urban core paid parking, revenue stream and timelines for garage facilities.

5. Adjourn



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.4.

Resolution Number: **R - 2009.09.09 – 128**
Resolution Re: Amendment of FY2010 Fee Schedule For Hourly Meter Parking Rates

Motion: Vote U/A

DOCUMENT HISTORY:

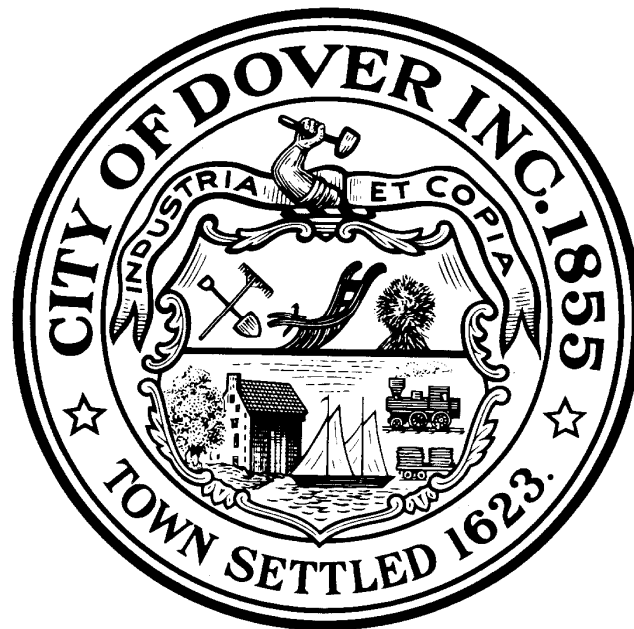
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

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

City of Dover, NH

Adopted Schedule of Fees – FY10



City of Dover, NH

Adopted Schedule of Fees – FY10
To be Effective: July 1, 2009 to June 30, 2010

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Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
All FINANCE DIVISIONS				
Photocopy Charges	\$.50 per page	Budget Resolution	City Council	Charge per page - see "special" copy charges above for reports, etc.
Bill Copies	\$.50 per page	Budget Resolution	City Council	No charge to property owner for copy of current bills
ACCOUNTING DIVISION:				
Returned Check	\$30.00	RSA 80:56	State Legislature	Initial contact and letter, bank fees, postage, labor, etc.
Reports 1 - 10 pages	\$20.00	Budget Resolution	City Council	To cover staff time and associated expenses.
Additional pages after 10 pages	1.00 each page	Budget Resolution	City Council	
Statistical Information	\$25.00 per staff hour	Budget Resolution	City Council	
Standard Electronic Media	\$25.00	Budget Resolution	City Council	Downloads to disk of databases, i.e. voter
Electronic Media - Special Request	\$25.00 Minimum	Budget Resolution	City Council	Cost dependent upon development time to user specifications & to cover staff time and associated expenses.
PURCHASING:				
Bid Specification Documents	Minimum \$25.00	Purchasing Ordinance	City Council	Selling of bid specifications, when required, depending on size
TAX ASSESSMENT				
Current Use Recording	\$16.37	RSA 79-A	State Legislature	To record properties in current use at Registry. Payable to Strafford County Registry of Deeds
Excavation Permit	\$100.00	RSA 155-E:2	State Legislature	Sent to NH Department of Revenue Admin.
Property cards	\$.50 per parcel	Budget Resolution	City Council	Copies of Assessment cards No charge to property owner for their first card
Reports 1-10 Pages	\$20.00	Budget Resolution	City Council	10 pages or less; covers computer time, labor, printer and paper per report
Additional pages after 10 pages	1.00 each page	Budget Resolution	City Council	To Cover Administrative Costs
Statistical Information	\$25.00 per staff hour	Budget Resolution	City Council	

Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
GIS/MAPS				
Simple plot on 8.5x11 paper Black and White	\$5.00	Budget Resolution	City Council	To cover staff time and associated expenses.
Simple plot on 8.5x11 paper Color	\$10.00	Budget Resolution	City Council	
Large scale plot of tax map sheet	\$37.50	Budget Resolution	City Council	
PDF file of tax map sheet	\$10.00	Budget Resolution	City Council	
Published map (ward, street, zoning, etc. (from City Clerk)	\$10.00	Budget Resolution	City Council	
Large scale map - "canned theme"	\$37.50	Budget Resolution	City Council	
Large scale map - creation of a theme	\$50.00/hr	Budget Resolution	City Council	
Digital Map	\$50.00/hr., 1 hour min. Floppy, CD or ZipDisk	Budget Resolution	City Council	
Entire data layer digital	\$3,000 basemap	Budget Resolution	City Council	
Electronic copy of property list	\$25.00 minimum - adjusted +/- according to complexity	Budget Resolution	City Council	
Electronic Media - Special Request	Minimum \$25.00	Budget Resolution	City Council	Cost dependent upon development time to user specifications & to cover staff time and associated expenses.
CITY CLERK/TAX COLLECTION				
<u>Motor Vehicle Fees:</u>				
Permit	Various	RSA 261:153	State Legislature	Provide funding for municipal operations to include maintenance and upkeep of municipal roadways.
Clerk	\$1.00	RSA 261:52	State Legislature	
Agent	\$2.50	RSA 261:74	State Legislature	
Title	\$2.00	RSA 261:4	State Legislature	
Transfer	\$5.00	RSA 261:50	State Legislature	
Reclamation	\$1.00 \$2.00 \$4.00	RSA 261:153	State Legislature	\$1.00 - Special Use vehicles, agriculture, farm vehicles, motorcycles; \$2.00 - Automobiles, Light Trucks, Tractor Trailers; \$4.00 - Heavy vehicles/trucks, mobile homes and trailers. Fee is collected for purpose of funding collection, disposal and recycling costs of automotive waste.

Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Reclamation Admin Fee	\$0.50	RSA 261:153	State Legislature	Administrative Processing Fee
Sticker Registration (State)	Various	RSA 261:141	State Legislature	
Plate - initial or special (State)	\$25.00	RSA 261:89	State Legislature	
Plate - Moose (State)	\$30.00	RSA 261:97.A-F	State Legislature	
Veteran's Plate (not disabled)	\$30.00	RSA 261:97.A-F	State Legislature	One time fee only
Transportation	\$5.00	RSA 261:153	State Legislature	Fee provides moneys for Transportation Improvements Capital Reserve to fund transportation improvement projects.
Fee for online vehicle registration for e-check	\$1.50 per vehicle \$.50 mailing charge	RSA 261	State Legislature	Pass through from provider of online service.
Notary	\$5.00	RSA 455:11	State Legislature	To administer oath's, certify affidavits and testamony, warrants for arrests
Witness Fee (each Witness Signature)	\$1.50	RSA 455:11	State Legislature	
Standard Electronic Media	Minimum \$25.00	Budget Resolution	City Council	Downloads to disk of databases, i.e. tax list
Electronic Media - Special Request	Minimum \$25.00	Budget Resolution	City Council	Cost dependent upon development time to user specifications to cover administrative costs
Real Estate Fees:				
Impending Tax Lien Notice	\$17.25	RSA 80: (various)	State Legislature	To cover costs of preparing and executing tax lien
Impending Tax Lien Notice ea. addl' parcel	\$2.00	RSA 80: (various)	State Legislature	
Tax Lien Execution	\$18.50	RSA 80: (various)	State Legislature	
Tax Lien Execution ea. addl' parcel	\$8.00	RSA 80: (various)	State Legislature	
Lien Holder Identification	Minimum \$10.00	RSA 80:67	State Legislature	To cover costs of preparing and executing tax lien notifications
Mortgagee Tax Lien Notice	Minimum \$10.00	RSA 80: (various)	State Legislature	
Impending Tax Deed Notice	\$15.25	RSA 80: (various)	State Legislature	
WATER/SEWER BILLING FEES:				
See Community Services - Water and Sewer Charges				
DOG LICENSES:				
Altered	\$7.50	State of NH RSA 466	State Legislature	A State wide fee for the care and protection of Animals. Statewide neutering program.
Unaltered	\$10.00	State of NH RSA 466	State Legislature	
Senior Citizens	\$3.00	State of NH RSA 466	State Legislature	
Late Fee per month after 1 June	\$1.00	State of NH RSA 466	State Legislature	
Puppies - 4 to 7 months	\$7.50	State of NH RSA 466	State Legislature	
Group License (5 or more dogs)	\$20.00	State of NH RSA 466	State Legislature	
TAXI:				
Driver Transfer Company to Company	\$5.00	City Ordinance #161	City Council	For the purpose of regulating the operations of public taxi companies to ensure safety and fairness to our citizens
Driver	\$15.00	City Ordinance #161	City Council	
Owner/Operator	\$100.00	City Ordinance #161	City Council	
Vehicle	\$30.00	City Ordinance #161	City Council	

Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
VIDEO:				
Video/Non-Video	\$30.00	City Ordinance #60	City Council	To regulate the placement of Arcades and monitor Video Machines
Arcade (5+ machines)	\$100.00	City Ordinance #60	City Council	
PEDDLER/VENDOR:				
Weekly (maximum 12 weeks)	\$10.00	City Ordinance #133	City Council	To govern peddling door-to-door and vending on City property
Yearly	\$200.00	City Ordinance #133	City Council	
POLE LICENSE:	\$10.00	State of NH RSA 252	State Legislature	Recording fee set by the State for the licensing of Utility Installation
AQUA THERM PERMIT:	\$0.50	State of NH RSA 270:34	State Legislature	To maintain a permanent file of such permit registrations
DOG FINES:				
Unlicensed	\$25.00	State of NH RSA 466 and City Ordinance #89:3	State Legislature/City Council	Controlling of nuisance and unlicensed animals
At Large	\$25.00	State of NH RSA 466 and City Ordinance #89:3	State Legislature/City Council	
MARRIAGE LICENSE:	\$45.00	State of NH RSA 457:29	State Legislature	To obtain legal marriage license
BIRTH CERTIFICATE:	\$12.00	State of NH RSA 126:14	State Legislature	Self explanatory
Extra copy (purchased at same time)	\$8.00	State of NH RSA 126:14	State Legislature	
DEATH CERTIFICATE:	\$12.00	State of NH RSA 126:14	State Legislature	Self explanatory
Extra copy (purchased at same time)	\$8.00	State of NH RSA 126:14	State Legislature	
MARRIAGE CERTIFICATE:	\$12.00	State of NH RSA 126:14	State Legislature	Self explanatory
Extra copy (purchased at same time)	\$8.00	State of NH RSA 126:14	State Legislature	
Divorce Decree	\$12.00	State of NH RSA 126:14	State Legislature	
VOTER REGISTRATION CARD:	\$5.00	State of NH 654	Secretary of State	A card certifying an individual is on the voter checklist (used by immigration)
CITY SEAL:	\$5.00	State of NH RSA 31:93	State Legislature	Used to officially certify documents
VSCR: (Vital Statistic Change Record)	\$10.00	State of NH RSA 126:14	State Legislature	Official form necessary to make changes on any vital record after 6 months
DELAYED BIRTH:	\$25.00	State of NH RSA 126:14	State Legislature	Filing and administrative fee for the filing of a delayed birth certificate
LEGITIMIZATION/AFFIDAVIT OF PAT	\$10.00	State of NH RSA 168-A2	State Legislature	Administrative fee for the processing and issuance of birth certificates that have been altered after the birth of a child (I.e. adding/changing a father's name or couple gets married).

Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
CITY ORDINANCES:				
Complete Set	\$250.00	Budget Resolution	City Council	To cover the cost of printing and paper
Separate Chapters - fee based on # of	Varies	Budget Resolution	City Council	
UCC: Uniform Commercial Code Filing	\$15.00	RSA 382-A:9-525	State Legislature	Processing and recording of debtor collateral - Reimbursement by State
STATE TAX LIENS:				
Filing	\$15.00	State of NH RSA 21-J:28-C I,II,III, RSA 454-B:2	State Legislature	Fee Imposed for the purpose of recording or releasing a lien.
Release	\$15.00	State of NH RSA 21-J:28-C I,II,III, RSA 454-B:2	State Legislature	
HOSPITAL LIENS:				
Filing	\$15.00	State of NH RSA 448-A:1	State Legislature	Fee Imposed for the purpose of recording or releasing a lien.
Release	\$15.00	State of NH RSA 448-A:1	State Legislature	
ARTICLES OF AGREEMENT:	\$5.00	State of NH RSA 292:5	State Legislature	Fee imposed for the purpose of establishing a non profit organization
CANDIDACY FILING:	\$2.00	State of NH RSA 655:19	State Legislature	State representative filing fee
PHOTOCOPIES: (per page)	\$0.50	Budget Resolution	City Council	Standard fee for City copy machines to cover machine wear and tear, paper and time
NOTARY PUBLIC:				
Notarize Document	\$5.00	RSA Chapter 455:11	State Legislature/Secretary of State	To administer oaths, certify affidavits & testimony, warrants for arrest.
Witness Fee (Each Witness Signature)	\$1.50	RSA Chapter 455:11	State Legislature/Secretary of State	To complete notary signatures, as well as multiple witnesses on documents
WETLANDS PERMIT APPLICATION:				
Filing Fee	\$10.00	State of NH RSA 482-A:3	State Legislature	Administrative fee for the processing of application
LAMINATION:	\$1.00	Budget Resolution	City Council	A nicety for the public
WARD CHECKLIST:				
Per Ward (paper copy)	\$25.00	State of NH RSA 654.1	State Legislature	To cover cost of preparing/printing checklist
Per City (paper copy)	\$100.00	State of NH RSA 654.1	State Legislature	
Per City (paper copy) w/ history	\$150.00	State of NH RSA 654.1	State Legislature	
Per Ward (paper copy) w/ history	\$45.00	State of NH RSA 654.1	State Legislature	
Per Ward (computer disk)	\$20.00	State of NH RSA 654.1	State Legislature	
Per Ward Computer Disk with History	\$40.00	State of NH RSA 654.1	State Legislature	
Per City (computer disk)	\$50.00	State of NH RSA 654.1	State Legislature	
Per City Computer Disk with History	\$100.00	State of NH RSA 654.1	State Legislature	

Finance Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
SOUVENIRS: Dover First				
Cap/Hat	\$9.00	Budget Resolution	City Council	Revenue neutral fund authorized by City Manager to advertise and offer the public mementos from the City of Dover
T-shirt	\$10.00	Budget Resolution	City Council	
Sweatshirt	\$15.00	Budget Resolution	City Council	
Mug	\$5.00	Budget Resolution	City Council	
Sticker	\$1.50	Budget Resolution	City Council	
Denim Shirt	\$25.00	Budget Resolution	City Council	
Back Pack	\$8.00	Budget Resolution	City Council	
Cards - Large and Small	\$1.00	Budget Resolution	City Council	
Pins	\$1.00	Budget Resolution	City Council	
City Street Map	\$1.00	Budget Resolution	City Council	
Travel Mug	\$8.00	Budget Resolution	City Council	
CODE BOOKS:				
International Residential Code	Actual Cost	Budget Resolution	City Council	Cost Per Book
IBC Commercial	Actual Cost	Budget Resolution	City Council	
City of Dover Zoning Code Book	Actual Cost	Budget Resolution	City Council	
RENTAL OF CITY PROPERTY:				
AUDITORIUM:				
Basic Charge (Resident)	\$50.00	Budget Resolution	City Council	Maintenance and janitorial fees
Basic Charge (Non Resident)	\$70.00	Budget Resolution	City Council	
Weekends/Holidays (Minimum Charge)	\$250.00	Budget Resolution	City Council	
Damage Deposit	\$100.00	Budget Resolution	City Council	
Janitor	4 hour min. @ \$35.00/hr	Budget Resolution	City Council	
DVD COPIES				
Council Meetings, School Board Meetings other taped meetings	\$10.00 per meeting	Budget Resolution	City Council	Fees associated with processing DVD's
RECYCLING BINS	\$8.00	Budget Resolution	City Council	Administrative Collection & Disposal Costs of City's Residential Solid Waste
TAGS FOR LARGE ITEMS	\$5.00	Budget Resolution	City Council	
FREON TAGS	\$10.00	Budget Resolution	City Council	
SOLID WASTE BAG & TAG: See Community Services				

Planning Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
SUBDIVISION	\$150.00 per lot, plus \$1.00 per sheet	Section 155-53(A)	Planning Board	<p style="text-align: center;">The fees cover staff time for consultation, review and monitoring of plans and projects. The fees have gone through a public hearing process and have been voted on by the Planning Board and City Council where applicable.</p>
LOT LINE ADJUSTMENT	\$100.00 per lot, plus \$1.00 per sheet	Section 155-53(A)	Planning Board	
SITE REVIEW				
Residential	\$100.00 per lot, plus \$1.00 per sheet	Chapter 149-16(A)	Planning Board	
Motel/Hotel	\$35.00 per lodging unit, plus \$1.00 per sheet	Section 149-16(B)	Planning Board	
Non-residential New Construction	\$.15 per sq. ft. not to exceed \$10,000, plus \$1.00 per sheet	Section 149-16(C)	Planning Board	
Non-residential Additions (new floor space)	\$.10 per sq. ft. not to exceed \$10,000, plus \$1.00 per sheet	Section 149-16(C)	Planning Board	
Change of Use	Existing floor space \$.10 per sq. ft not to exceed \$5,000, plus \$1.00 per sheet	Section 149-16(D)	Planning Board	
CONDITIONAL USE	\$150.00 per lot, plus \$1.00 per sheet	Section 149-16(D)	Planning Board	
PARKING LOT ADDITIONS	\$.07 per sq. ft. not to exceed \$10,000, plus \$1.00 per sheet	Section 149-16(C)	Planning Board	
Paved area	\$.07 per sq. ft. not to exceed \$10,000, plus \$1.00 per sheet	Section 149-16(C)	Planning Board	
DRIVEWAY WAIVER	\$100.00	Section 92-11(D)	Planning Board	

Planning Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
GRAVEL PIT				
Filing Fee	\$50.00	Section 170-30(A)(9)	Planning Board	The fees cover staff time for consultation, review and monitoring of plans and projects. The fees have gone through a public hearing process and have been voted on by the Planning Board and City Council where applicable.
Permit Fee	\$75.00	Section 170-30(A)(9)	Planning Board	
EXTENSIONS OF APPROVED PLANS	\$150.00	Section 155-53(C)	Planning Board	
Legal Notice	Actual Cost			Foster's Daily Democrat Ad Fee
Certified Mail	Actual Cost			Current US Postal Rate
Traffic Impact Analysis Review	\$500.00			The fee covers staff time for analysis review
GIS/MAPS				
Simple plot on 8.5x11 paper Black and White	\$5.00	Budget Resolution	City Council	To cover staff time and associated expenses.
Simple plot on 8.5x11 paper Color	\$10.00	Budget Resolution	City Council	
Large scale plot of tax map sheet	\$37.50	Budget Resolution	City Council	
PDF file of tax map sheet	\$10.00	Budget Resolution	City Council	
Published map (ward, street, zoning, etc. (from City Clerk)	\$10.00	Budget Resolution	City Council	
Large scale map - "canned theme"	\$37.50	Budget Resolution	City Council	
Large scale map - creation of a theme	\$50.00/hr	Budget Resolution	City Council	
Digital Map	\$50.00/hr., 1 hour min. Floppy, CD or ZipDisk	Budget Resolution	City Council	
Entire data layer digital	\$3,000 basemap	Budget Resolution	City Council	
Electronic copy of property list	\$25.00 minimum - adjusted +/- according to complexity	Budget Resolution	City Council	
ZONING APPLICATIONS:				
Variance	\$100.00	RSA 673:16	Zoning Board of Adjustment	Cover staff time and the copying and distribution of the agenda items to the Board members.
Special Exception	\$100.00	RSA 673:16	Zoning Board of Adjustment	
Appeal from Administrative Decision	\$100.00	RSA 673:16	Zoning Board of Adjustment	
Equitable Waiver	\$100.00	RSA 673:16	Passed Through Charter	

Police Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE	
ALARM USER:					
Original	\$25.00	City Ordinance #58	City Council	To cover staff time and associated expenses.	
Renewal	\$10.00	City Ordinance #58	City Council		
FALSE ALARM FEE	1st 3 free, after 3=\$75 ea	City Ordinance #58	City Council		
Failure to respond to alarm callback	\$30.00	City Ordinance #58	City Council		
Registration					
Bicycle	\$0.00	City Ordinance #66-1	City Council	N/A	
DANCE LICENSE:					
Single time	\$10.00	City Ordinance #86-3	City Council	To cover staff time and associated expenses.	
Restaurant (annual)	\$50.00	City Ordinance #86-3	City Council		
Other (annual)	\$100.00	City Ordinance #86-3	City Council		
PISTOL LICENSE:					
To carry (4 years)	\$10.00	State of NH RSA 159:6	State Legislature	Per RSA to cover cost of processing application	
To sell (3 years)	\$10.00	State of NH RSA 159:8	State Legislature		
MISCELLANEOUS:					
NRA Course Confirmation	\$3.00	Budget Resolution	City Council	To cover staff time and associated expenses.	
Criminal History Summary	\$5.00	Gen. Order 82-C.1.7	City Council		
Dog Transport Fee	\$25.00	City Ordinance #89-9	City Council		
Fingerprints Non Resident	\$25.00	Budget Resolution	City Council		
Fingerprints for Residents	\$10.00	Budget Resolution	City Council		
PHOTOGRAPHS:					
Contact Sheets (B&W)	\$10.00	Budget Resolution	City Council		
8 1/2 x 10	\$15.00	Budget Resolution	City Council		
5 x 7	\$10.00	Budget Resolution	City Council		
Under 5 x 7	\$5.00	Budget Resolution	City Council		
Tapes and Videos	\$30.00	Budget Resolution	City Council		
REPORTS:					
(Hard Copy and Microfilm)					
1 - 10 pages	\$20.00	Budget Resolution	City Council		
Additional pages after 10 pages	1.00 each page	Budget Resolution	City Council		
Discovery Materials	NO FEE	Court Rule 210	State Administrative Rule		
Statistical Information	\$25.00 per staff hour	Budget Resolution	City Council		

Police Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
PARKING METER RATES:				
Meters are located in Orchard Street and Belknap Parking Lots				To fund operational costs of Parking Activity Fund
6 minutes	\$0.05	Budget Resolution	City Council	
12 minutes	\$0.10	Budget Resolution	City Council	
30 minutes	\$0.25	Budget Resolution	City Council	
Metered Parking (Contractor)	\$5.00/Per day per space	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Timed Parking (Contractor)	\$5.00/Per day per vehicle	City Code Chapter 166-40 City Code Chapter 166-19	City Council	
PARKING PERMIT MONTHLY FEES:				
Orchard Lot	\$45.00/Business \$15.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	To fund operational costs of Parking Activity Fund
First Street Lot	\$35.00/Business \$10.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Locust Street Lot	\$45.00/Business	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Library Lot	\$20.00/Business \$10.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Water Street Lot	\$25.00/Business No Resident Permits	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
River Street Lot	\$15.00/Business \$5.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Second Street	No Business Permits \$10.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	To fund operational costs of Parking Activity Fund
Portland (Grimes) Lot	\$20.00/Business \$10.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
School Street Lot	\$45.00/Business \$15.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	
Henry Law Ave	\$10.00/Resident	City Code Chapter 166-40 City Code Chapter 166-18	City Council	

Police Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
PARKING TICKET FINES/PENALTIES				
Code 01 - Restricted Place	\$15.00	City Code Chapter 166-30	City Council NOTE: Additional penalties are added to fines if not paid timely	To fund operational costs of Parking Activity Fund
Code 02 - Winter Parking	\$15.00	City Code Chapter 166-30	City Council	
Code 03 - Winter Parking Multiple Violator 5+	\$100.00	City Code Chapter 166-30	City Council	
Code 04 - Against Traffic Flow	\$15.00	City Code Chapter 166-30	City Council	
Code 05 - Overtime Parking - 2 hours	\$15.00	City Code Chapter 166-30	City Council	
Code 06 - Crosswalk	\$15.00	City Code Chapter 166-30	City Council	
Code 07 - Sidewalk	\$15.00	City Code Chapter 166-30	City Council	
Code 08 - Intersection	\$15.00	City Code Chapter 166-30	City Council	
Code 10 - Driveway Blocking	\$15.00	City Code Chapter 166-30	City Council	
Code 11 - Fire Hydrant Blocking	\$15.00	City Code Chapter 166-30	City Council	
Code 13 - Traffic Control Device	\$15.00	City Code Chapter 166-30	City Council	
Code 15 - Yellow Line or Curb	\$15.00	City Code Chapter 166-30	City Council	
Code 16 - Greater than 12" from Curb	\$15.00	City Code Chapter 166-30	City Council	
Code 18 - Fire Lane	\$50.00	City Code Chapter 166-30	City Council	
Code 19 - Loading Zone	\$15.00	City Code Chapter 166-30	City Council	
Code 20 - Handicap	\$250.00	City Code Chapter 166-30	City Council	
Code 21 - Handicap Access Aisle	\$50.00	City Code Chapter 166-30	City Council	
Code 22 - Permit Parking	\$15.00	City Code Chapter 166-30	City Council	
Code 23 - Other	\$15.00	City Code Chapter 166-30	City Council	
Code 26 - Not parked within marked lines	\$15.00	City Code Chapter 166-30	City Council	
Code 27 - Meter - Expired	\$15.00	City Code Chapter 166-30	City Council	
Code 28 - Overtime Parking - 30 minutes	\$15.00	City Code Chapter 166-30	City Council	
Code 30 - Henry Law Park	\$50.00	City Code Chapter 166-30	City Council	
Code 31 - Misuse/Display of Handicap Placard	\$250.00	City Code Chapter 166-30	City Council	
DETAIL POLICE OFFICER:				
Per hour with minimum 4 hours	\$58.00	Budget Resolution	City Council	Recover all costs associated with officer
Police Vehicle	\$25.00 per hour	Budget Resolution	City Council	

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
AMBULANCE SERVICE:				Operating Costs related to various levels of emergency services
Intubation	Actual Medicare Rates	Budget Resolution	City Council	Cover Operating Costs
Basic Life Support (BLS)	Actual Medicare Rates	Budget Resolution	City Council	
BLS Mileage	Actual Medicare Rates	Budget Resolution	City Council	
Oxygen	Actual Medicare Rates	Budget Resolution	City Council	
Advanced Life Support (ALS1)	Actual Medicare Rates	Budget Resolution	City Council	
ALS Mileage	Actual Medicare Rates	Budget Resolution	City Council	
I.V. Drug	Actual Medicare Rates	Budget Resolution	City Council	
Cardiac Monitor	Actual Medicare Rates	Budget Resolution	City Council	
Defibrillation	Actual Medicare Rates	Budget Resolution	City Council	
Advanced Life Support (ALS2)	Actual Medicare Rates	Budget Resolution	City Council	
OTHER CHARGES:				
Emergency Response Reimbursement	Actual Cost + 10% Admin	RSA 151-B.19	State Legislature	Charges billed to various entities based upon man hours, equipment and materials involved
Hazardous Material Response	Actual Cost + 10% Admin	SARA Title III	State of New Hampshire	
REPORTS:				
(Hard Copy and Microfilm)				To cover staff time and associated expenses.
1 - 10 pages	\$20.00	Budget Resolution	City Council	
Additional pages after 10 pages	1.00 each page	Budget Resolution	City Council	
Discovery Materials	NO FEE	Court Rule 210	State Administrative Rule	
Statistical Information	\$25.00 per staff hour	Budget Resolution	City Council	

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
OTHER CHARGES:				
Fire Alarm Affidavit Neglect	\$75.00	City Ordinance #58	City Council	
Fire Code Violation Fines	minimum \$100 maximum \$500	City Ordinance #109	City Council	Depends on court ruling
EMS/CPR/Fire Training classes	Actual Cost	Budget Resolution	City Council	Fee based on level of certification
Personnel Services (Details)	Actual Cost	Budget Resolution	City Council	Hourly wage
Fire Safety Trailer Education (Outside of City - 5 hours minimum)	\$500.00 - 5 hour minimum \$60.00/hour each additional hour	Budget Resolution	City Council	To cover staff time and associated expenses.
SYSTEM PLAN REVIEW FEES:				
Application Fee in addition to below	\$25.00			
Fire Suppression Systems:				
NFPA 13D system (per riser):	\$60.00	City Ordinance 109-23	City Council	
NFPA 13R system (per riser):	\$120.00	City Ordinance 109-23	City Council	
NFPA 13 systems (per riser):				
Up to 10,000 square feet of protected area	\$225.00	City Ordinance 109-23	City Council	
10,001, square feet to 25,000 square feet	\$390.00	City Ordinance 109-23	City Council	
25,001 square feet to 52,000 square feet	\$555.00	City Ordinance 109-23	City Council	
Partial sprinkler system (not complete building protection):				
Up to 6 sprinkler heads	\$35.00	City Ordinance 109-23	City Council	
7 to 20 sprinkler heads	\$115.00	City Ordinance 109-23	City Council	
Standpipe systems (not part of combined sprinkler/standpipe systems):				
Up to 3 floors (per riser)	\$115.00	City Ordinance 109-23	City Council	
Add per floor beyond 3 add	\$60.00	City Ordinance 109-23	City Council	
Carbon dioxide systems:				
Pre-engineered systems, each	\$150.00	City Ordinance 109-23	City Council	
Engineered systems, each	\$225.00	City Ordinance 109-23	City Council	
Clean agent extinguishing systems:				
Pre-engineered, each	\$175.00	City Ordinance 109-23	City Council	
Engineered, each	\$225.00	City Ordinance 109-23	City Council	
Dry chemical systems:				
Commercial cooking	\$80.00	City Ordinance 109-23	City Council	
Service station pump protection	\$75.00	City Ordinance 109-23	City Council	
Other systems	\$120.00	City Ordinance 109-23	City Council	
Engineered, each	\$225.00	City Ordinance 109-23	City Council	
Wet chemical systems, each	\$80.00	City Ordinance 109-23	City Council	

To cover staff time and associated expenses.

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
MODIFICATION TO EXISTING SUPPRESSION SYSTEMS (each system):				To cover staff time and associated expenses.
Water and/or foam systems (all types):				
1-6 heads (addition of heads)	\$35.00	City Ordinance 109-23	City Council	
7-20 heads (addition of heads)	\$115.00	City Ordinance 109-23	City Council	
21-100 heads (addition of heads)	\$225.00	City Ordinance 109-23	City Council	
Add for each head beyond 100	\$1.00	City Ordinance 109-23	City Council	
Change in head location only/per floor	\$35.00	City Ordinance 109-23	City Council	
Standpipe systems up to 3 floors	\$60.00	City Ordinance 109-23	City Council	
Add for each floor beyond 3	\$60.00	City Ordinance 109-23	City Council	
Carbon dioxide systems	\$85.00	City Ordinance 109-23	City Council	
Clean agent extinguishing systems	\$85.00	City Ordinance 109-23	City Council	
Dry chemical systems	\$85.00	City Ordinance 109-23	City Council	
Wet chemical systems	\$85.00	City Ordinance 109-23	City Council	
Automatic fire detection systems:				
Up to 49 devices	\$135.00	City Ordinance 109-23	City Council	
50-99 devices	\$225.00	City Ordinance 109-23	City Council	
Add for each device beyond 99	\$1.00	City Ordinance 109-23	City Council	
Automatic fire detection systems:				
1-10 devices	\$60.00	City Ordinance 109-23	City Council	
11-100 devices	\$125.00	City Ordinance 109-23	City Council	
Add for each device beyond 100	\$1.00	City Ordinance 109-23	City Council	
Commercial cooking ventilation systems:				
Including suppression system	\$225.00	City Ordinance 109-23	City Council	
Not including suppression system	\$175.00	City Ordinance 109-23	City Council	
Fire pump installation	\$350.00	City Ordinance 109-23	City Council	
Fire water tanks/cisterns:				
Aboveground	\$175.00	City Ordinance 109-23	City Council	
Underground	\$200.00	City Ordinance 109-23	City Council	
PERMIT FEES:				
Explosive/blasting (per site):				
Up to 5 days	\$200.00	City Ordinance 109-23	City Council	
Add for each additional day beyond 5	\$25.00	City Ordinance 109-23	City Council	
Oil burner installation:				
Residential	\$30.00	City Ordinance 109-23	City Council	
Commercial	\$110.00	City Ordinance 109-23	City Council	
Underground storage tanks (other than water):				
Removal only	\$60.00	City Ordinance 109-23	City Council	
Installation only	\$175.00	City Ordinance 109-23	City Council	
Removal and reinstallation	\$175.00	City Ordinance 109-23	City Council	
Class C Fireworks Display Permit	\$250.00	City Ordinance 109-23	City Council	
Permit of Assembly				
Capacity of 100 or more (Valid for 1 year)	\$100.00	City Ordinance 109-23	City Council	
Capacity of 100 or more (Valid for 2 years)	\$175.00	City Ordinance 109-23	City Council	

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE	
INSPECTION FEES:					
Family day care homes (up to 6 children)	\$30.00	City Ordinance 109-23	City Council	To cover staff time and associated expenses.	
Group day care homes (7 to 12 children)	\$40.00	City Ordinance 109-23	City Council		
Day care centers and/or nurseries (more than 12 children or more than 4 children under the age of 2 years old)	\$55.00	City Ordinance 109-23	City Council		
Foster care (up to 3 children)	\$30.00	City Ordinance 109-23	City Council		
Residential board and care:					
4 to 16 persons	\$100.00	City Ordinance 109-23	City Council		
More than 16 persons	\$150.00	City Ordinance 109-23	City Council		
Residential placement (up to 3 adults)	\$30.00	City Ordinance 109-23	City Council		
Rooming/lodging home inspections:					
Up to 16 beds	\$100.00	City Ordinance 109-23	City Council		
More than 16 beds	\$150.00	City Ordinance 109-23	City Council		
BUILDING INSPECTION SERVICES					
HEALTH:					
Food service establishments having seating capacity of 100 or more, supermarkets and grocery stores with 3 or more food preparation areas	\$300.00	City Ordinance 99-3	City Council		
Food service establishments having a seating capacity of more than 25 but less than 100, grocery stores with fewer than 3 food preparation areas, bakeries, warehouses, distributors, caterers, mobile food operators, canteen commissaries, institutions, club	\$200.00	City Ordinance 99-3	City Council		
Food service establishments selling only prepackaged products, vending machine operators, food service establishments with seating capacity of 25 or less, food service establishments with take-out service and no seating and drive-in movie theaters	\$75.00	City Ordinance 99-3	City Council		
Temporary food service establishments (2 days up to 6 months) and vending machine operators (with non-perishable foods only)	\$45.00	City Ordinance 99-3	City Council		
Temporary Food service establishments (1 day only) and movie theaters selling only soda, candy and popcorn	\$30.00	City Ordinance 99-3	City Council		
Nonprofit charitable organizations, public schools and public institutions	No fee	City Ordinance 99-3	City Council		
Late Fee All applications for food service establishment licenses shall be filed by June 20th of each year. In addition to the fees provided in this section, there shall be a \$10.00 late fee for any renewal application received after June 20th of any year.	\$10.00	City Ordinance 99-3	City Council		

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
BUILDING PERMITS:				
Building Permit*	\$10.00 per \$1,000 of construction value and an application fee of \$25.00	City Ordinance 170-50	City Council	Cover staff time for review of plans, on-site inspections of construction in progress and file maintenance, includes new Archive Fee
Inspection Fee	\$50.00	City Ordinance 170-50	City Council	Inspection for certificate of occupancy existing buildings
Re-inspection Fee	\$75.00	City Ordinance 170-50	City Council	Inspection of work/construction disapproved for the second
Plumbing Permit*	\$6.00 per fixture and an application fee of \$25.00	Section 135-19(B)	City Council	Cover staff time for review of plans, on-site inspections of construction in progress and file maintenance.
HVAC*	\$7.00/\$1,000 of Construction value plus \$25 application fee	City Ordinance 170-50	City Council	Inspection of HVAC
*Permit Fees Doubled if work is started before permit is issued.				
Gas Meter Installation	\$6.00 per fixture and an application fee of \$25.00	City Ordinance 170-50	City Council	Inspection of gas meter installation
Trailer Park Licenses:				
Initial Fee	\$100.00	Chapter 126	City Council	For review of park's compliance with ordinance.
Renewal Fee	\$25.00	Chapter 126	City Council	
Signs*	\$50.00 per sign	Chap 170, Section 170-50	City Council	
For review of signs.				
Electrical Permits*:	\$25.00 Application fee with a \$10.00 minimum on fixtures and devices	Chapter 102, Sect 102-30	City Council	Covers staff time for review of plans, on-site inspection of construction in progress and file maintenance.
Services	\$5.00 per 100 amp	Chapter 102, Sect 102-30	City Council	Covers staff time for review of plans, on-site inspection of construction in progress and file maintenance.
	AMP 1phase			
	60 \$5.00			
	100 \$5.00			
	200 \$10.00			
	400 \$20.00			
	600 \$30.00			
	800 \$40.00			
	1,000 \$50.00			
	1,200 \$60.00			
	1,600 \$80.00			
	1,800 \$90.00			
	2,000 \$100.00			
	2,500 \$125.00			
*Permit Fees Doubled if work is started before permit is issued.				

Fire Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Meters	\$5.00 ea.	Chapter 102,Sect 102-30	City Council	Covers staff time for review of plans, on-site inspection of construction in progress and file maintenance.
Devices	\$1.00 per outlets	Chapter 102,Sect 102-30	City Council	
	\$1.00 per switch	Chapter 102,Sect 102-30	City Council	
Fixtures	\$2.00 ea. (includes smoke detectors)	Chapter 102,Sect 102-30	City Council	
Equipment	\$5.00 ea.	Chapter 102,Sect 102-30	City Council	
Motors	\$5.00 ea.	Chapter 102,Sect 102-30	City Council	
Transformers	Up to 25 KVA.- \$25.00	Chapter 102,Sect 102-30	City Council	
	25 KVA to 75 KVA - \$50.00	Chapter 102,Sect 102-30	City Council	
		Chapter 102,Sect 102-30	City Council	
Generators & Transfer switches	Up to 10 KVA.- \$25.00	Chapter 102,Sect 102-30	City Council	
	10 KVA to 75 KVA - \$50.00	Chapter 102,Sect 102-30	City Council	
	Over 75 KVA - \$100.00 ea	Chapter 102,Sect 102-30	City Council	
Air Compressors	\$15.00	Chapter 102,Sect 102-30	City Council	
Trailers/Manufactured Homes	\$25.00	Chapter 102,Sect 102-30	City Council	
Modular Homes	\$75.00	Chapter 102,Sect 102-30	City Council	
Temporary Mobile Homes	\$25.00	Chapter 102,Sect 102-30	City Council	
Heat Pump	\$10.00	Chapter 102,Sect 102-30	City Council	
Electric Heat	\$5.00 ea. section (regardless of size or wattage)	Chapter 102,Sect 102-30	City Council	
Fire Pumps	\$100.00	Chapter 102,Sect 102-30	City Council	
Illuminated Signs	\$25.00	Chapter 102,Sect 102-30	City Council	
In ground pool	\$50.00	Chapter 102,Sect 102-30	City Council	
Above ground pool/hot tub/spa	\$25.00	Chapter 102,Sect 102-30	City Council	
Temp Service	\$25.00	Chapter 102,Sect 102-30	City Council	
Commercial Projects and items not on the list	\$10.00/\$1,000 of contractors value	Chapter 102,Sect 102-30	City Council	
Photocopies	\$.50 per page	Budget Resolution	City Council	Cover cost of copier machine and staff time.

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE	
CEMETERY					
				The fees cover staff time and operational costs associated with the City Cemeteries. Fees have gone through Public Hearings and have been adopted by the City Council	
SUMMER PRICING - INTERMENTS					
Monday Through Friday					
Adult	\$600.00	Budget Resolution	City Council	Administrative and Operational Costs	
Infant	\$150.00	Budget Resolution	City Council		
Children	\$300.00	Budget Resolution	City Council		
Cremins (in ground burial)	\$300.00	Budget Resolution	City Council		
Niche opening & closing	\$200.00	Budget Resolution	City Council		
Welfare	\$120.00	Budget Resolution	City Council		
Saturday					
Adult	\$800.00	Budget Resolution	City Council		
Infant	\$250.00	Budget Resolution	City Council		
Children	\$500.00	Budget Resolution	City Council		
Cremins (in ground burial)	\$500.00	Budget Resolution	City Council		
Niche opening & closing	\$400.00	Budget Resolution	City Council		
Welfare	Not allowed	Budget Resolution	City Council		
Sunday / Holiday					
Adult	\$1,100.00	Budget Resolution	City Council		
Infant	\$400.00	Budget Resolution	City Council		
Children	\$800.00	Budget Resolution	City Council		
Cremins (in ground burial)	\$800.00	Budget Resolution	City Council		
Niche opening & closing	\$600.00	Budget Resolution	City Council		
Welfare	Not allowed	Budget Resolution	City Council		
WINTER PRICING - INTERMENTS					
Monday Through Friday					
Adult	\$850.00	Budget Resolution	City Council		
Infant	\$200.00	Budget Resolution	City Council		
Children	\$400.00	Budget Resolution	City Council		
Cremins (in ground burial)	\$400.00	Budget Resolution	City Council		
Niche opening & closing	\$300.00	Budget Resolution	City Council		
Welfare	Not allowed	Budget Resolution	City Council		
Saturday					
Adult	\$1,050.00	Budget Resolution	City Council		
Infant	\$300.00	Budget Resolution	City Council		
Children	\$600.00	Budget Resolution	City Council		
Cremins (in ground burial)	\$600.00	Budget Resolution	City Council		
Niche opening & closing	\$600.00	Budget Resolution	City Council		
Welfare	Not allowed	Budget Resolution	City Council		

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Sunday / Holiday				
Adult	\$1,350.00	Budget Resolution	City Council	
Infant	\$450.00	Budget Resolution	City Council	
Children	\$900.00	Budget Resolution	City Council	
Cremains (in ground burial)	\$900.00	Budget Resolution	City Council	
Niche opening & closing	\$900.00	Budget Resolution	City Council	
Welfare	Not allowed	Budget Resolution	City Council	
DISINTERMENTS				
Monday Through Friday Only				
Summer Pricing				
Reburial in Pine Hill Cemetery	\$1,400.00	Budget Resolution	City Council	
Going out of Pine Hill Cemetery	\$800.00	Budget Resolution	City Council	
Winter Pricing				
Reburial in Pine Hill Cemetery	\$1,900.00	Budget Resolution	City Council	
Going out of Pine Hill Cemetery	\$1,100.00	Budget Resolution	City Council	
ANNUAL CARE CHARGE (PER GRAVE)	\$11.00	Budget Resolution	City Council	
SALE OF GRAVES				
Standard (includes perpetual care)	\$650.00	Budget Resolution	City Council	
Cremation space (in ground) (includes perpetual care)	\$300.00	Budget Resolution	City Council	
COLUMBARIUM NICHE SALES (accommodates 2 urns)				
Top Row	\$1,200.00	Budget Resolution	City Council	
2nd Row from top	\$1,100.00	Budget Resolution	City Council	
3rd Row from top	\$1,000.00	Budget Resolution	City Council	
4th Row from top	\$900.00	Budget Resolution	City Council	
FOUNDATIONS				
Per cubic foot	\$15.00	Budget Resolution	City Council	
Vet marker	\$55.00	Budget Resolution	City Council	
Set of 2 cement pads	\$100.00	Budget Resolution	City Council	
Marker (2 ft. long or less)	\$55.00	Budget Resolution	City Council	
Double Marker	Per cubic ft.	Budget Resolution	City Council	
Pre-need Markers	\$30.00	Budget Resolution	City Council	
Corner Post (each)	\$25.00	Budget Resolution	City Council	
MISCELLANEOUS CHARGES				
Scattering ashes	\$30.00	Budget Resolution	City Council	
LATE CHARGE (FOR FUNERALS AFTER 3 PM)	\$55.00/hour extra	Budget Resolution	City Council	
				Administrative and Operational Costs

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
ENGINEERING				
Septic System Review	\$50.00 each	Chapter 147-3.A.1	City Council	Fees are to offset cost of materials and labor expense associated with this function
Paving License	\$20.00 each	Chapter 92-7.b	City Council	
Private Construction Inspection	\$50.00 each	Chapter 149-12	City Council	
Digging Bond (non-refundable)	\$100.00 per trench	Chapter 149-12	City Council	Ensures projects are constructed in accordance with approved plans
Driveway Permits	\$75.00	Chapter 92-5	City Council	
Digging Bond (refundable)	\$5.00 per sq. ft.; Minimum: \$200.00	Chapter 155-14 & 25	City Council	
Letter of Credit (refundable)	Varies with projects	Chapter 155-26	City Council	
Maintenance Guarantee (refundable - 2 yrs.)	2% of project estimate	Chapter 155-26	City Council	
GIS /MAPS / BLUE PRINTS				
Simple plot on 8.5x11 paper Black and White	\$5.00	Budget Resolution	City Council	To cover staff time and associated expenses.
Simple plot on 8.5x11 paper Color	\$10.00	Budget Resolution	City Council	
Large scale plot of tax map sheet	\$37.50	Budget Resolution	City Council	
PDF file of tax map sheet	\$10.00	Budget Resolution	City Council	
Published map (ward, street, zoning, etc. (from City Clerk)	\$10.00	Budget Resolution	City Council	
Large scale map - "canned theme"	\$37.50	Budget Resolution	City Council	
Large scale map - creation of a theme	\$50.00/hr	Budget Resolution	City Council	
Digital Map	\$50.00/hr., 1 hour min. Floppy, CD or ZipDisk	Budget Resolution	City Council	
Entire data layer digital	\$3,000 basemap	Budget Resolution	City Council	
Electronic copy of property list	\$25.00 minimum - adjusted +/- according to complexity	Budget Resolution	City Council	

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
ENVIRONMENTAL				
Bag and Tag:	\$2.11 per large bag \$1.41 per small bag	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	Administrative, collection & disposal costs of the City's residential solid waste. Local vendors can add \$.04 fee for handling of bag & tag sales. Local stores sell large bags for \$2.00 and small bags for \$1.35
Bulky Tags:	\$5.00 Bulky Tags	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	Administrative, collection & disposal costs of the City's residential solid waste. Local Vendors can add \$.04 fee for handling.
Computer Monitor Disposal	\$10.00 each	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	Administrative, collection & disposal costs of the City's residential solid waste.
Printers, Scanners and Laptops	\$5.00 each	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Items containing Freon (refrigerator, freezer, air conditioner, humidifier, de-humidifier, etc.)	\$10.00 per Freon Tag	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Recycle bins	\$8.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	Administrative, collection & disposal costs of the City's residential solid waste.
Television Consoles over 36" Diagonal	\$20.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Television Consoles under 36" Diagonal	\$10.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Propane Tanks Over 30 pounds	\$20.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	Administrative, collection & disposal costs of the City's residential solid waste.
Propane Tanks 30 pounds	\$10.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Propane Tanks 20 pounds	\$5.00	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	
Construction & Debris Bin	\$.10 /pound-Non Residential/Commercial \$.07/pound-Residential	Administrative Code Chapter 97	City Council Solid Waste Advisory Committee	

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
WATER & SEWER		Resolution adopting Rules and Regulations	City Council Dover Utilities Commission	Staff time and operation costs associated with City Water and Sewer divisions. Fees have gone through Public Hearings and have been adopted by City Council
Water/Sewer Billing Fees:				
Water Parts Used in Work Performed	Cost Plus 50%	Budget Resolution	City Council	To Cover Administrative and Actual Costs
Water Rate (per hundred cubic feet)	\$3.78	Budget Resolution	City Council Effective 7/1/08	Per hundred cubic feet of water consumption
Sewer Rate (per hundred cubic feet)	\$4.74	Budget Resolution	City Council Effective 7/1/08	Per hundred cubic feet of water consumption
Labor Rate - Supervisor	\$45.00	DUC Appendix A	City Council	To cover staff time costs associated with City Water and Sewer divisions.
Labor Rate - Foreman	\$35.00	DUC Appendix A	City Council	
Labor Rate - Laborer	Actual Cost plus 10% admin cost	DUC Appendix A	City Council	
Hydrant Usage Fee	\$25.00	DUC Appendix A	City Council	
Hydrant Painting	\$25.00 per hydrant	DUC Appendix A	City Council	
Winterizing Hydrants	\$40.00	DUC Appendix A	City Council	
Meter Test	\$50.00	DUC Sec 1-9	City Council	To determine meter's working condition - charge is for good working meter only
Back flow Test	\$30.00	DUC Appendix A	City Council	Annual and biannual testing of back flow operation devices
Initial Back flow Permit	\$10.00	DUC Appendix A	City Council	Initial permits for back flow prevention device
Renewal Back flow Permit	\$25.00	DUC Appendix A	City Council	5 year renewal of permits for backflow prevention device (\$5.00 per year)
Final Reading Fee	\$30.00	DUC Appendix A	City Council	Reading of inside meter for change of property ownership
Water Turn Off/Turn On Fee	\$25.00	DUC Appendix A	City Council	Fee to turn off and on water due to nonpayment of utility bill
Water Investment	\$1,700.00	DUC Sec 1-5	City Council -effective 7-1-08	Application for service
Sewer Investment	\$4,600.00	DUC Sec 1-5	City Council -effective 7-1-08	Application for service
Tapping Deposit	\$100.00	DUC Sec 1-5	City Council	Application for service - minimum deposit of tapping into city water main, new service.
Meter Rentals: (Per Month)		Budget Resolution	City Council	Fees are based on size of meter, spread out over a 10 year period
5/8" Meter	\$15.00/yr	Budget Resolution	City Council	Cost: \$150.00
3/4" Meter	\$16.20/yr	Budget Resolution	City Council	Cost: \$162.00
1" Meter	\$19.20/yr	Budget Resolution	City Council	Cost: \$192.00
1 1/2" Meter	\$35.40/yr	Budget Resolution	City Council	Cost: \$354.00
2" Meter	\$47.40/yr	Budget Resolution	City Council	Cost: \$474.00
3" Compound Meter	\$174.60/yr	Budget Resolution	City Council	Cost: \$1,746.00
4" Compound Meter	\$378.00/yr	Budget Resolution	City Council	Cost: \$3,780.00
6" Compound Meter	\$410.40/yr	Budget Resolution	City Council	Cost: \$4,104.00

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Fire Protection Charges:				
2" Line	\$8.00 per quarter	Budget Resolution	City Council	Standby charge for system usage
4" Line	\$16.00 per quarter	Budget Resolution	City Council	
6" Line	\$35.00 per quarter	Budget Resolution	City Council	
8" Line	\$60.00 per quarter	Budget Resolution	City Council	
10" Line	\$85.00 per quarter	Budget Resolution	City Council	
Equipment Rental:				
Mini excavator	\$45.00/hr	DUC Appendix A	City Council	To cover actual costs associated with City Water and Sewer divisions.
Loaders (w/operator)	\$80.00/hr	DUC Appendix A	City Council	
Backhoe - 590 (w/operator)	\$70.00/hr	DUC Appendix A	City Council	
Backhoe - 580L (w/operator)	\$70.00	DUC Appendix A	City Council	
Backhoe - 410G (w/operator)	\$70.00	DUC Appendix A	City Council	
Rubber Tire Excavator	\$70.00/hr	DUC Appendix A	City Council	
Mustang 2070	\$30.00/hr	DUC Appendix A	City Council	
Utility Truck	\$35.00/hr	DUC Appendix A	City Council	
6 Dump Truck (w/operator)	\$50.00	DUC Appendix A	City Council	To cover actual costs associated with City Water and Sewer divisions.
10 Wheel Dump Truck (w/operator)	\$60.00	DUC Appendix A	City Council	
Wheel Cutter	\$7.50/hr	DUC Appendix A	City Council	
Compressor	\$25.00/hr	DUC Appendix A	City Council	
Road Hog	\$200.00/hr	DUC Appendix A	City Council	
Trench Plates	\$100.00 per plate 10x10 per day	DUC Appendix A	City Council	

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Trench Plates	\$50.00 per plate 4x6 per day	DUC Appendix A	City Council	To cover actual costs associated with City Water and Sewer divisions.
Small Trench Box	\$75.00/day	DUC Appendix A	City Council	
Large Trench Box	\$100.00/day	DUC Appendix A	City Council	
Fusion Machine	\$50.00	DUC Appendix A	City Council	
Hottop	Per vendor cost	DUC Appendix A	City Council	
Street Construction Signs	\$150.00 per day	DUC Appendix A	City Council	
Fire Flow Test	\$350.00	DUC Appendix A	City Council	
Pump hose	\$30.00	DUC Appendix A	City Council	
GRANULAR MATERIALS				
Sand	Per vendor cost	DUC Appendix A	City Council	
Loam	per vendor cost	DUC Appendix A	City Council	
3/4 Stone	per vendor cost	DUC Appendix A	City Council	
Gravel	Per vendor cost	DUC Appendix A	City Council	
Crushed Gravel	per vendor cost	DUC Appendix A	City Council	

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
SERVICE TAPPING FEES				To cover actual costs associated with City Water and Sewer divisions.
3/4"	\$100.00	DUC Appendix A	City Council	
1"	\$100.00	DUC Appendix A	City Council	
1 1/2"	\$150.00	DUC Appendix A	City Council	
2"	\$150.00	DUC Appendix A	City Council	
Labor charges are additional (2 hr. min)	\$30.00/hour	DUC Appendix A	City Council	
Out of Town	\$200.00 + mileage/labor	DUC Appendix A	City Council	
MAIN TAPPING FEES (In town/Out Town)		DUC Appendix A	City Council	
6"	\$300.00/\$350.00	DUC Appendix A	City Council	
8"	\$350.00/\$400.00	DUC Appendix A	City Council	
12"	\$450.00/\$500.00	DUC Appendix A	City Council	
SEWER RELATED SERVICES				To cover actual costs associated with City Water and Sewer divisions.
Sewer Parts Used In Work Performed	Cost plus 50%	DUC Appendix A	City Council	
Sewer Jet	\$150.00/hr (2 hr min)	DUC Appendix A	City Council	
Mandrell Sewer Tool Rental	\$25.00 per day	DUC Appendix A	City Council	
TV Inspection	\$100.00/hr (1 hr min)	DUC Appendix A	City Council	
Dye Testing	\$50.00/hr (1 hr min)	DUC Appendix A	City Council	

Community Services Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE	
**Based on two employees. Additional employees (if needed) will be charged at labor rate previously stated					
Line Location	\$50.00/hr (1 hr min)	DUC Appendix A	City Council	To cover staff time costs associated with City Water and Sewer divisions.	
**Based on two employees. Additional employees (if needed) will be charged at labor rate previously stated.					
Smoke Testing	\$70.00/hr (1 hr min)	DUC Appendix A	City Council	To cover staff time costs associated with City Water and Sewer divisions.	
**Based on two employees. Additional employees (if needed) will be charged at labor rate previously stated					
Pipe Plug	\$20.00/day	DUC Appendix A	City Council	To cover staff time costs associated with City Water and Sewer divisions.	
Coring manholes	\$300.00/hole	DUC Appendix A	City Council		
SOIL TESTING** Soil Tests are sent out with a service fee added to the prices of the different tests requested.					
Sieve Analysis	\$50.00/each	DUC Appendix A	City Council		
Proctor	\$100.00/each	DUC Appendix A	City Council		
Compaction Tests (per hole)	\$100.00	DUC Appendix A	City Council		
1/2 day	\$125.00	DUC Appendix A	City Council		
Full day	\$200.00	DUC Appendix A	City Council		
** Need one day's notice					
PRETREATMENT PERMIT - SEWER					
Significant Industrial Users	\$1,500.00	Administrative Code Chapter 147-7	City Council	To Cover the Costs involved in processing their portions of treated waste water	
Minor Industrial Users	\$100.00	Administrative Code Chapter 147-7	City Council		
Restaurants	\$50.00	Administrative Code Chapter 147-7	City Council		
SEPTIC TANK DISCHARGE					
Dover Resident	\$50.00/1000 gal	Administrative Code Chapter 147-7	City Council		
Non-Resident	\$120.00/1000 gal	Administrative Code Chapter 147-7	City Council		
Non-Resident Campers	\$10.00/load	Administrative Code Chapter 147-7	City Council		
LAB TESTING					
Prices based on type of test performed	Actual Cost	Budget Resolution	City Council		Water sample testing for citizens and businesses upon request

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
RECREATION				To cover staff time and associated expenses.
FACILITIES RENTALS				
Indoor Pool (Seacoast Swim Assoc.)	\$100.00 per hour	Budget Resolution	City Council Recreation Board	
Indoor Pool (Swim Teams)	\$100.00 per hour	Budget Resolution	City Council Recreation Board	
Indoor Pool (General Public)	\$120.00 per hour	Budget Resolution	City Council Recreation Board	
Thompson Pool (Seacoast Swim Assoc.)	80.00/hr	Budget Resolution	City Council Recreation Board	
Thompson Pool (General Public)	150.00/hr	Budget Resolution	City Council Recreation Board	
Swim Meet	\$1,100.00 per day	Budget Resolution	City Council	
Lane Rental	\$35.00 per hour	Budget Resolution	City Council	
Pavilion	\$35.00 per hour	Budget Resolution	City Council	
McConnell Center:				
Rooms				
Non-Tenant; Non-Profit	\$10.00 per hour	Budget Resolution	City Council	
For Profit	\$20.00 per hour	Budget Resolution	City Council	
Cafeteria:				
Non-Tenant; Non-Profit	\$30.00 per hour	Budget Resolution	City Council	
For Profit	\$60.00 per hour	Budget Resolution	City Council	
Gym	\$55.00 per hour	Budget Resolution	City Council	
EQUIPMENT RENTAL				
Indoor Pool				
Annual Locker Rental (small locker)	\$75.00 per year	Budget Resolution	City Council	
Annual Locker Rental (large locker)	\$125.00 per year	Budget Resolution	City Council	

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
SALES & SERVICE				
Playground Membership Fees:				To cover staff time and associated expenses.
Youth *	\$320.00 (7 weeks)	Budget Resolution	City Council	
Theater Camp:				
Fun on Stage	\$80.00	Budget Resolution	City Council	
Youth Music Theater	\$150.00	Budget Resolution	City Council	
Golf Camp	\$30/SNAG \$75/PAR	Budget Resolution	City Council	
Tennis *	\$16-\$90/Week depending on age; Individual lessons available	Budget Resolution	City Council	
Midget Basketball *	\$50.00	Budget Resolution	City Council	
Lil Shots Basketball *	\$45.00	Budget Resolution	City Council	
Fall High School Basketball *	\$60.00	Budget Resolution	City Council	
Northeast League Basketball *	\$75.00	Budget Resolution	City Council	
High School Girls Basketball *	\$60.00	Budget Resolution	City Council	
Junior High Boys Basketball *	\$60.00	Budget Resolution	City Council	
Junior High Girls Basketball *	\$60.00	Budget Resolution	City Council	
5th and 6th Grade House League *	\$60.00	Budget Resolution	City Council	
Fishing Derby *	\$2.00 per child	Budget Resolution	City Council	
Indoor Soccer *	\$45.00	Budget Resolution	City Council	
Lil' Kickers *	\$25.00	Budget Resolution	City Council	
On-Track *	\$50.00	Budget Resolution	City Council	
Copies (Duplication)	\$0.50 per page	Budget Resolution	City Council	
McConnell Ctr:				
Easter *	\$3.00/child	Budget Resolution	City Council	
Halloween *	\$3.00/child	Budget Resolution	City Council	
Vacation Camp (Winter/Spring) *	\$135.00/week \$130.00/week (2nd child in family)	Budget Resolution	City Council	
Vacation Camp Child Care *	\$20/AM or PM \$40/both	Budget Resolution	City Council	
* Non Resident Fee's	Resident fee times 2	Budget Resolution	City Council	

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
VENDING MACHINE SALES				To cover staff time and associated expenses.
Indoor Pool	1.25/ Per Drink	Budget Resolution	City Council	
Jenny Thompson Pool	1.25/ Per Drink	Budget Resolution	City Council	
McConnell Center Gym:				
Corporate	\$75.00 per year	Budget Resolution	City Council	
Resident Adult	\$5.00/day; \$60.00/6-month; \$100/year	Budget Resolution	City Council	
Resident Youth	\$3.00/day; \$35.00/6-month; \$65.00/year	Budget Resolution	City Council	
Resident Senior	\$3.00/day \$35.00/6-month \$65.00/year	Budget Resolution	City Council	
Non-Resident Adult	\$10.00/day \$200.00/6-month \$300.00/year	Budget Resolution	City Council	
Non-Resident Youth	\$6.00/day \$100.00/6-month \$150.00/year	Budget Resolution	City Council	
Non-Resident Senior	\$6.00/day \$100.00/6-month \$150.00/year	Budget Resolution	City Council	
McConnell Gym Lessons/Programs:				
Pilates (per session)	\$3.00/Residents per class \$6.00/Non-Residents per class (6 or 12 class sessions available)	Budget Resolution	City Council	
Aerobics (punch pass)	\$3.00/Residents per class \$6.00/Non-Residents per class (6 or 12 class sessions available)	Budget Resolution	City Council	
Dance *	\$25/Single \$45/Couple	Budget Resolution	City Council	
Punch Pass	daily rate times 10 for 12 days	Budget Resolution	City Council	
* Non Resident Fee's	Resident fee times 2	Budget Resolution	City Council	

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Indoor Pool Admissions:				To cover staff time and associated expenses.
Corporate Rate	\$100.00/person/year	Budget Resolution	City Council	
Resident Adult	\$6.00/day	Budget Resolution	City Council	
	\$95.00/6-month			
	\$155.00/year			
Resident Youth	\$4.00/day	Budget Resolution	City Council	
	\$40.00/6-month			
	\$70.00/year			
Resident Senior	\$4.00/day	Budget Resolution	City Council	
	\$40.00/6-month			
	\$70.00/year			
Non-Resident Adult	\$15.00/day	Budget Resolution	City Council	
	\$240.00/6-month			
	\$400.00/year			
Non-Resident Youth	\$8.00/day	Budget Resolution	City Council	
	\$105.00/6-month			
	\$175.00/year			
Non-Resident Senior	\$8.00/day	Budget Resolution	City Council	
	\$105.00/6-month			
	\$175.00/year			
Indoor Pool Lessons/Programs:				To cover staff time and associated expenses.
Private Lessons	\$37.50/session	Budget Resolution	City Council	
Infant/Toddler Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Infant/Toddler Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Beginner Preschool Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Beginner Preschool Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Advanced Preschool Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Advanced Preschool Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 1 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 1 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 2 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 2 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 3 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 3 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 4 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 4 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 5 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 5 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Level 6/7 Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Level 6/7 Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Adult Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Adult Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Diving Lessons - Resident	\$45.00/session	Budget Resolution	City Council	
Diving Lessons - Nonresident	\$60.00/session	Budget Resolution	City Council	
Punch Pass	daily rate times 10 for 12 days	Budget Resolution	City Council	

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
THOMPSON POOL:				To cover staff time and associated expenses.
Corporate Rate	\$60.00/person/year	Budget Resolution	City Council	
Resident Adult	\$5.00/day \$60.00/year	Budget Resolution	City Council	
Resident Youth	\$3.00/day \$30.00/year	Budget Resolution	City Council	
Resident Senior	\$3.00 day \$30.00/year	Budget Resolution	City Council	
Non-Resident Adult	\$15.00/day \$200.00/year	Budget Resolution	City Council	
Non-Resident Youth	\$10.00/day \$125.00/year	Budget Resolution	City Council	
Non-Resident Senior	\$10.00/day \$125.00/year	Budget Resolution	City Council	
Thompson Pool Lessons/Programs	\$45/Residents \$60/Non-Residents	Budget Resolution	City Council	
CAMP SUN & FUN:				
Camper Fee	\$140.00 per week	Budget Resolution	City Council	
2nd Child in Family Fee	\$125.00 per week	Budget Resolution	City Council	
Child Care	\$20.00/a.m. or p.m. \$40.00/both	Budget Resolution	City Council	
SENIOR CENTER:				
Resident Memberships	\$15.00 per year	Budget Resolution	City Council	
Non-resident Memberships	\$25.00 per year	Budget Resolution	City Council	
Travel - Trips	Actual Cost	Budget Resolution	City Council	
ICE ARENA RENTAL				
Regular Ice Rental	\$305.00 per hour	Budget Resolution	City Council	
Off-ice rental (daily rate)	\$1,200.00 per day	Budget Resolution	City Council	
Off-ice rental (hourly rate)	\$75.00 per hour	Budget Resolution	City Council	
SKATING LESSONS				
Learn to Skate Lessons	\$80.00 per session	Budget Resolution	City Council	
Introduction to Youth Hockey (Summer)	\$135.00 per session	Budget Resolution	City Council	
League Registration	\$180-\$340/Per Player	Budget Resolution	City Council	
Regular Ice-non prime I	\$195.00	Budget Ressionution	City Council	
Regular Ice-non prime II	\$240.00	Budget Ressionution	City Council	
Regular Ice Summer	\$230.00	Budget Ressionution	City Council	
Contract Group Ice Rental Prime	\$274.00	Budget Ressionution	City Council	
Contract Group Ice Rental Non-prime I	\$175.00	Budget Ressionution	City Council	

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
PUBLIC SKATING				
Daily Fees				
Adults	\$7.00 per day	Budget Resolution	City Council	
Youth	\$5.00 per day	Budget Resolution	City Council	
Youth 3 and under	Free			
Seniors	\$5.00 per day	Budget Resolution	City Council	
Punch Pass	daily rate times 10 for 12 days	Budget Resolution	City Council	
Season Tickets				
Resident Adult - Full Year	\$180.00 per year	Budget Resolution	City Council	
Resident Adult - 8 months	\$130.00	Budget Resolution	City Council	
Resident Adult - 6 months	\$100.00	Budget Resolution	City Council	
Resident Youth - Full Year	\$140.00 per year	Budget Resolution	City Council	
Resident Youth - 8 months	\$110.00	Budget Resolution	City Council	
Resident Youth - 6 months	\$75.00	Budget Resolution	City Council	
Resident Senior - Full Year	\$140.00 per year	Budget Resolution	City Council	
Resident Senior - 8 months	\$110.00	Budget Resolution	City Council	
Resident Senior - 6 months	\$75.00	Budget Resolution	City Council	
Non-Resident Adult - Full Year	\$225.00 per year	Budget Resolution	City Council	
Non-Resident Adult - 8 months	\$165.00	Budget Resolution	City Council	
Non-Resident Adult - 6 months	\$125.00	Budget Resolution	City Council	
Non-Resident Youth - Full Year	\$180.00 per year	Budget Resolution	City Council	
Non-Resident Youth - 8 months	\$125.00	Budget Resolution	City Council	
Non-Resident Youth - 6 months	\$100.00	Budget Resolution	City Council	
Non-Resident Senior - Full Year	\$180.00 per year	Budget Resolution	City Council	
Non-Resident Senior - 8 months	\$125.00	Budget Resolution	City Council	
Non-Resident Senior - 6 months	\$100.00	Budget Resolution	City Council	
Arena Advertising	Actual Cost	Budget Resolution	City Council	
Skate Rental	\$4.00 per pair per day	Budget Resolution	City Council	
Skate Sharpening	\$5.00 per pair	Budget Resolution	City Council	
Zamboni Advertising	Package Price	Budget Resolution	City Council	
Arena Sidewall Advertising	\$110/Linear Foot	Budget Resolution	City Council	

To cover staff time and associated expenses.

Recreation Department Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
STICK PRACTICE: Public Hockey				
Adult Stick Practice (days)	\$10.00	Budget Resolution	City Council	To cover staff time and associated expenses.
Youth Stick Practice	\$6.00	Budget Resolution	City Council	
Parent/Child	\$10.00	Budget Resolution	City Council	
High School Stick Practice	\$8.00	Budget Resolution	City Council	
Rock Night	\$10.00/person	Budget Resolution	City Council	
Flex Figure	\$15.00	Budget Resolution	City Council	
Spring 3 on 3 youth	\$225.00	Budget Resolution	City Council	
Intro to Hockey- Youth	\$130.00	Budget Resolution	City Council	
Intro to Hockey - Adult	\$140.00	Budget Resolution	City Council	
Coed Hockey league	\$250.00	Budget Resolution	City Council	
Advanced Coed League	\$250.00	Budget Resolution	City Council	
Over 30	\$250.00	Budget Resolution	City Council	
Senior League	\$350.00	Budget Resolution	City Council	
Chix with Sticks	\$250.00	Budget Resolution	City Council	
Camp Kool	\$175.00/week 1st child; \$150.00/week each additional child	Budget Resolution	City Council	To Cover Costs of Operation and Items Purchased for Resale
Concession Items	Varies Per Cost of Items Sold	Budget Resolution	City Council	

Library Fee Schedule

SERVICES	CURRENT FEE	AUTHORIZATION	AUTHORIZING ENTITY	PURPOSE OF FEE
Non-Resident Borrowers	\$200 full year \$120 half year	Budget Resolution	City Council	Authorizes unlimited library use, except story times, which are limited to Dover residents due to heavy demand.
Non-Resident Students (attending Dover Schools)	\$150.00 full year \$90.00 half year	Budget Resolution	City Council	Authorizes unlimited library use, except story times, which are limited to Dover residents due to heavy demand.
Non-Resident Senior Citizens	\$150.00 full year \$90.00 half year	Budget Resolution	City Council	Authorizes unlimited library use, except story times, which are limited to Dover residents due to heavy demand.
Overdue fines	\$.25 per day per item to maximum \$10 fine per item	Budget Resolution	City Council	Administrative cost
Overdue fines---DVDs	\$1.00 per day up to \$10.00 maximum	Budget Resolution	City Council	Administrative cost
Processing Fee	\$1.00 per item	Budget Resolution	City Council	Administrative cost
Lost Library Card	\$2.00	Budget Resolution	City Council	Replacement Costs
Printing from public PCs	\$.15 per page	Budget Resolution	City Council	Administrative cost
Genealogy Research (out-of-state)	\$50.00 (1 hr only)	Budget Resolution	City Council	Includes 10 copies + mailing
Exam Proctoring	\$15.00 per exam	Budget Resolution	City Council	
Meeting Rooms:				To cover staff time and associated expenses.
Trustees Room	\$10 non-profits	Budget Resolution	City Council	
	\$20 for-profit orgs	Budget Resolution	City Council	
Lecture Hall	\$30 non-profits	Budget Resolution	City Council	
	\$60 for-profit orgs	Budget Resolution	City Council	



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2009.09.09 - 129**
Resolution Re: Reprogramming of Unexpended Bond Proceeds and
Rescind Portion of FY10 CIP Debt Authorization

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

WHEREAS: The City has identified certain CIP projects that have been completed under budget and therefore there are unexpended bond proceeds to be utilized towards other CIP projects, and there are certain CIP projects that can be deferred to future years and funding is not anticipated to be needed at this time; and

WHEREAS: The City Council desires to effectively use unexpended bond proceeds or rescind the unneeded portion of bond authorizations; and

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

The City Council approves reprogramming bond proceeds of \$867,941.92 from the following CIP projects to the General Streets Improvements project as follows:

Project Number	Description	Available Balance	Adjustment	Adjusted Balance
CIP08 43121-3112	PW Traffic Signals	380,000.00	(380,000.00)	-
CIP06 43121-3113	Downtown Traffic Improvements	144,149.55	(144,149.55)	-
CIP03 43121-3127	Silver Street Center Lane	99,847.48	(99,847.48)	-
CIP06 43121-3138	Glenwood Ave Street Improv	89,431.66	(89,431.66)	-
CIP07 43121-3138	Glenwood Ave Street Improv	54,513.23	(54,513.23)	-
CIP09 43121-3144	Piscataqua Rd Street Improv.	100,000.00	(100,000.00)	-
CIP 43121-3121	General Street Improvements	N/A	867,941.92	867,941.92

AND, FURTHER BE IT RESOLVED THAT;

The following project appropriations and authorization for bonding are hereby rescinded:

Project Number	Description	Authorized	Rescind	Revised Budget
CIP10 42220-2251	Fire & Rescue Apparatus	950,000	115,000	835,000
CIP10 43121-3121	General Street Improvements	1,159,000	867,941.92	291,058.08

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.5.

Resolution Number: **R – 2009.09.09 - 129**
Resolution Re: Reprogramming of Unexpended Bond Proceeds and
Rescind Portion of FY10 CIP Debt Authorization

RESOLUTION BACKGROUND MATERIAL:

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

The City has reviewed CIP project authorizations and has identified certain CIP projects that have been completed under budget and therefore there are unexpended bond proceeds to be utilized towards other CIP projects, and there are certain CIP projects that can be deferred to future years and funding is not anticipated to be needed at this time.

Project Number	Description	Balance	Authorization	
CIP08 43121-3112	PW Traffic Signals	380,000.00	1/17/2007 3-A	Defer Project
CIP06 43121-3113	Downtown Traffic Improvements	144,149.55	12/8/04 11C-2	Under Budget
CIP03 43121-3127	Silver Street Center Lane	99,847.48	4/16/02 2-A	Defer Project
CIP06 43121-3138	Glenwood Ave Street Improv	89,431.66	12/8/04 11C-1	Under Budget
CIP07 43121-3138	Glenwood Ave Street Improv	54,513.23	12/7/05 3-A	Under Budget
CIP09 43121-3144	Piscataqua Rd Street Improv.	100,000.00	3/5/08 12-C3	Defer Project
		<u>867,941.92</u>		

This resolution proposes to effectively use unexpended bond proceeds for General Street Improvements. This resolution will transfer appropriations from other similar CIP projects to General Street Improvements.

Therefore, this resolution proposes to reduce FY'10 CIP General Street Improvements authorization for bonding for the amount of \$1,159,000 to the amount of \$291,058.08, a difference of \$867,941.92. This will result in an estimated savings of \$41,183 in Debt Service Interest for FY'10.

Due to savings through the Bid process for the Fire & Rescue Fire Truck, the original authorization of \$950,000 can be reduced by the amount of \$115,000.

2009 09 09 Reprogramming Bond Proceeds and Rescind
Debt Authorization FY10 CIP General Street

Document Created by: Finance Department
Document Posted on: September 4, 2009

Improvements
Page 3 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has reviewed capital project authorizations and can defer certain projects to future years, therefore reducing anticipated interest payments on future bond issue; and

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

The FY'10 annual budget is amended to reduce, in the amount of \$41,183, General Fund Debt Service – City Bond Interest contained on p. 463 of the FY'10 budget for an amended appropriation amount of \$1,968,610.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$41,183 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.6.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Debt Service Interest by \$41,183 as reflected on p. 463 of the FY'10 budget.

This resolution will result in a \$41,183 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

Purpose:

The purpose of this ordinance is to amend Chapter 170, entitled “Zoning” of the Code of the City of Dover, and

1. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by inserting housekeeping changes throughout the entire Chapter and is hereby amended by replacing any use of the phrase “Code Enforcement Officer” with “Zoning Administrator”.

SEE ATTACHED – CHANGES TO ORDINANCE

2. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

ORDINANCE BACKGROUND MATERIAL:

1. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by replacing any use of the phrase “Code Enforcement Officer” with “Zoning Administrator”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.6 “Telecommunication Facilities” Subsection J to read as follows:

“J. Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of 12 months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the ~~Building Official~~ **Zoning Administrator** notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the City may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” by replacing any use of the phrase “Building Inspector” or “Building Official” with “Zoning Administrator”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection C to read as follows:

“C. Permit required. No sign, other than a directional sign, a residential nameplate or sign advertising a sale or lease of a premise, shall be erected or placed in the City of Dover without a sign permit. Said permit shall be issued by the ~~Building Inspector~~ **Zoning Administrator**, provided that the sign meets all the regulations of this section, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing signs and support structures, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this section. **The Zoning Administrator may issue a sign permit in conjunction with the approval of a site plan by the Planning Board, after sufficient review of compliance with the regulations herein and payment of any permit fees.**”



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “Fence review and regulations” Subsection B (2) to read as follows:

“(2) On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the street lines of such corner lot and a straight line joining points along said street lines thirty (30) feet from the point to the intersection. For corner lots that are located on the inside curve of streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the ~~Building Inspector~~ **Zoning Administrator**, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit ~~site~~ **sight** distance. **[Amended 02-17-99 by Ord. No. 25-98]**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-47 “Administrative Officer” Subsection A to read as follows:

“A. This chapter shall be enforced by the ~~Building Inspector~~ **Zoning Administrator**, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (1) (a) to read as follows:

“(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the Building Inspector~~ in the enforcement of this chapter (interpretation of ordinance).”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (2) (a) to read as follows:

“(a) On appeal from an order or decision made ~~by the Building Inspector~~ ~~or on request~~ by any officer or board of the City, the Board shall have the power to decide any of the following questions:”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (2) (b) to read as follows:

“(b) The Board shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made ~~by the Building Inspector~~ in the enforcement or application of this



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

chapter. Upon such appeal, the Board may, in accordance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection C (6) to read as follows:

“(6) Public Hearing. The Board shall fix a reasonable time for the hearing of an appeal in accordance to its By-Laws; and before any hearing is given either on an appeal or an application for variance or special exception of this chapter, notice shall be given to all abutters of any portion of the lot in question. Notice shall be given to abutters by certified mail, and also placed in a newspaper of general circulation, not less than 5 days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or applicant to the ~~Building Inspector's Office~~ **Department of Planning and Community Development**. [Amended 08-01-90 by Ord. No. 8-90]”

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B to read as follows:

“**B. Words and terms appearing in CAPITAL LETTERS throughout this chapter** ~~for the purposes of this chapter, the following terms~~ shall have the meanings indicated:”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, by replacing any use of a “-“ with the word “means”.

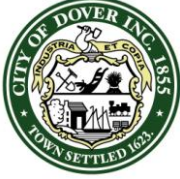
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:

“ACCESSORY STRUCTURE means a structure with a minimum floor area of ~~thirty-six (36)~~ **one hundred (100)** square feet which exists on the same lot and within the same zoning district as the principal building shall be customarily incident and subordinate to the principal building subject to the provisions of Chapter 170-10 E. **[Amended 08-01-90 by Ord. No. 8-90]”**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

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Chapter: 170

“CUSTOMARY HOME OCCUPATION means an occupation carried on as a secondary use in a dwelling unit or accessory building by the occupant of such unit. For the use of a dwelling or accessory building in any R. District for a "home occupation," the following conditions shall apply:

- (1) "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the building, musician, antique dealer, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
- (2) No more than one (1) nonresident shall be employed therein.
- (3) The use is carried on strictly by the occupant of the principal building. [Amended 08-01-90 by Ord. No. 8-90]
- (4) No more than twenty-five percent (25%) of the existing net floor area of the principal and any accessory buildings not to exceed six hundred (600) square feet is devoted to such use.
- (5) There shall be no display of goods or wares visible from the street.
- (6) No advertising on the premises other than a small nonelectric sign not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
- (7) The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way. In a multi-family dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
- (8) Any such building shall include no feature of design not customary in buildings for residential use.
- (9) Such uses as clinics, bakeries, gift shops, tearooms, tourist homes, massage, animal hospitals, kennels and others of a similar nature shall not be considered as home occupations.
- (10) A minimum of two (2) off-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance*.
- (11) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- (12) A certificate of occupancy use for the proposed use is issued by the ~~Building Inspector~~ **Zoning Administrator** verifying conformance with the preceding standards.

AND



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: 170

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that this definition reads as follows:

“SLOPE means the ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. Slope is measured over horizontal distances of twenty (20) feet or more, utilizing elevations at two-foot contours.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, Subsection B, so that these definitions read as follows:

“ASSESSED PROPERTY means any land or buildings comprising new development that is subject to an impact fee assessment under this Article.

ASSESSMENT means a notification issued by the City of Dover, its Planning Board, or its Building Inspector, which states the amount of an impact fee due on an assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of impact fee payments to the City.

COLLECTION means the actual delivery of payment of an assessment of an impact fee to the City of Dover on behalf of an assessed property.

IMPACT FEE means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights of way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.

NEW DEVELOPMENT means an activity that results in:

- a. The creation of a new dwelling unit or units; or
- b. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
- c. Construction resulting in a new non-residential building or a net increase in the floor area of any non-residential building; or
- d. The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessments.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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New development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

OFF-SITE IMPROVEMENTS means those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

PUBLIC OPEN SPACE means a parcel of land essentially unimproved and principally intended for open space preservation, natural resource conservation, or similar uses. For the purposes of this Article, City parks that do not include “public recreation facilities” constitute public open space.

PUBLIC RECREATION FACILITIES means the land and facilities owned or operated by the City of Dover, other than public open space, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor public recreation opportunities. Public recreation facilities may also include those portions of public open space parcels that are improved with developed trail systems for uses such as hiking or cross country skiing.

DEVELOPMENT RIGHTS means the legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by the City of Dover Zoning Ordinance.

LANDSCAPE AREA means the area unoccupied by pavement or structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

OPEN SPACE means land that is not built upon or substantially altered by human activity including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and waterbodies.

RECEIVING AREA means a defined area within a TDR district to which development rights are transferred resulting in more efficient and intense use of suitable development sites.

SENDING AREA means a defined area within a TDR district from which development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

TRANSFER OF DEVELOPMENT RIGHTS means the conveyance of the development rights of a parcel of land by deed or other legal instrument approved by the Planning Board



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
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to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

TDR DISTRCT means an area defined as a zoning overlay district, which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.

ALTERNATIVE TOWER STRUCTURE means the use of structures such as man-made trees, clock towers, bell steeples, rooftops on buildings 5 stories or more, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and their appurtenances.

ANTENNA means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

FAA means an acronym meaning Federal Aviation Administration.

FCC means an acronym meaning Federal Communications Commission.

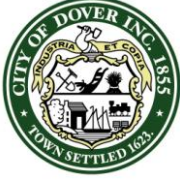
HEIGHT when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure or appurtenance, even if said highest point is an antenna or other appurtenance.

PLANNING BOARD (BOARD) means the City of Dover Planning Board, and the regulatory body of this ordinance.

EXISTING TOWERS AND ANTENNAS means any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Additionally, any tower or antenna lawfully constructed in accordance with this ordinance that predates an application currently before the Board.

TELECOMMUNICATIONS FACILITIES means any structure, antenna, tower, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The terms also includes commercial radio and television transmission towers, microwave towers, common carriers towers, cellular telephone towers, alternative tower structures, and similar structures.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.09 - 15**
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ABUTTER means: (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. (3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. B. (4) For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Board.

APPLICANT means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

BERM means a mound of earth that may contain stumps of sufficient height to serve as sight, sound, sand and dust screening of operations in an excavation site.

COMMERCIAL EXCAVATION means excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by NH RSA 21:34-a.

CONTIGUOUS means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of stationary manufacturing plants, whose perimeter is not defined by the City's boundaries.

DIMENSION STONE means rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.

EARTH means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.

EXCAVATION means a land area that is used, or has been used, for the commercial taking of earth, including all slopes.

EXCAVATION AREA means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.



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EXCAVATION SITE means any area of contiguous land in common ownership upon which excavation takes place.

EXISTING EXCAVATION means any excavation that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful had been removed during the 2-year period before August 24, 1979.

EXPANSION (pertaining to **EXCAVATIONS**) means (a) of existing excavations means excavation beyond the limits of the City and the area which on 8/24/79 had been contiguous to and in common ownership with the excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the excavation site. (b) of stationary manufacturing plants means to any contiguous lands which were in common ownership with the site of the plant on 8/4/89.

RECLAMATION means the restoring of an excavation site to a standard at least equal to those outlined in Section 170-29.8.

REVOCATION means the revoking of the approved extraction permit by the Planning Board. The revocation requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the Planning Board at a regular meeting using standard application steps as outlined in this article.

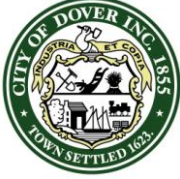
STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

SUSPENSION means the ordered cessation of that portion of an extraction operation that is in violation of this Article until such time as the owner or operator can demonstrate compliance to the ~~Code Enforcement Officer~~ Zoning Administrator.

BUSINESS FLOOR AREA means that area, leased or occupied by a business, excluding hallway(s) or shared building/tenant facilities.

BUSINESS FRONTAGE means the length along the ground floor of a building front, having frontage on the street, which is occupied by a separate and distinct principal use; or the length along the ground floor of a building side, having frontage on a street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said building.

FLASHING SIGN means any directly or indirectly illuminated sign which changes the intensity of illumination so as to result in changes in light, color, director or animation. Included in this definition shall be electronic changeable message boards or signs of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State or municipal authorities. [Added 03-21-07 by Ord. No. 01-2007]



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FREESTANDING SIGN means a sign permanently erected on a freestanding frame, mast or pole and not attached to any building. A-frame signs shall not be considered freestanding but rather a temporary portable sign. (See the definition of "temporary portable sign.")

PROJECTING SIGN means a sign attached to a building with the plane of the sign at an angle to the plane of the wall of the building.

SHOPPING CENTER means any building containing five (5) or more tenants and containing more than fifty thousand (50,000) square feet of gross floor area.

SIGN means any name, identification, description, display, or illustration which is affixed to or painted or represented, directly or indirectly, upon a building, structure or piece of land, in view of the general public, which directs attention to an object, product, place, activity, person, institution organization or business.

SIGN AREA means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one (1) display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is ninety degrees (90) or less.*

TEMPORARY PORTABLE SIGN means a sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board and other signs not permanently affixed, directly or indirectly, upon a building, structure or land and not otherwise referenced under the definitions of "freestanding sign," "projecting sign" or "wall sign", shall also be considered as "temporary portable signs".

* Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included at the end of this chapter.

WALL SIGN means a sign attached to or erected against the wall of a building, with the face in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.*

* Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included at the end of this chapter.

BLOCK means the aggregate of private lots, passages, alleys and Lanes, circumscribed by public streets.

BLOCK CORNER means where two public streets meet on a Block.

BLOCK FACE means the aggregate of all the building facades on one side of a Block.



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BUILD TO LINE means a line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth.

CIVIC BUILDING means a building operated by not-for-profit organizations dedicated to arts, culture, religion, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE means an outdoor area dedicated for public use.

COMMON YARD means a planted private frontage wherein the facade is set back from the front property line.

FRONT means the side of a property facing a public street.

FRONTAGE means the linear distance measured along the front lot line between the points of intersection with the side lot lines. "Frontage" along cul-de-sacs shall be the linear distance at the appropriate front yard building set back depth from the front lot line between the points of intersection with the side lot lines. For the purpose of measurement, lot "frontage" shall be continuous and measured along the joining boundary of the front lot line and a public right-of-way.

In the CBD it is the area between a building facade and the public street, inclusive of it's built and planted components.

GALLERY means a private frontage conventional for retail use wherein the facade is aligned close to the front property line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.

GROUND FLOOR means the street level floor of a structure.

NEIGHBORHOOD STORE is any retail store containing a maximum of 1500 sq ft of enclosed space with no on-site parking permitted or required.

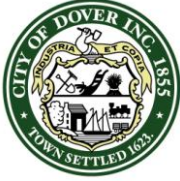
OUTBUILDING means an accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the Principal Building.

OFF STREET PARKING means parking facilities located in city or privately owned lots and structures.

PARAPET means a low protective wall or railing along the edge of a raised structure such as a roof or balcony.

PORCH AND FENCE means a private frontage set back from the front property line with an attached porch permitted to encroach.

PRINCIPAL BUILDING means the main building on a Lot, usually located toward the Frontage



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PUBLIC ART means works of art in any media that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC SPACE means open to public view or access.

REAR means the private back portion of a property.

REGULATING PLAN means a zoning map or set of maps that shows the sub-districts subject to regulation by the form based code.

RIGHTS OF WAY means the strip of land over which facilities such as highways, railroads, or power lines are built.

SETBACK means the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of allowed encroachments for stairs or porches.

SHOPFRONT means a private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade.

SIDEWALK means the paved section of the public frontage dedicated to pedestrian activity, café seating, and other street furniture.

SQUARE means a civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

STOOP means a private frontage wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

STREET means a city thoroughfare for vehicle access.

STREET FURNITURE means benches and other structures incorporated into the streetscape for use by pedestrians.

STREET LIGHTS means pedestrian scale lighting incorporated into the streetscape and in parking facilities to promote safe travel during evening hours.

STREET TREES means canopy trees used to reinforce the area along vehicular streets where pedestrian activities are encouraged.

STREET WALLS means a freestanding wall built along the front property line. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

STREETSCAPE means the physical elements along a street including trees, benches, waste bins, and bike racks.

TERRACE/LIGHTWELL means a private frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach.



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3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, to read as follows:

“170-7. Establishment of districts. [Amended 3-30-83 by Ord. No. 5-83; 4-27-83 by Ord. No. 12-83; 10-26-88 by Ord. No. 18-88; 04-03-91 by Ord. No. 01-91; 09-16-92 by Ord. No. 23-92; 11-22-95 by Ord. No. 19-95]

The City of Dover is hereby divided into the following districts:

Residential

- R-40 Rural Residential District
- R-20 Low-Density Residential District
- R-12 Medium-Density Residential District
- RM-20 **SU** Suburban Density Multiresidential District
- ~~RM 12 — Low Density Multiresidential District~~
- ~~RM-10 — U Medium- Urban Density Multiresidential District~~
- ~~RM 8 — High Density Multiresidential District~~
- ~~RM 6 — Urban Density Multiresidential District~~

Nonresidential

- ~~O — Office District~~
- B-1 Neighborhood Business District
- ~~B-2 — Central Business District~~
- B-3 Thoroughfare Business District
- B-4 Hotel/Retail District
- B-5 ~~Rural~~ Commercial/Retail District [Added 11-22-95 by Ord. No. 19-95]
- I-1 Restricted Industrial District
- I-2 Rural Restricted Industrial District
- I-4 Assembly and Office
- ETP Executive and Technology Park
- ~~UMUD — Urban Multiple Use District~~
- ~~CWD — Cochecho Waterfront District~~

Mixed -Use

- O Office District**
- B-2 CBD Central Business District**
- CWD Cochecho Waterfront District

Overriding

- CD Conservation District
- URD Urban Renewal District
- GWP Groundwater Protection District
- HWD Hazardous Waste Landfill District



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RCM Residential-Commercial Commercial Mixed Use [Added 105-18-06 by Ord. 03-2006]
TDR Transfer of Development Rights [Added 04-03-91 by Ord. No. 01-91]
WPD Wetland Protection District”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Medium Density Residential (R-12) an area of approximately 37.8 acres along Mill Street, Charles Street and a portion of Back River Road consisting of lots: 16-30, 16-30A, 16-32, 16,33, 16-34, 16-35, 16-36A, 16-11, 16-13, 16-13B, 16-13C, 16-14, 16-15, 16-15-1 and 16-15-2”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Commercial/Retail (B-5) an area of approximately 11.3 acres located along Central Avenue and Charles Street, consisting of lots 16-1, 16-5, 16-6, 16-8, 16-9, 16-10, 16-2, 16-3, 16-7, 16-13A and 16-38”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Low-Density Residential (R-20) to Commercial/Retail (B-5) an area of approximately 11.5 acres located along Central Avenue consisting of lots 15-2A, 15-3, 15-4 and 15-6”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Restricted Industrial (I-1) to Commercial/Retail (B-5) an area of approximately 1.5 acres located along Central Avenue and Locust Street consisting of lots 15-19 and 15-20”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Thoroughfare Business (B-3) to Commercial/Retail (B-5) an area of approximately 5.3 acres located along Central Avenue consisting of lots 15-71, 17-76, and 17-76E”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-8 “Zoning Map”, to read as follows:



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“The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"*, dated ~~May 25, 1979~~ **July *, 2009**, which accompanies and is hereby declared to be part of this chapter.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by replacing any use of the phrase “May 25, 1979” in reference to the zoning map with “**July *, 2009**”.

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Low-Density Multiresidential District (RM-12) to Suburban Density Multiresidential District (RM-SU) an area of approximately 364.25 acres located along areas of Spur Road, Garrison Road, Shaws Lane, Leathers Lane, and McKenna Drive, consisting of lots I-1N, I-1NA, I-1Q, I-2A, I-2A-1, I-2A-2, I-2B, I-2C, I-2D, I-2E, I-2F, I-2G, I-2G-1, I-2G-2, I-2H, I-2I, I-2J, I-3, I-3A, I-3B, I-4B, I-69, I-69A, I-69B, I-69C, I-70, I-70A, I-70B, I-70C, I-71, I-72, I-73, I-73A, L-50, L-48G, L-49A, L-50, L-51 and L-52”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High-Density Multiresidential District (RM-8) to Urban Density Multiresidential District (RM-U) an area of approximately 125.4 acres located along Whittier Street, Washington Street and Portland Avenue, Plaza Drive, Northway Circle, Park Street, New York Street, Hill Street, Ham Street, and others in vicinity thereof consisting of lots E-65C, E-66, E74A, 4-58, 4-59, 4-60, 4-61, 4-62, 4-63, 4-64, 4-65, 4-65A, 4-66, 4-67, 4-68, 4-69, 27-1*, 27-2*, 27-3*, 27-4*, 27-5*, 27-6*, 27-8*, 27-11, 27-12, 27-13, 27-14, 27-15, 27-16, 27-17, 27-19, 27-20, 27-21, 27-22, 27-23, 27-24, 27-25, 27-26, 27-27, 27-28, 27-28B, 27-29, 27-30, 27-31, 27-32, 27-33, 27-34, 27-35, 27-36, 27-37, 27-38, 27-39, 27-40, 27-41, 27-42, 27-43, 27-44, 27-45, 27-46, 27-47, 27-48, 27-49, 27-50, 27-51, 27-52, 27-54, 27-55, 27-56, 27-57, 27-58, 27-59, 27-60, 27-77, 27-78, 27-79, 27-80, 27-81, 27-82, 27-82A, 27-83, 27-84, 27-85, 27-86, 27-86A, 27-87, 27-88, 27-89, 27-89A, 27-9, 27-90, 27-90A, 27-90B, 27-91, 27-92, 27-93, 27-94, 27-95, 27-96, 27-97, 27-98, 27-99A, 27-99B, 27-100, 27-102, 27-103, 27-104, 27-105, 27-106, 27-107, 27-108, 27-109, 27-110, 27-111, 27-112, 27-113, 27-114, 27-115, 27-116, 27-117, 27-118, 27-119, 27-120, 27-121, 27-122, 27-123, 27-124, 27-124A, 27-125, 27-125, 27-125A, 27-125B, 27-125C, 27-126, 27-128, 27-129, 27-130, 27-131, 27-132, 27-133, 27-134, 27-135, 27-136, 27-137, 27-138, 27-139, 27-140, 27-143*, 27-144*, 27-145*, 27-146*, 27-147*, 27-148*, 27-149*, 27-150*, 27-190, 27-191, 27-192, 27-193, 27-194, 27-195, 27-196, 27-197, 27-198, 27-199, 27-200, 27-201, 27-206, 27-207, 27-208, 27-211, 27-212, 27-213, 27-214, 27-215, 27-216, 27-217 33-1, 33-1A, 33-2, 33-3, 33-4, 33-57, 33-58, 33-59, 33-59A, 33-60, 33-61, 33-61A, D-80*, D-79-1*, 31-100, 31-101, 31-101A, 31-102, 31-103*, 31-104, and 31-104A”

* = only that portion of the lot within the RM-8 district will be affected.



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6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Multiple Use District (UMUD) to Central Business District (CBD) an area of approximately 12.5 acres located along Washington Street and Main Street, consisting of lots 2-37, 2-37A, 3-63, 3-63A, 3-63B, and 23-14”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Cochecho Waterfront District (CWD) to Central Business District (CBD) an area of approximately 10.3 acres located along Main Street, Cochecho Street and Portland Avenue consisting of lots 23-1, 23-2, 23-3, 23-4, 23-5, 23-7, 23-8, 23-9, 23-10, 23-11, ,24-139, 24-140, 24-141 and 24-142”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Office (O) to Central Business District (CBD) an area of approximately 15.25 acres located along Silver Street and Locust Street consisting of lots 9-1, 9-2, 9-3, 9-4, 9-39, 9-40, 9-41, 9-42, 9-43, 9-44, 9-45, 9-46, 9-47, 9-48, 9-53, 9-53A, 9-54, 9-55, 9-56, 9-57, 9-76, 9-77, 9-85, 9-86, 9-87, 9-88, 9-89, 9-90, 9-91, 9-92, 9-93, 9-94, 9-95, 9-96, 9-97, 9-107, 9-108, 9-109, 9-116 9-117, and the portion of 30-114 and 30-115A that are within the Office District”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Urban Density Multiresidential District (RM-6) to Central Business District (CBD) an area of approximately 13.5 acres located along Washington Street and Chestnut Street consisting of lots 1-25, 1-37, 1-38, 1-40, 1-41, 1-42, 1-43, 1-44. 10-41, 10-43, 10-44 and 1 -45”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High Density Multiresidential District (RM-8) to Central Business District (CBD) an area of approximately 55.2 acres located along Third Street, Fourth Street, Fifth Street, Lincoln Street, Grove Street, Sixth Street, Prebble Street, Twombly Street, Pierce Street, Broadway, Washington Street, George Street, Henry Law Avenue and Central Avenue consisting of lots 3-46, 3-47, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54, 4-10, 4-11, 4-12, 4-13, 4-14, 4-34, 4-35, 4-36, 4-37, 4-38, 4-40, 4-41, 4-42, 4-43, 4-44, 4-45, 4-46, 4-47, 4-48, 4-49, 4-50, 4-52, 4-53, 4-54, 4-55, 4-56, 23-15, 23-27, 23-28, 23-29, 23-30 23-31, 23-32, 24-25, 24-26, 24-27, 24-27A, 24-28, 24-29, 24-30, 24-31, 24-32, 24-33, 24-34, 24-35, 24-36, 24-37, 24-38, 24-39, 24-40, 24-41, 24-42, 24-43, 24-44, 24-45, 24-45-A, 24-



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46, 24-47, 24-48, 24-49, 24-50, 24-51, 24-52, 24-53, 24-54, 24-55, 24-56, 24-59, 24-60, 24-60A, 24-60B, 24-61, 27-61, 24-57, 24-58, 31-2, 31-3, 31-3A, 31-, 4A, 31-15, 31-16, 31-17, 31-18, 31-19, 31-19A, 31-20, 31-21, 31-23, 31-27, 31-27A, 31-28, 31-29, 31-30, 31-31, 31-32, 31-34, 31-35, 31-36, 31-40, 31-40A, 31-41, 31-42, 31-47, 31-48, 31-49, 31-50, 31-51, 31-52, 31-52A, 31-53, 31-53A, 31-53B, 31-54, 31-55, 31-57, 31-58, 31-59, 31-60, 31-61, 31-62, 31-63, 31-64, 31-65, 31-66, 31-67, 31-68, 31-72, 31-73, 31-74, 31-75, 31-76, 31-79, 31-80, 31-80-A, 31-81, 31-82, 31-83, 31-84, 31-85, 31-86, 31-87, 31-88, 31-89, 31-90, 31-91, 31-92, 31-93, 31-94, 31-95, 31-96, 31-97, 31-98, 31-99, 31-99A, 31-37, 31-22, 31-39, 31-69, 31-4D and 31-21”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Medium Density Multiresidential District (RM-10) to Central Business District (CBD) an area of approximately ~~47.25~~ **11.00** acres located along Sixth Street, St Thomas Street, Court Street and Central Avenue consisting of lots 9-53A*, 9-54*, 9-55*, 9-57*, ~~12-32, 12-33, 12-39, 12-40, 12-41, 12-42, 12-43, 9-59, 12-75, 12-76, 12-77, 12-78, 12-79, 12-80, 12-82, 12-83, 12-31, 12-42-1, 12-42-3, 12-42-4, 12-42-5, 12-42-6, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-30, 20-31, 20-32 20-51, 20-52, 20-53, 20-55B, 20-58,59, 20-76, 20-77, 23-15*, 30-113, 30-114*, 30-115A*, 30-71, 30-72, 30-88, 30-89, 30-90, and 30-91”~~

* = only those portions within the RM-10 zone are being adjusted.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Thoroughfare Business (B-3) to Central Business District (CBD) an area of approximately 3 acres located along Broadway consisting of lots 27-62, 27-63, 27-64, 27-65, 24-2HA*, 24-21*, 24-2A*, and 24-2E”

* = only those portions within the B-3 zone are being adjusted.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from High Density Multiresidential District (RM-8) to ~~Medium Density Multiresidential District (RM-10)~~ **Urban Density Multiresidential District (RM-U)** an area of approximately 2.3 acres located along River Street and Henry Law Avenue consisting of lots 22-3*, 22-6* and 22-9*”

* = only those portions within the RM-8 zone are being adjusted.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated May 25, 1979, is amended by changing from Office (O) to ~~Medium Density Multiresidential District (RM-10)~~ **Urban Density Multiresidential District (RM-U)** an area of approximately 2.4 acres located along ~~River Street and~~



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Henry Law Avenue and Nelson Street consisting of lots 9-5, 9-6, 9-7, 9-37, 9-38, 9-49, 9-51, 9-52 and 9-48A”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article 170-8 "Zoning Map" by amending as follows:

“170-8. Zoning Map.

A. The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"*, dated May 25, 1979, which accompanies and is hereby declared to be part of this chapter.

B. For the purposes of the delineation of the Central Business District (CBD) the location and boundaries of sub districts are hereby established as shown on a map entitled “Regulating Plan for the CBD Zone”** dated July *, 2009, accompanies and is hereby declared to be part of this chapter.”

AND

*** EDITOR'S NOTE: SAID REGULATING PLAN IS ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT, WHERE IT MAY BE EXAMINED DURING REGULAR BUSINESS HOURS.”

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding section 170-10.1 to read as follows:

“170-10.1 Central Business District Regulations

A. Purpose and Intent

The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This form based code is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices.

Redevelopment within the Central Business District (CBD) shall be regulated by this form based code, in order to achieve the City’s vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the Planning Board on November 13, 2007.

The form based code was developed through a citizen-based discussion process regarding the design for the improvement of all properties in the Central Business District. designated areas. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-



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district to allow for context sensitive development along corridors and neighborhoods alike.

All of the areas within the CBD share a common goal of increased emphasis on the form and placement of structures, and a decreased emphasis on the function(s) contained within them. As such this ordinance sets careful and clear controls on building form—with broader parameters on building use—so as to shape clear, attractive public spaces (good streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable.

Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional Use Permit

1. Conditional use approval for relief from the standards herein may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:
 - a. That both public and private buildings and landscaping shall contribute to the physical definition of RIGHTS OF WAY as CIVIC SPACES.
 - b. That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.
 - c. That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.
 - d. That architecture and landscape design shall grow from local climate, topography, history, and building practice.
 - e. That buildings shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
 - f. That CIVIC BUILDINGS and public gathering places shall be provided as locations that reinforce community identity and activity.
 - g. That CIVIC BUILDINGS shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
 - h. That the preservation and renewal of historic buildings shall be facilitated.
 - i. That the harmonious and orderly evolution of urban areas shall be secured through the adoption of these regulations.
2. Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Sub-districts



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1. The **REGULATING PLAN** for the CBD shall locate the boundaries for the following sub-districts:
 - a. Commercial
 - b. Mixed Use
 - c. Residential

D. Standards and regulations

1. The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:
 - a. District Purpose
 - b. Lot Occupation Regulations
 - c. Diagram of Building Height
 - d. Diagram of Build To Lines
 - e. Special Regulations
 - f. Permitted Uses
2. Where buildings exist on LOTS adjacent to a proposed building, the proposed building may match the more conforming of the adjacent buildings' SETBACKS and heights rather than match the provisions of this code, through the issuance of a conditional use permit.
3. The goal of the Building Height and Build to Line standards is the creation of a healthy and vital public realm through good STREET space.
 - a. General Guiding Principles
 1. Buildings are aligned and close to the STREET.
 2. The STREET is a coherent space, with consistent building forms on both sides of the STREET, creating a clear public space and community identity.
 3. Buildings oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe public space.
 4. Property lines are physically defined by buildings or STREET WALLS.
 5. Buildings are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the street wall alcoves or small courtyards are permitted to allow for seating and public access
 6. Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
 7. Within the Commercial, and Mixed Use sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not.
 8. Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.
 9. Historic character should be preserved and enhanced by context sensitive construction

E. STREETSCAPE



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1. The CBD sites shall be developed so that buildings are placed at or near the **STREET**, along the outer edge of their sites and so as to ensure the unity of those **STREETS**. Furthermore, the standards demonstrate the relationship between the **STREET** and **LOTS**. Finally, these standards establish an environment that encourages and facilitates pedestrian activity.
2. **General Principles and Intent**
 - a. **The STREETScape**
 1. The **STREET** and building façade receives more attention than the rest of the building.
 2. **STREETScape** elements, such as brick pavers, benches and waste-bins must be consistent within a project and adjacent properties.
 3. **PUBLIC ART** is encouraged.
 - b. **FRONTS AND REARS**
 1. Building facades are the public "face" of every building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.
 2. The private, rear portions of the **LOTS** allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) open space.
 - c. **OFF STREET PARKING**
 1. Parking provided for a project shall be screened from the **STREET**.
 2. Parking shall be considered accessory and shall not be the principal use of a lot.
3. **Minimum Standards**

Unless sub-district tables indicate additional or replacement regulations, development shall follow the regulations outlined below:

 - a. **The STREETScape**
 1. Each **STREET** shall have canopy shade trees (**STREET TREES**). **STREET TREES** shall be planted at an average spacing not greater than 25 to 30 feet on center (measured per **BLOCK FACE**). The planting area's minimum dimension shall be not less than 5 feet. At planting, trees shall be at least 4 to 4.5 inches in diameter (4 feet above grade) and at least 12 feet in overall height.
 2. Any unpaved ground area fronting the **LOTS** (to the curb) shall be planted with groundcover or flowering vegetation.
 - b. **SIDEWALKS**
 1. Sidewalks shall be a minimum of 5 feet wide
 - c. **STREET FURNITURE**
 1. Benches - Benches will have backs and arm rests.



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- a. For each project, one (1) bench will be provided for every 100 feet of **FRONTAGE** on a project.
2. **Waste Bins** - At a minimum, one (1) waste bin will be provided at each **BLOCK CORNER**.
3. **Bike Racks** – At a minimum, one (1) bike rack shall be required per non-residential project.

F. Architectural Standards

The following standards are optional and may be utilized by the **APPLICANT**. An **APPLICANT'S** election not to submit to architectural standards shall not adversely prejudice the application.

1. General Principles and Intent

a. Tradition

1. These standards favor buildings that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.
2. The intent behind these standards is to reinforce the existing character and historic nature of Dover's central business district. However, modern buildings that are sensitive to that character may be permitted as well
3. All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

b. Energy Efficiency and Environmental Conservation

1. **LEED (Leadership in Energy and Environmental Design)** standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design.

c. PUBLIC SPACE

1. Many of these standards apply only in conditions that enhance and define the **PUBLIC SPACE**. These controls concentrate on the public space/views from the public space and minimize interference in the private realm.

2. Building Walls (Exterior)

- a. Building walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).
- b. Building materials shall be context sensitive and shall reflect a consistency to be found within the sub-district.



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1. Brick, stone or masonry building materials are encouraged for exterior walls.
3. **Roofs and PARAPETS**
 - a. Roofs and PARAPETS should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials.
 - b. Buildings without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between 6 and 12 inches beyond the building walls. For buildings three stories or taller, the cornice projection shall increase an additional 6 to 12 inches per **STORY**.
 - c. Skylights and roof vents are permitted only on the roof plane opposite the primary **STREET** or when shielded from the **STREET** view by the building's **PARAPET** wall.
 - d. Overly elaborate, “postmodern” and/or “high-tech” designs are discouraged. However, ornamentation which contributes to the character of the building is encouraged. Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the neighborhood of buildings to reinforce the fabric and richness of the community.
 - e. Green roof technologies are encouraged. Vegetative cover should be considered for flat roofs and solar panels should be considered for integration into pitched roof structures.
4. **Street Walls**
 - a. **STREET WALLS** establish a clear edge to the **STREET** in locations where the buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the **STREET** from the private realm (parking lots, trash cans, gardens, and equipment). All **STREET WALL** facades shall be as carefully designed as the building façade, with the finished side out, i.e. the “better” side facing the **STREET**.
5. **Windows and Doors**
 - a. Windows should be divided by multiple panes of glass. This helps the window “hold” the surface of the façade, rather than appearing like a “hole” in the wall (an effect produced by a large single sheet of glass).
6. **Lighting and Mechanical Equipment**
 - a. Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.
 - b. **STREET LIGHTS:**
 1. In order to minimize light pollution, light should be directed downward to the immediate area being lighted and away from any living quarters.
 2. Lights shall be located 16 feet above grade with a maximum average spacing (per **BLOCK** face) of 60 feet on center



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3. At the front of the building, exterior lights shall be mounted between 6 feet and 14 feet above the adjacent grade.
 4. Floodlights or directional lights (maximum 75-watt bulbs) may be used to illuminate parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other LOTS, or the STREET.
 5. Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting), except in the Mill sub-district.
 6. Site lighting shall be of a design and height so as to illuminate only the LOT.
 7. No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any building, whether such lighting is of temporary or long-term duration.
- c. Mechanical Equipment
1. The following shall not be stored or located within any STREET, and be screened from view from the STREET :
 - a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a front yard under this Code.
 2. Roof mounted equipment shall be screened from view from the STREET.

G. Incentives for Architectural Standards

1. Any plan that demonstrates reasonable use of the optional architectural standards defined in section F, may apply for the following incentives:
 - a. Fast track review
The Planning Director shall give preference to projects in setting the Planning Board agendas and in other review processes.
2. Reasonable use shall be considered demonstration of at least six of the criteria or items mentioned under section F. These criteria/items will be listed on a waiver application form.

H. Administration

1. The CB district exists like every other district and development within is intended to be reviewed and approved as any other district. Any appeals of this section shall be treated as any other zoning appeal and shall be directed to the Zoning Board of Appeals (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Plan Review, of the City of Dover Code.
2. Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.”

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article IV, USES; TABLES, as follows:



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“ARTICLE IV USES; TABLES

170-11. Use Regulations.

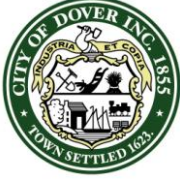
Except as herein provided, no building or land shall be used except for the purposes permitted in the district as described in this Article.

- A. Uses permitted by right. A use listed in the Tables of Use **and Dimensional** Regulations **By District** is permitted as a matter of right in the district in which it is **listed** ~~denoted by the letter "P"~~, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.
- B. Uses permitted by right, with conditions imposed. A use listed in the Tables of Use **and Dimensional** Regulations **By District** and denoted ~~with by~~ a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions. ~~(Refer to the Footnotes – Conditions Imposed section immediately following the Table of Use Regulations.)~~
- C. Uses permitted by special exception. A use listed in the **Uses Via Special Exception section of the Tables of Use and Dimensional Regulations By District** ~~and denoted by the letter "S"~~, may be permitted as a special exception granted by the Board of Adjustment in accordance with the conditions of Article VI and 170-52 herein and in conformance with such other rules and regulations as may apply. The **Special Exception** designation **"S"** in a given district does not constitute an authorization of an assurance that such use will be permitted.
- D. Uses not permitted. A use ~~not listed~~ ~~designated as "-"~~ in the Tables of Use **and Dimensional** Regulations **By District** shall not be permitted in the district.
- E. Planning Board Site Review Approval. The following development/redevelopment shall be subject to the rules and regulations contained in the Site Review Ordinance of the City of Dover*: **[Amended 08-01-90 by Ord. No. 8-90]**
 - (1) All non-residential development or redevelopment.
 - (2) All multi-family residential uses wherein more than five (5) units are proposed for development.
 - (3) All mobile home parks.
 - (4) Any Change of Use as defined in Chapter 149, Site Review Ordinance.
- F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)

170-12. Applicability of Tables of Use **and Dimensional** Regulations **By District**.

- A. Uses permitted in those zoning districts identified in 170-7 shall be as set forth in the ~~following~~ Tables of Use **and Dimensional** Regulations **By District**: ~~Table I, Principal Uses, and Table II, Accessory Uses.**~~

* Editor's Note: See Ch. 149, Site Review.



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B. The minimum regulations for lot size, lot frontage, building setback standards for front, side and rear yards, building heights, and lot coverage shall be as specified in the Tables of Use and Dimensional Regulations By District.”**

**** Editor's Note: The Tables of Use and Dimensional Regulations By District are ~~consisting of Table I, Permitted Uses, and Table II, Accessory Uses,~~ is included at the end of this chapter.”**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 “Mobile Home parks.” to read as follows:

“170-20 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21 “Livestock, poultry and swine.” to read as follows:

“170-21 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-22 “Barber- and beauty shops.” to read as follows:

“170-22 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 “Gasoline and auto service stations.” to read as follows:

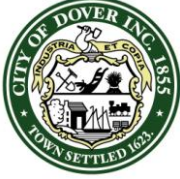
“170-23 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “Junkyards.” to read as follows:

“170-24 **Reserved**”

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25 “Roadside Stands.” to read as follows:

“170-25 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25. 1 “Three- and four-family dwellings” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25. 2 “Industrial Building Heights.” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.3 “Elderly Assisted Care Home.” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.4 “Congregate Care Facility.” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.5 “Nursing Home” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.6 “Group Home for Minors” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.7 “Adult Bookstore and/or Video Store, Adult Cabaret” in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-25.8 “Helicopter Take Offs and Landings” in its entirety.



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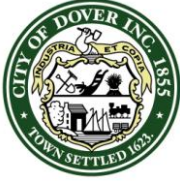
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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting TABLES OF USE AND DIMENSIONAL REGULATIONS, Table I, Part A, B, C1, C2, D, E, and F; Table II; Table of Dimensional Regulations; and Sign Review and Regulation Table, and replacing them with the following Tables of Use and Dimensional Regulations By District:

INSERT TABLES



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9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-15 “Open Space Requirements”, to by revising subsection D as follows:

“D. All open space requirements pursuant to this section shall not be binding in the **CBD, B-2, UMUD**, and CWD Zoning Districts. [Added 08-01-90 by Ord. No. 8-90]”

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-16 “Applicability of Table of Dimensional Regulations”, to read as follows:

“170-16 ~~Applicability of Table of Dimensional Regulations~~ **for Swimming Pools**
In Districts allowing 1 Family Dwellings, 2 Family Dwellings, and 3 – 4 Family Dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

- A. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a ~~picket~~ fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory building or structure may be used as part of the enclosure.
- B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. Applicability. The requirements of this chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of (18) inches shall fail to provide and maintain such fence or wall as herein provided.
- D. Appeals and hearings. The Board of Adjustment after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefore, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.
- E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Welfare.



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- F. Option to fence regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.”**

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-17 “Dimensional regulations for accessory structures”, and renumbering 170-17.1 as 170-17. *This information will be placed within the tables of dimensional regulations.*

AND

“170-17.4. Dimensional Regulations for Handicapped Accessible Additions.

Upon the discretion of the Building Inspector, **with consultation of the Zoning Administrator**, in all zoning districts a structure constructed for the express purpose of improving and/or providing accessibility to an existing building for physical and/or mentally challenged individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations provided that: (1) the structure cannot feasibly and practicably be constructed on the lot in compliance with the Table of Dimensional Regulations; (2) abutters to the property on which the proposed structure will be erected shall be notified by the Building Inspector prior to the issuance of the Building Permit; and (3) the structure must not create a hazard or detrimental impact to surrounding properties. [Added 08/14/93 by Ord. No. 17-93]”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-18 “Grant of special exceptions; conditions” as follows:

“170-18. **Grant of special exceptions; conditions.**

All uses identified in ~~this~~ **the Special Exceptions section of the Tables of Use and Dimensional Regulations By District** may be permitted only after a public hearing is held by the Zoning Board of Adjustment and an approval is granted there from. In issuing a special exception, the Zoning Board of Adjustment shall consider the requirements set forth **on the Tables of Use and Dimensional Regulations By District** ~~in this Article~~ in addition to the specific requirements of Article XII and the other sections of this chapter, as applicable. A special exception shall expire one (1) year after site plan approval has been granted by the Dover Planning Board if no building permit has been obtained pursuant to the special exception and site plan approval. **[Amended 08- 01-90 by Ord. No. 8-90]”**

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-19 “Uses in Thoroughfare Business District, B-3.” to read as follows:



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“170-19 Flexible Zoning in the I-1 District

A. Purpose and Intent

The Restricted Industrial District was created in 1949 as a zone around property that had industrial uses on it prior to the inception of Zoning in Dover. These areas of the City are surrounded by residential uses and are located in the urban core of the City. The properties have continued to be utilized in an industrial capacity, however this use may not be compliant with the surrounding uses, and a more context sensitive reuse may be more appropriate.

The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a neighborhood scale and the property could offer surrounding residents opportunities that do not exist today.

The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses.

B. Permitted Uses

The following uses are permitted:

1. **Principal Uses**
 - a. Two-family dwelling
 - b. Three to Four family dwelling
 - c. Multi-family dwelling (if part of a structure that includes non-residential uses, must be on the second floor or above)
 - d. Public and private utilities
 - e. Non-Residential uses are allowed as follows:
 1. Barber or Beauty Shop
 2. Bank
 3. Eating/Drinking Establishments (no Drive thru Service)
 4. Bed and Breakfast
 5. Office (excluding medical, dental or veterinary)
 6. Personal Service Establishment
 7. Retail store
 8. Theater
2. **Accessory uses**
 - a. Accessory uses typically associated with the above principal uses shall be allowed with the approval of the Planning Board at the time of site plan review.
3. **Conditional uses**



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The following uses listed in this section shall be considered conditional uses, subject to approval by the Planning Board per the provisions of RSA 674:21, "Innovative Land Use Controls." In order for the conditional uses to be permitted, the Planning Board must determine that the proposed use complies with the statement of purpose of this section and meets all of the provisions of the district.

- a. Medical, dental and veterinary offices.
- b. Commercial Recreation, including but not limited to health club, fitness center and recreation facilities, limited to no more than three (3) coin-operated amusement devices.
- c. Funeral homes
- d. Greenhouses
- e. Existing industrial uses allowed at the time the ordinance is approved.

C. Procedural Concepts

The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual lots must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and open space. Non-residential uses must exceed 49% of the original tract(s). Existing uses may contribute to the overall percentages.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60) applied to the Development Lot and not individually to the Internal Dwelling Lots.

For residential development of two family, three to four family and multi-family dwellings, that are to be constructed in new structures, density shall be based upon calculating the average density of all residential lots located in the City of Dover within 600 feet of the external lot line of the property. For multi-family dwellings that are to be constructed within or added onto existing structures the density shall be based upon calculating one unit per 4,000 square feet of existing building space.

The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-25.10 A. For the purposes of this section, development shall include: (1) construction of structures; (2) environmental remediation; (3) site preparation or demolition; (4) roadway utility or recreation and common area design and construction; and (5) bonding or other security for site development.

The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%)



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and fifty percent (50%) of the non-residential structures as negotiated between the Planning Board and the Developer.

Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period provided a request for extension is submitted before the expiration of the initial five-year phasing term.

1. Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling Lots in a flexible and creative manner. Dwellings shall be sited with a variety of setbacks to prevent the row house effect. The sum total of the permitted density shall not exceed the permitted density of the Development Lot or Legal Lot. Layouts may include individual lots or a cluster of units without lot lines.

Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

Residential layout shall reflect surrounding neighborhood design and should embrace traditional neighborhood features and philosophies. These include, but are not limited to tree lined streets, architectural details that encourage the feeling that the development is an extension of existing neighborhoods and not built separately. In addition to tree lined streets, developments shall incorporate natural materials in the building construction such as brick, wood and a composite material, such as fiber cement siding, as approved by the Board.

All residential development must adhere to architectural design guidelines. Development shall embrace the aesthetics of the existing neighborhood, within 500 feet of the external boundary line of the property. Embraced elements should include roof style, non-decorative porches, front stoops, and other architectural details. Chapter 149, section 14.L, may offer guidance in developing designs.

2. Nonresidential Development Plan Guidelines

The general character of the nonresidential structures within the Development Lot is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and signage. Materials used for new construction should be natural materials such as brick, wood and a composite material, such as fiber cement siding, as approved by the Board.



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Care should be taken to allow for transitional uses between the existing neighboring uses and any proposed uses. All commercial and other enterprises shall be limited to the following hours of operation: 6:00 a.m. -- 12:00 p.m. The Planning Board may further restrict the hours of operation of individual businesses, based upon anticipated usage, at the time of site plan approval.

Non-residential uses, permitted by this section, proposed to be contained within new structures shall be two or more stories and shall have residential units on the second floor or above to create a mixed use environment.

There may be only one (1) retail establishment selling general merchandise with a gross floor area of up to ten thousand (10,000) square feet. All other establishments shall have no more than five thousand (5,000) square feet of gross floor area, unless existing at the time of enacting of the ordinance.

The guidelines for this development are included in Chapter 149, section 14.2.

D. Standards and Regulations

1. Internal Roads

As part of the approval of the site plan review, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the street design criteria laid out in the City of Dover Code:

- a. Minimum Internal R.O.W.
 - i. Maximum residential: 35 feet
 - ii. Maximum Mixed use: 50 feet
- b. Minimum Pavement Width
 - i. Minimum residential: 20 feet
 - ii. Minimum non- residential: 28 feet
 - iii. Minimum sidewalk pavement width: 5 feet
 - iv. Minimum bike/Segway/golfcart path width: 5 feet
- c. Minimum Tangent Length at Intersections = 75 feet
- d. Maximum street angle at Intersections = 60 degrees
- e. Minimum centerline radius = 100 feet
- f. Minimum Tangent Length between reverse curves = 50 feet

2. Dimensional Requirements

- a. Setbacks
 - i. Minimum setbacks from the edge of pavement and between structures shall be calculated by determining the average setback front, rear and side setbacks of those structures within 500 feet of the external property boundary.
- b. Building height



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- i. To determine the residential building height, the applicant shall calculate the modal height of all residential structures, on the street side, within 500 feet of the external property boundary. The highest modal height shall be the maximum height and the lowest modal height shall be the minimum height.
- ii. For mixed use buildings, the height shall be a maximum of 45 feet.

3. Parking

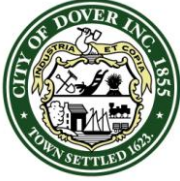
- a. All dwelling units shall require two independently accessible parking spaces per unit, except where multimodal transportation resources are provided. Non-residential uses shall comply with parking requirements defined by the zoning ordinance.
- b. Visitor parking shall be provided for each residential unit. The total residential spaces shall be calculated and an additional 5% of spaces shall be provided for visitors.
- c. Where mixed uses will be contained within a structure, parking shall be shared between the residential and non-residential uses.”

14. AMENDMENT

Amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by adding Chapter 170-27 “Conservation District” to read as follows:

“170-27. Conservation District.

- A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:
- (1) To prevent the development of structures and land uses on naturally occurring wetlands and flood- prone areas which would contribute to pollution of surface and ground water by sewage or other contaminants.
 - (2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.
 - (3) To prevent unnecessary or excessive expenses to the city to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.
 - (4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.
 - (5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.



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- (6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483B.
- (7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline. **[Added 5-13-87 by Ord. No. 11-87]**
- (8) To protect public health and safety by minimizing hazards, including soil erosion, storm water runoff, slope instability risks, and environmental degradation associated with development on steep and /or unstable slopes.**

B*. Location. The conservation District is hereby determined to consist of the following:

- (1)*Those areas within a minimum of one hundred (100) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water** of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water** of any freshwater river or natural pond. **[Amended 5-13-87 by Ord. No. 11-87]**
- (2) Those areas within a minimum of fifty (50) feet of the **reference line (as defined in RSA 483-B:4, XVII) mean high water** of any stream, brook or other freshwater body. **[Amended 5-13-87 by Ord. No. 11- 87; 9-14-88 by Ord. No. 15-88]**
- (3) Those areas owned by and situated in the City of Dover and known as lots:

Map 28, Lot 32; Map D, Lot 1; Map C, Lots 5, 7 and 12; Map H, Lots 58 and 63; Map 40, Lots 10A, 13, and 17; Map F, Lots 14 and 42; Map A, Lot 29A-1; and Map 37, Lot 40.

General Location	Lot No.
Garrison Hill	38-32
Smith Well – No Bottom Pond	D-4
Hoppers Well	C-12
Hoppers Well	C-7
Covered Bridge	C-5
Well No. 107	H-63
Ireland Well	H-58
Willand Pond	4-17, 40-13
Willand Pond	40-10, 40-10A, 10B

* **Editor's Note: Former Subsection B(1), which listed areas are delineated on portions of the Soil Survey of Strafford County, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also redesigned former Subsection B(2) through (5) as Subsection B(1) through (4), respectively.**



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Barbadoes Pond ————— F-42

- (4) Those areas with slopes in excess of twenty percent (20%), (e.g. four feet vertical in twenty foot horizontal distance) and totaling more than 2,000 square feet of contiguous area. [Added 5-13-87 by Ord. No. 11-87]

C*. Conditional Use Permits. Conditional Use Permits may be granted by the Planning Board for the following uses within the Conservation District: [Amended 08-01-90 by Ord. No. 8-90; Amended 02-17-99 by Ord. No. 25-98]

- (1) Streets, roads and other accessways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.
- (2) [Amended 5-13-87 by Ord. No. 11-87] The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, provided that:
- (a) The applicant shall demonstrate that the proposed use is essential to the productive use of land not in the district; is located and constructed to minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district; and economic advantage alone shall not be deemed a sufficient reason for such proposed use.
- (b) A soil erosion and sedimentation control plan is submitted **and followed** to verify the planned avoidance of **sediment pollutant runoff to erosion along** bodies of water. **This plan will address the following (if applicable), but should not be limited to: 1) stabilization of exposed soils and soil stockpiles; 2) protection of steep slopes from erosion; 3) construction site waste management; 4) inspection and maintenance of runoff control measures (BMPs); 5) minimization of land clearing; 6) stabilization of drainage ways; 7) installation of perimeter controls; 8) installation of sediment trapping devices; and 9) storm drain inlet protection.**
- (c) ~~(b)~~ Necessary state and federal approvals have been **applied for**. **Said permits shall be received prior to the issuance of the Conditional Use Permit by the Planning Department.**

* Editor's Note: Former Subsection C(3), which provided that a special exception may be granted if the proposed development has received preliminary site approval from the Planning Board, added 4-27-83 by Ord. No. 12-83, was repealed 1-28-87 by Ord. No. 1-87.



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- (d) ~~(e)~~ A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. **The Commission's review shall address the following, but is not limited to: 1) attempted avoidance of the impact; 2) minimization of the impact; 3) planned mitigation of the effects of the impact; and 4) efficacy of the soil erosion and sedimentation control plan. [Amended 08-01-90 by Ord. No. 8-90]**

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a lot or parcel or leave as a remainder a lot or parcel which does not have, outside the Conservation Zoning District, an area equal to the minimum lot size or one (1) acre, whichever is less. The Zoning Board of Adjustment may grant an exception to this rule if such a lot or parcel is to be permanently dedicated to open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity.

E. Other provisions.

- (1) Reference is hereby made to RSA 483-B, the **Comprehensive Shoreland Protection Act A**, as amended, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases the more restrictive law should apply.
- (2) In all cases where the Conservation District is superimposed over another zoning district in the city, that district whose regulations are the more restrictive shall apply.
- (3)* The Conservation District adopted herein is hereby designated as open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use assessment of such property shall apply.
- (4) *The provisions of RSA 483-B:9, V(a) shall apply to the portions of the "Conservation District" as described in Subsections B (1) and B (2), that are within fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) ~~mean~~ high water. Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings. In the "Conservation District" as described in Subsection B (1) and (2), the provisions of RSA 483-B:9-V(a) shall apply. Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, restrictions on removal of ground cover, and limitations on removal of trees and saplings.* (4) In areas herein defined as the "Conservation District," the cutting of trees shall be limited to no

* **Editor's Note: Former Subsection E(3), which provided that, in the event of incorrect designation of an area on the Conservation District map, and presentation of evidence to that effect, the appropriate uses would be permitted and/or prohibited, was repealed 9-14-88 by Ord. No. 15-88, which ordinance also renumbered former Subsection E(4) through (10) as Subsection E(3) through (9), respectively.**



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~~more than fifty percent (50%) of the basal area within a ten-year period. A continuous area of tree cover shall be maintained. [Added 5-13-87 by Ord. No. 11-87]~~

- (5) *The provisions of RSA 483-B:9, V(b) shall apply to the portion of the "Conservation District" as described in Subsection B (1), that is between fifty (50) and one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) mean high water. Limitations include restrictions on the amount of vegetation that can be removed within the area.***
- ~~(6)~~ (5) Upon the discretion of the Building Inspector, a structure may be erected within the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the mean high water mark, provided that: **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
- (a) The lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.
- (b) The structure cannot feasibly be constructed on a portion or portions of the lot which are outside the one-hundred-foot setback of the Conservation District.
- ~~(7)~~ (6) Upon the discretion of the Building Inspector, a structure located within the Conservation District, as described in Subsection B(1) and (2) and existing prior to the effective date of this subsection, may be increased up to twenty percent (20%) in area, provided that the enlarged structure at no point falls within seventy-five (75) feet of the ***reference line (as defined in RSA 483-B:4, XVII) mean high water.*** **[Added 5-13-87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
- ~~(8)~~ (7) Customary accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than seventy- five (75) feet to the ***reference line (as defined in RSA 483-B:4, XVII) mean high water*** **[Added 5-13- 87 by Ord. No. 11-87; amended 9-14-88 by Ord. No. 15-88]**
- ~~(9)~~ (8) Projects which have been officially accepted by the Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein. **[Added 5-13-87 by Ord. No. 11-87]**
- ~~(10)~~ (9) Land area contained within the Conservation District can be counted in determining the gross land area of a tract, lot or parcel. **[Added 5-13-87 by Ord. No. 11-87]**
- (11) (40) The Planning Board may assess the applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.**
- (12) (41) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.**

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront lots located in Urban Exemption Area, as approved by the NH Department of Environmental Services Commissioner on August 4, 2008, per File # 2008-00372. (See map on file in the Planning Department) ~~F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront lots~~



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located in the B-2, UMUD and CWD Zoning Districts, provided that any proposed development actively integrates and makes use of the Cochecho River waterfront resource.
[Added 1-28-87 by Ord. No. 1-87]

G. Boat Docks. [Added 02-17-99 by Ord. No. 25-98]

1. A boat dock may be allowed on a residential lot, provided that the following provisions are met:
 - (a) The dock is for recreational and accessory use only.
 - (b) One (1) dock is allowed per lot.
 - (c) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986 amendment posting date for the purpose of providing water access to nonwaterfront lots, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.
 - (d) All applicable state and federal approvals have been received.
 - (e) A dock may be provided a maximum space for two (2) slips. Joint use or private docks by adjoining waterfront residents, not to exceed two (2) slips per lot, shall be encouraged when appropriate.”

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1, Wetlands Protection District, to read as follows:

“170-27.1. Wetland Protection district. [Added 9-14-88 by Ord. No. 15-88; amended 01-22-03 by Ord. No. 35-02]

- A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the alteration or destruction of wetland areas.
- B. Purpose and intent. It is intended that this section shall:
 1. Prevent the development of structures and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.
 2. Prevent the destruction of, or significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
 3. Protect unique and unusual natural areas and rare, **threatened**, and endangered species.
 4. Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA ~~482-A:1 483-A-1-B~~.
 5. Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.



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6. Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.
 7. Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
 8. Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.
 9. Avoid the high costs of constructing heavy structures and prevent damage to structures and abutting properties caused by inappropriate development in wetland areas.
- C. District boundaries.
1. The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by **RSA 482-A:2, X** and New Hampshire Administrative Rule Wt 101.103 88, which states a “Wetland’ means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and **similar** areas ~~where the tide ebbs and flows.”~~
 2. ~~The Wetlands Map, which is on file at the Planning Department and the City Clerk's office at City Hall, illustrates the general location of these soils for informational purposes but does not depict the exact boundaries of Wetland Protection Districts for the purpose of this section.~~
 2. For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Wt. 301.01 or successor regulations.
 3. "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "1986 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."
- D. Procedural requirements.
1. Presence of Wetland Protection District on site.
 - (a) Where ~~maps or~~ field investigation indicates that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. **Pursuant to RSA 310-A:75 through**



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310-A: 87, a Certified Wetland Scientist ~~certified wetlands scientist~~ shall conduct this delineation.

- (i) **A Certified Wetland Scientist** ~~(1) A certified wetland scientist~~ is defined as: “a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board.” (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.
- (b) Applications for a building permit, subdivision and site plan approval shall locate and depict on the survey/subdivision plat/site plan all Wetland Protection Districts on the subject parcel. Any applicant seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.
- (c) **The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities.** ~~The applicant may also be required to place a permanent monument (e.g., iron pin with unique color cap) at all points of the lot lines which intersect with the upland limit of the Wetlands Protection District prior to such activities. These monuments shall be shown on the site plan submitted with the application.~~ The applicant may also be required to ~~affix tags to trees or other durable objects (e.g., 4” x 4” wood posts)~~ **place and maintain wooden stakes and/or construction tape at 50-foot appropriate intervals along the wetlands buffer boundary and maintain said tags as needed** to provide sufficient visual evidence of the buffer boundary ~~during construction, if development is proposed within twenty feet of the wetlands buffer. The applicant may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and Planning Board, for the purpose of notifying future landowners of the presence of the wetlands buffer. Tags shall be obtained from the municipality.~~ The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel’s deed.
- (e) ~~Upon detection, all areas of wetlands on a lot shall be delineated via marker flags and documented in the parcel’s deed.~~



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~~(2) The Planning Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval.~~

2. **The Planning Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A: 3I(d) and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to the wetlands impact application. The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.**
3. In the event that the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the Planning Board for a boundary determination. The applicant shall pay the cost of said services.
4. The Building Inspector shall not issue a building permit for construction and the Planning Board shall not approve a site plan or subdivision plat unless such construction activity or proposal conforms to the provisions of this ordinance.
5. Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more- restrictive requirement shall control.
6. The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

1. Any use otherwise permitted by the City Zoning Ordinance, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E(1) must first receive conditional use approval as provided for in Section F before any building permit or subdivision/site plan can be approved.
 - (a) Crossing of a Wetland Protection District as provided for in Section F(1).
 - (b) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:
 - i ~~{H}~~ Said structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).
 - ii ~~{Z}~~ The natural contour of the wetland is preserved.



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iii ~~f3~~ All other applicable provisions of the city's Zoning Ordinance have been met.

F. Conditional use approval.

1. Conditional use approval may be granted by the Planning Board (RSA 674:21II) after proper public notice and public hearing, for **construction within the crossing of the Wetland Protection District or buffer. Said construction may include, but is not limited to by a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, structures, and parking lots** provided that the proposed construction complies with the following standards:

- (a) **Demonstration of Need:** The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.
- (b) **Avoidance:** The potential impacts have been avoided to the maximum extent practicable. The applicant will demonstrate by plan and example that the proposed construction represents the least impacting alternative.
- (b) ~~Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.~~
- (c) **Minimization:** Any unavoidable impacts have been minimized. No reasonable alternative to the proposed construction exists which does not **impact cross or alter** a wetland or which has less detrimental impact on a wetland. **Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.**
- (d) **Mitigation:** ~~For permanent impacts to Approval for the Wetland Protection District, greater than 10,000 square feet, that will remain after avoidance and minimization measures have wetlands impact has been addressed, received from the applicant shall submit a compensatory mitigation proposal, NHDES Wetlands Bureau pursuant to Section F (2)G(3), below. The Planning Board may require the applicant to provide a compensatory mitigation proposal for permanent impacts to the Wetlands Protection District or buffers less than 10,000 square feet. If the applicant is required by State rules to prepare a compensatory mitigation plan, the applicant shall provide the Conservation Commission and Planning Board with one copy each of said plan for their review.~~
- (e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G(3), below.

- (2) Conditional use approval also may be granted by the Planning Board for development in the Wetlands Protection District. To obtain such an approval, the applicant shall perform or cause to have performed a functional evaluation of the wetlands on which development is proposed. Said functional evaluation shall examine the wetland in terms of the four (4) following criteria: flood control value; ecological integrity; nutrient retention and sediment trapping value; and groundwater use potential. The functional evaluation shall be performed in accordance with the procedures outlined in the



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"Wetland Evaluation Handbook for the City of Dover" which is on file in the office of the City Clerk and Planning Department in City Hall. If three (3) or more of the criteria being evaluated for a particular wetland have a functional value index (FVI) below five-tenths (0.5), the proposed use may be permitted by the Planning Board, provided that all other provisions of this section have been satisfied. If the wetland has an FVI of five-tenths (0.5) or greater for two (2) or more of the criteria, the proposed use shall not be permitted.

~~2. Conditional use approval also may be granted by the Planning Board for development in the Wetlands Protection District and buffers as outlined in Section F(1)(d). To obtain such an approval, the applicant shall perform or cause to have performed a functional assessment of the wetlands on which development is proposed using the US Army Corps of Engineers, New England District Highway Methodology Workbook Supplement, 1999 Edition. The Planning Board may use this assessment to determine wetland impact mitigation measures for conditional use approval, taking into consideration recommendations of the Conservation Commission pursuant to Section D(2).~~

~~(3) The burden of proof that the conditions specified in Subsection F(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided. Regarding a development proposed for a parcel of land smaller than ten (10) acres, the applicant shall provide a Site Specific Soil Map, and the City of Dover shall conduct the evaluation in accordance with the Wetland Evaluation Handbook.~~

3. The burden of proof that the conditions specified in Subsection F(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

~~(4) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.~~

4. The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

~~(5) For the purposes of evaluating wetlands and granting conditional use permits, the Planning Board may divide a Wetland Protection District into smaller study areas, allowing different evaluations to be assigned to the various study areas and allowing a conditional use permit to be approved for certain study areas and not for others.~~

5. If deemed necessary by the Planning Board, prior to the granting of a conditional use approval, the applicant shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the Planning Board. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

6. The Planning Board may assess the applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.



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G. Specific provisions.

1. Wetland Buffers.

~~(1) Any construction altering the surface configuration of the land, shall be set back at least fifty (50) feet from a Wetland Protection District. The Planning Board may approve construction within this fifty (50) setback area in accordance with Section E(1), above. [Amended 08-01-90 by Ord. No. 8-90]~~

(a) **Buffers Established.** Buffers are hereby established around and encircling all wetlands other ~~2) No septic tank or leach field may be constructed or enlarged closer than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches.~~ The minimum width of the wetland buffers shall be fifty (50) ~~seventy-five (75) feet~~ horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above. ~~any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient lot size to place a house, a state approved septic system, where applicable, and a state approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the Planning Board.~~

(b) **Natural Conditions to be Maintained within Buffers.** Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover Building Permit that includes a temporary disturbance of wetlands buffers, pursuant to Section G (1)(e)(4) below, shall include a “Wetlands Buffer Encroachment and Restoration Plan”. Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the “Wetlands Buffer Encroachment and Restoration Plan”. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.



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- (c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:
- i. The establishment or expansion of salt storage, junk yards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
 - ii. The bulk storage of chemicals, petroleum products, or toxic and hazardous materials;
 - iii. The dumping or disposal of snow and ice collected from roadways and parking lots;
- (d) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:
- i. All uses not specifically prohibited in Section G (1)(c) above, or specifically exempted in Section G (1)(e) below.
 - ii. The erection or construction of a building or structure, excluding fences that meet the requirements of 170-33, or the construction of parking lots or loading areas.
 - iii. Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.
 - iv. The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.
 - v. The installation of water, sewer, or buried electrical or telecommunications cables.
 - vi. The installation of water-supply wells.
- (e) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:
- i. Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 303.05(a) – repair of an existing legal structure; or successor rules.
 - ii. The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.
 - iii. The installation of monitoring or test wells completed in accordance with NHDES Rules Env-Wt 303.05(p) or successor rules.
 - iv. Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover Building Permit, provided the temporary disturbance is restored in accordance with Section G(1)(b) above.
2. No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved



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subsequent to adoption of this section, there must be sufficient lot size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. **This provision can be waived if a conditional use approval is obtained from the Planning Board.**

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA ~~482 483~~-A).

H. Filled lands and preexisting uses.

1. Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for building permit or subdivision is made.
2. Structures and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this chapter.

I. Exemption for one- and two-family residential structures, existing lots, ~~impoundments~~ and maintenance dredging.

1. Notwithstanding other provisions of this chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or **buffer set-back**, provided that:
 - a. The dwelling(s) lawfully existed prior to the effective date of this section;
 - b. The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and **any required State of New Hampshire Dredge and Fill Permit is obtained.**
 - c. The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.
2. Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or **buffer set-back**, on an existing lot, provided that all of the following conditions are found to exist:
 - a. The lot for which an approval/permit is sought was an official lot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.
 - b. The structure for which the approval/permit is sought cannot be feasibly built on a portion or portions of the lot, which are outside the Wetlands Protection District.
 - c. Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the lot can be made without the exemption.



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- d. The design and construction of the proposed structure will, to the extent practical, be consistent with the purpose and intent of this ordinance.
 - e. The proposed structure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.
 - f. The design and construction of the proposed structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence and/or hay bales to contain erosion of the construction site.
3. **Maintenance** ~~Water impoundments with related structures and maintenance~~ dredging for navigational purposes (where a dredge spoil site has been approved by the Planning Board) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire **Department of Environmental Services Wetlands Board, New Hampshire Water Supply and Pollution Control Division** and the United States Army Corp. of Engineers shall be submitted to the Planning Board prior to construction.
4. The burden of proof that the conditions specified in Subsection I(1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.
- J. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.”

16. AMENDMENT

Amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by revising Chapter 170-27.2 to read as follows:

“170-27.2. Transfer of Development Rights. [Added 10-31-90 by Ord. No. 16-90; amended 01-22-03 by Ord. 35-02]

A. Authority. By the authority granted under NH RSA 674:21, this section creates overlay district(s) for the purpose of transferring development rights (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing



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the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving open space.

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

~~D. Definitions.~~

~~Development Rights – The legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by the City of Dover Zoning Ordinance.~~

~~Landscaped area – An area unoccupied by pavement or structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.~~

~~Open Space – Land that is not built upon or substantially altered by human activity including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and waterbodies.~~

~~Receiving Area – A defined area within a TDR district to which development rights are transferred resulting in more efficient and intense use of suitable development sites.~~

~~Sending Area – A defined area within a TDR district from which development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.~~

~~Transfer of Development Rights – The conveyance of the development rights of a parcel of land by deed or other legal instrument approved by the Planning Board to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.~~

~~TDR District – An area defined as a zoning overlay district, which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.~~

~~D-E. Districts Defined.~~

(1) The Industrial TDR District is hereby determined to be any I-4 or B-4 Zoning districts as shown on the Zoning Map for the City of Dover, New Hampshire, adopted May 25, 1979. The sending Area is defined to be open space and related



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setbacks as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in be any I-4 or B-4 Zoning districts. The receiving area is defined to be all remaining land in be any I-4 or B-4 Zoning districts.

(2) The Residential TDR Districts are hereby determined to be Residential districts as shown on the Zoning Map for the City of Dover, New Hampshire, adopted May 25, 1979. The sending area is defined to be **any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts**. The receiving area is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

E F. Procedural Requirements.

(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards specified in subsection G below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in subsection H below.

(2) A certified boundary survey of the associated land in the sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the receiving area. **For residential application, proof of previous preservation by within the City of Dover is required.**

(3) The owner of the subject open space within the sending area of the TDR district shall sign all application materials as a co-applicant of the development application. **For residential application, proof of an agreement to sell development rights must be provided by the Conservation Commission.**

(4) A sketch plan estimating layout of the development site and identifying the open space associated with the plan shall be submitted to the Planning Board for review at a regularly scheduled meeting. The Planning Board, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated open space within the sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.



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F G. Industrial Performance Standards.

(1) Land within a sending area, when surveyed, approved by the Planning Board and preserved by easement or covenant as specified in subsection E above, may be counted for the open space requirement for a development site in a receiving area. The amount of land preserved in a sending area shall equal or exceed the open space requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and B-4 zoning districts shall maintain open space or landscaped area on at least ten (10) percent of the site. The design of the development site shall locate the open space or landscaped area to maximize the aesthetic value of the site.

(2) The minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(3) The minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.

(4) Setbacks for parking, paved areas, **wetlands**, and buildings may be waived by the Planning Board, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, buildings shall be at least 150 feet from residential structures that exist on the date of enactment of the I-4 and B-4 Zoning districts, and 75 feet from the lot line of a disagreeing residential abutter.

(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting, that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or open space around the perimeter of the site, near the proposed buildings, and within the parking lot that promotes the highest possible aesthetic quality of the development.

G H. Residential Performance Standards.

1. A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERRING DEVELOPMENT RIGHTS.

a. Private land transfer method

i. For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be



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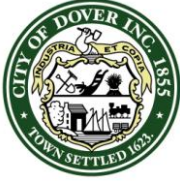
a parcel of at least 5 acres, and developable under the existing land use regulations.

- ii. Land within a sending area, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the Planning Board and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot size requirement for a development site in a receiving area. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.

b. Land bank method

- i. For land in the sending district to be eligible for a **TRANSFER OF DEVELOPMENT RIGHTS**, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.
 - ii. Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.
 - iii. Proceeds from the purchase of development rights, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.
2. **Regardless of the method utilized, the transfer shall equate to 1 unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to 1 unit per third of an acre preserved. A minimum of 3 acres shall be purchased.**
 3. **Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.**
 4. **Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.**
 5. **Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity:**
 - a. Is consistent with the Master Plan
 - b. Is not incompatible with the land uses on neighboring lots

H I. Conditional Uses.



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7. The Planning Board may grant conditional use permits to allow streets, roads, utilities, or other infrastructure improvements to cross wetlands within the receiving area of the TDR District, provided said infrastructure is essential to the productive use of land within the receiving area of a TDR District, and further provided that no possible location exists for said infrastructure in non-wetland areas.”

17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District, Subsection D “Permitted Uses” Subsection 1 to read as follows:

1. Principal Uses

- a. Housing for older persons as that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2) and the regulations adopted there under in the following settings:
 - i. Single-family dwelling
 - ii. Two-family dwelling
 - iii. Three to Four family dwelling
 - iv. Multi-family dwelling
 - v. Mobile home parks (permitted outright without a special exception)
- ~~b. Nursing Homes~~
- ~~c. Congregate care facilities~~
- b. Public and private utilities
- c. Non-Residential uses as allowed as follows:
 - i. Any use allowed in the underlying zone that is compatible with housing for older persons
 - ii. Barber or Beauty Shop
 - iii. Bank
 - iv. Eating/Drinking Establishments (no Drive thru Service)
 - v. Bed and Breakfast
 - vi. Office
 - vii. Retail store
 - viii. Theater
 - ix. Adult Day Care
 - x. **Nursing Homes (In areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 sq. ft. of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 sq. ft. of land)**
 - xi. **Congregate Care Facilities (In areas not serviced by City water and sewer utilities at a density of one unit per 10,000 sq. ft. of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 sq. ft. of land)**
 - xii. Other uses compatible with housing for older persons



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- xiii. Non-residential uses in existence at the adoption of this ordinance on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2, Residential-Commercial Mixed Use (RCM) Overlay District, Subsection E “Procedural Concepts” Subsection 1 to read as follows:

“1. Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling Lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the Development Lot or Legal Lot. Layouts may include individual lots or a cluster of units without lot lines.

Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2).

All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs, and architectural shingles. The guidelines for this development are included in Chapter 149, section 14.2.

All mobile homes shall adhere to the standards outlined in Chapter 126, Mobile Home Parks, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126- 7.H which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay District and the provisions of Chapter 126, “Mobile Home Parks”, the provisions of the Overlay District shall apply.”

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.3 “Groundwater Protection” Subsection E (2) to read as follows:



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(2) The Building Inspector shall not issue a building permit for development or land use activities until such time as he verifies **with the Zoning Administrator** that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning Department as he deems necessary.

19. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-28.6 “Telecommunication Facilities” Subsection D and renumber the remaining subsections.

20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.7, Impact Fee Ordinance, to read as follows:

“170-28.7 Impact Fee Ordinance. [Added 01-22-03 by Ord. No. 35-02]

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

- Promote public health, safety, convenience, welfare, and prosperity;
- Insure that adequate and appropriate public facilities are available; and
- Provide for the harmonious development of the City and its environs.

For consideration in lieu of above:

- 1. Assist in the implementation of the Master Plan and Capital Improvements Program;**
- 2. Provide adequate public capital facilities necessitated by new development;**
- 3. Assess an equitable share of the cost of public capital facilities to new development.**

B. Authority

1. Impact fees may be assessed to new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by new development in the City of Dover. Any person who seeks ~~a building permit~~ **approval** for new development may be required to pay an impact fee in the manner set forth herein.
2. The Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an applicant to pay an ~~exaction for off site improvements necessitated~~ **impact fee for**



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~~the applicant's proportional share of off-site improvements to public facilities affected by the development.~~

3. Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the Planning Board's authority to require off-site work to be performed by the applicant, in lieu of paying an ~~impact fee~~ **exaction for off-site improvements**, or the board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. Assessment Methodology

1. Proportionality: The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefore.
2. Existing Deficiencies: Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

D. Administration

1. Accounting: In accord with RSA 673:16, II and RSA 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

2. Assessment and Collection

- a. **Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of four years from the date of Planning Board approval. Once this four-year period has expired,**



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remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time the building permit application is made. ¹

- b. With the exception of those plats and site plans meeting the conditions in (A) above, and when no other Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed upon the issuance of a building permit. In such cases, the impact fee schedule in force at the time of the building permit application shall apply.
- ~~c.~~ c. Impact fees will be collected prior to or at the time of issuance of a building permit, unless the Planning Board establishes an alternate, mutually acceptable schedule of payment of impact fees imposed on an assessed property. If an alternate schedule of payment is established, the Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of impact fees. In no case will an impact fee payment be allowed to be made after the issuance of a certificate of occupancy.

~~3.~~ Assessment: All impact fees imposed pursuant to this section shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development, as determined by the Building Inspector.

3. Security: In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.
- ~~4.~~ Collection: Impact fees shall be collected as a condition for the issuance of a certificate of occupancy; provided, however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the City has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the City may advance the time of collection of the impact fee to the issuance of a building permit. Nothing in this section shall prevent the Building Inspector, with the approval of the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment.
4. Refund of Fees Paid: The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:
 - a. When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was

¹ See NH RSA 674:39 with respect to its provisions regarding impact fee assessment.



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collected within a period of six (6) years from the date of the full and final payment of the fee; or

- b. When the City of Dover, or in the case of school impact fees, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-impact fee share of related capital improvement costs.

E. Appeals

A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board.

In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15, as amended.

F. Waivers

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

1. An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.
2. A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this ordinance. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the four year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed.
3. The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its



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acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.”

21. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29.2 “Definitions” to read as follows:

“170-29.2. ~~Definitions~~ **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-30.3 “Application Submission Items” subsection A by adding item 19 to read as follows:

“19. All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.”

22. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection B to read as follows:

“B. Permitted signs. No sign shall be permitted within the City of Dover, except in accordance with the provisions of this section. See ~~table~~ **Tables of Use and Dimensional Regulations By District** for overview of permitted signs.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 1(a) and (d) to read as follows:

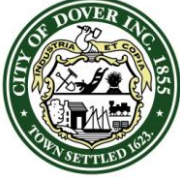
“(a) ~~Political Election~~ **Political Election** Signs. ~~Political Election~~ signs shall be regulated as required in Subsection M.”

“(d) Non-profit, public benefit and/or municipality related temporary signs with consent of the Zoning Administrator.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 5 (a) to read as follows:

“(a) FLASHING SIGNS ~~as defined in Section Q~~ are prohibited. [Added 03-21-07 by Ord. No. 01-2007]



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection D 9 to read as follows:

“(9) Temporary A-frame, portable or wheeled sidewalk or curb signs are prohibited, except as otherwise provided in this section. Refer to Subsections ~~F(4)~~ **G (2)** and P(3). ~~and (7)~~.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection F 2 (a) to read as follows:

“(a) Where a principal building fronts on more than one (1) street, one (1) freestanding sign may be erected for each frontage, ~~provided that the building complies with Subsection F(2)(a).~~”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection F 3 (f) to read as follows:

“(f) A hold-harmless ~~agreement~~ **certification letter** shall be filed with the ~~Building Inspector~~ **Zoning Administrator** to relieve the City of Dover from bodily injury and property damage liability.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection G 2 (c) to read as follows:

(c) The property owner shall be required to execute ~~an indemnification agreement~~ **a hold harmless certification letter** in a form approved by the City Attorney for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary sign. All such agreements shall be kept on file in the ~~Building Inspector's~~ **Department of Planning and Community Development** Office.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection L 2 (c) to read as follows:

(c) The property owner shall be required to execute ~~an indemnification agreement~~ **a hold harmless certification letter** in a form approved by the City Attorney for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary sign. All such agreements shall be kept on file in the ~~Building Inspector's~~ **Department of Planning and Community Development** Office.



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection M by replacing any use of the phrase “Political” with “Election”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection M, Subsection 6 to read as follows:

“(6) Any candidate failing to comply with the above requirements shall be subject to a fine not to exceed ~~twenty~~ **fifty** dollars (~~\$20.~~ **50**) per sign violation.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection O 3 to read as follows:

“(3) If the nonconforming sign is replaced, it shall be replaced **in total** with a sign that is in conformance with the provisions of this section.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection P 3 to read as follows:

“(3) Sign location. The physical placement of signage on a building shall be as important in perpetuating the mill motif theme as the sign composition itself. To maximize the effectiveness of signs and a building's architecture, every sign shall be required to be an integral part of its building. Signs shall be located with respect to the basic architectural framework of the building, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a building's framework. Refer to Subsection ~~OE~~(4)(e) for graphic guidelines.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” Subsection Q to read as follows:

“Q Fees: Fees for the review of signage are set annually and may be found in the City’s Fee Schedule.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” by deleting Subsection R.



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23. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “Fence review and regulations” Subsection C to read as follows:

“C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (~~B-2-CBD~~), Office (O), **and** Cochecho Waterfront (CWD) ~~and Urban Multiple Use (UMUD)~~ Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to the Zoning Ordinance, requires for screening purposes a fence exceeding six (6) feet.”

24. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-41 “Nonconforming Structures” by adding subsection E to read as follows:

E. The above notwithstanding, if a lot meets the requirements of Chapter 170-14, any additions or accessory structures may be allowed to meet the side yard setbacks outlined therein.”

25. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-44 “Applicability” Subsection H to read as follows:

“H. In the ~~B-2, UMUD~~ **CBD** and CWD Zoning Districts, **none of the** on-site parking standards ~~recorded in Section 170-45 of this chapter~~ shall not be binding except in such cases where new construction is proposed that would create additional building square footage; and **or when** conversions or changes of use that **would** result in an increase **in the number** of residential units.

Parking spaces required in ~~B-2, UMUD~~, **CBD** and CWD Zoning Districts may be located off-site within 1000 feet of the proposed use. The spaces may be located in a municipal parking lot and leased from the city, or leased from a private landowner. Lease agreements are subject to Planning Board approval, and must have a minimum duration of five (5) years, and have provisions for renewal at expiration. [Added 9-24-80 by Ord. No. 15-80; amended 3-30-83 by Ord. No. 5-83; 6-10-87 by Ord. No. 13-87; amended 08-01-90 by Ord. No. 8-90]

26. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-45 “Required Spaces” to read as follows:

“170-45. Reserved”

27. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-48 “Building Permit Procedure.” to read as follows:

“170-48 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-49 “Certificate of Occupancy” to read as follows:

“170-49 **Reserved**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-50 “Building Permit Fees” to read as follows:

“170-50 **Reserved**”

28. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment” Subsection D (1) to read as follows:

(1) Rehearing. Within ~~twenty (20)~~ **thirty (30) calendar** days after any order or decision of the Board, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefore; and the Board may grant such rehearing if, in its opinion, good reason therefore is said in such motion.”

29. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-53, Amendment Procedure, to read as follows:

“170-53. Amendment Procedure.

A. Power to Amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this ordinance.

B. Initiation of Amendments. Amendments may be initiated by the City Council, the Planning Board, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Consideration of a Proposed Amendment.



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(1) **Amendments Initiated by the Planning Board.** The Planning Board may, upon its own initiative, from time to time, consider amendments to the Zoning Ordinance or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Section D below.

(2) **Amendments Initiated by the City Council.** The City Council may, upon its own initiative, from time to time, consider amendments to the Zoning Ordinance or Zoning Map. All such City Council initiated amendments shall be referred to the Planning Board for its review and study. The referral shall be made in writing by the Mayor. The Planning Board shall, after following the public notice and hearing requirements contained in Section D below, submit written recommendations regarding the amendments to the City Council within sixty (60) days of their referral.

(3) **Amendments Initiated by Dover Citizens or Property Owners.** Dover citizens or owners of property in Dover submitting amendments to the Zoning Ordinance or Zoning Map, shall forward their proposed amendments to the Planning Board for its consideration and recommendation. Such submission shall contain the information required by Section E below. The Planning Board shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Section D below, can be met. After the public hearing, the Planning Board shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.

D. Public Notice and Hearing Requirements.

(1) **Public Notice.** Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. Notice of the public hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site.

(2) **Notice to Landowners and Abutters.** Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least ten (10) days prior to the scheduled public hearing date.

(3) **Text of Notice.** All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.

E. Submission Requirements for Petitioned Amendments.



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A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

1. A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;
2. A statement of the purposes and intent of the proposed amendment;
3. A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and neighborhoods;
4. A map showing the existing zoning districts and the amendments to these districts as propose in the amendment, if applicable;
5. The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;
6. A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within 100-feet of the subject area. The list shall be current within ten days of submittal; and
7. A non-refundable fee in the \$50.00 to cover the cost of the newspaper notice, and a non-refundable fee of \$1.00 per landowner and abutter required to be notified per Section D(2).

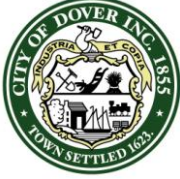
F. Criteria for Planning Board Review of Proposed Amendments.

The Planning Board shall provide to the City Council a report on each proposed amendment. The report of the Planning Board shall include the Board's findings and recommendations on the following:

1. The consistency of the proposed amendment with the Master Plan;
2. The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;
3. The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;
4. The effect of the proposed amendment on the natural, environment, and historical resources of the City;
5. The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;
6. The effect of the proposed amendment on the City's economy and fiscal resources; and
7. The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

G. City Council Action on Proposed Amendments.

- (1) Setting a Hearing Date. Upon receipt of the Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the 60-day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Section D.



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(2) Waiver of Notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one (1) of the zoning districts established by 170-7 of this chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Section D (1) of this section be waived.

(3) Action on the Proposed Amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the Planning Board recommendations unless by a vote of not less than two-thirds (2/3) of its membership present and voting.

(4) Protest Petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of two-thirds (2/3) of the City Council members present shall be required.”

Recommendations – 2009 review

This section will provide a direction for growth and community development

Dover first adopted a Master Plan in 1963, and since that time has evolved from a community centered on manufacturing to a city boasting a reemerging downtown and varied housing opportunities. The residents of Dover have a strong sense of community and a shared vision for Dover's future, which includes development and redevelopment that is focused on creating an inviting and vibrant cultural, commercial, and residential experience.

The recommendations presented within this update are based in the theory that development should be aware of the context surrounding it. The following recommendations focus on redevelopment of existing parcels and encourage the continued use and improvement of the community's built environment. Further, the recommendations reflect the desires of the community that were collected through the community outreach programs of this Committee. Lastly, the recommendations are reflective of the evolution of attitudes and desires for development which respects nature and wishes to evolve in a sustainable fashion.

Housing Trends

STATUS

Completed 2008

Downtown
rezoning (FBC)

Completed 2008

Dimensional group

Residential

R1 – Eliminate the existing “density bonus” allowances (Chapter 155-22.D1) in the Open Space Subdivision Regulations and consider incentives based on Landscaping, Building Materials, *LEEDS* Certification, and other environmentally progressive requirements.

R2 – Adopt *Traditional Neighborhood Development* and *Transit Orientated Development* Ordinances as alternatives to traditional zoning for both urban infill and new development projects.

R3 – Designate offsite recreational contributions on downtown projects for downtown recreation facilities, such as the Community Trail project.

R4 – Amend the *Residential Transfer of Development Rights* ordinance to consider a “*land bank*” as opposed to a market driven model.

Dimensional group

R5 – Revise setbacks to create a minimum building area to incorporate expandability options and to further protect the wetlands buffer.

Completed 2008

R6– Require a Fiscal Impact Analysis for all residential projects which create a public road.

Staff has attended workshops with local agencies

Affordable Housing

AH1 – Form partnerships with developers to provide creative regional solutions which promote workforce housing development that keeps pace with changes in population and job growth.

AH2 – Support education and advocacy about regional housing issues.

AH3 – Continue healthy mix of single family (detached and attached), multi-family and mixed use development.

To be completed 2009/2010

AH4 – Create a separate Housing Chapter of the Master Plan.

Non-Residential

Environmental group

Commercial/Retail

C1 – Make *previous surfaces* mandatory in projects where there is over 1 acre of paving.

Dimensional group

C2– Add commercial/retail zones to sending and receiving areas to the non-residential *Transfer of Development Rights* ordinance.

Quality group

C3 – Strengthen site and building design by revising the Architectural Design Guidelines and making them Standards.

Dimensional group

C4 – Revise the parking regulations to allow for a payment in lieu of parking provided option.

Reviewed and completed 2008

C5 – Require tax positive development on lots which cross municipal boundaries, the Dover portion of the lot should provide the positive revenue.

DIBIDA

C6 – Designate areas as Business Investment Districts to improve infrastructure & streetscape by taking advantage of income created by an increased tax assessment.

Dimensional group

Industrial

I1–Add industrial zones to sending and receiving areas to the non-residential *Transfer of Development Rights* ordinance.

I2 – Rezone the following areas to increase continuity with surrounding development:

- Land off Sixth St between the B-4 and I-4 zones
- Land off NH Route 155 Between the B-4 and I-2 zones

Dimensional group	<p>Institutional IN1 – Update definitions for elderly care facilities.</p>
Dimensional group	<p>Mixed Use MU1 – Encourage Mixed Use as an incentive to Commercial Development, if done in context to surrounding vicinity, ensuring higher quality developments. Institute a <i>Contract Zoning</i> ordinance to promote this concept.</p>
Downtown rezoning (FBC)	<p>MU2 – Encourage Mixed Use at appropriate locations along major corridors to encourage transit use and pedestrian activities.</p>
Dimensional group	<p>MU3 – Rezone the following areas to create neighborhood transition nodes in former industrial areas through <i>Contract zoning</i>.</p>
Downtown rezoning (FBC)	<ul style="list-style-type: none"> • Existing I-1 zones • Area bounded by Chestnut Street, the Cochecho River and Sixth Street
Completed 2008	<p>MU4 – Restrict allowed residential uses in non-residential zones to be limited to the second floor or above.</p>
Dimensional group	<p>MU5 – Create and adopt a special exception criteria to allow small non-residential uses to be located in existing residential neighborhoods.</p>
To be reviewed	<p>MU6 – Require a percentage of projects valued over \$500,000 in the downtown to be dedicated for public benefit ie art, landscaped court yards, etc.</p>
Environmental group	<p>Streetscape Public - Residential S1 – Residential streets have a tree strip 5 to 10 feet in width between the street and the sidewalk with trees planted every 30 feet at a minimum height of 15 feet.</p>
Quality group	<p>S2 – As neighborhoods transition from urban to rural, trees should become more random, curbs and sidewalks give way to shoulders. S3 – Require bike lanes along all major transportation routes, and define design criteria for said lanes as well as pedestrian amenities.</p>
Downtown rezoning (FBC)	<p>Public - Downtown S4 – Commercial streets shall have shade trees planted every 30 feet at a minimum height of 15 feet. Spaced with party walls of buildings, may be optional in the presence of conflicting awnings. S5 – Concrete or brick sidewalks, no asphalt. Tree wells should always be brick to promote root health.</p>

To be reviewed	<p>S6 – Streetlights, mailboxes, trash receptacles and other obstructions are placed within the tree strip.</p> <p>S7 – Benches face each other within the tree strip or are backed up to buildings.</p> <p>S8 – Transformers, HVAC equipment, ventilation and other machinery are discouraged from the streetscape.</p> <p>S9 – Streetlights are low height and wattage and appear frequently toward neighborhood centers (approximately every 30 feet) and less frequently toward rural areas.</p> <p>S10 – Identify strategic locations for landscaping improvements along corridors to improve aesthetics.</p>
Downtown rezoning (FBC)	<p>Private - Downtown</p> <p>S11 – Change setbacks so retail buildings front directly on sidewalk with no setback.</p> <p>S12 – Revise zoning so all buildings are at least three stories tall and of a mixed use in the B-2, UMUD, and CWD zones.</p>
To be reviewed	<p>S13 – Develop a plan to migrate all utilities in the urban core to underground.</p>
	<p>Other</p>
Dimensional group	<p>General</p> <p>G1– Review the dimensional regulations in zones, updating to promote more environmentally sensitive design ratios and promote proportional development.</p>
Downtown rezoning (FBC)	<p>G2 – Form a committee or hire a consultant to transition to an illustrated or <i>smart code</i> style of regulations.</p>
Quality group	<p>G3 – Define a historic district and encourage use of an Historic District Commission as outlined in Chapter 30 “Historic Districts” of the City of Dover Code.</p> <p>G4– Create action plans for distinct regions and neighborhoods, including Downtown.</p>
DIBIDA	<p>G5 – The Dover Business and Industrial Development Authority should complete an Economic Development Master Plan.</p>
Environmental group	<p>Natural</p> <p>N1 – Protect and retain wetlands, ponds, rivers and other significant natural resources.</p>
Quality group	<p>N2 – Create public spaces and thoroughfares that are at least partially fronted by significant natural amenities.</p>
Environmental group	<p>N3 – Adopt site development regulations in such a way to maximize the preservation of specimen and significant groupings of trees.</p> <p>N4 – Minimize grading to the amount necessary for safe development.</p>

To be reviewed

Environmental group

N5 – Connect natural spaces through continuous corridors, through neighborhoods or through narrow green belts.

N6 - Identify strategic locations for landscaping improvements along corridors to improve aesthetics, and amend street tree requirements to create a landscaping maintenance program.

N7 – Review allowances to construct on steep slopes.

N8 - Update the Conservation District zoning regulations to be consistent with the Comprehensive Shore land Protection Act.

N9 - Develop local regulations consistent with federal and state regulations.

As part of Conservation chapter

N10 – Develop and maintain a City owned land management plan.

Dimensional group

N11– Consider adapting 3X minimum lot size requirement for all lots created out of waterfront lots.

Attempted 2008

N12 - Revise R-40 zone along Back Road corridor to increase minimum lot size to promote farmland preservation.

To be reviewed

Energy

E1– Adopt mandatory *LEEDS* certification for multi-family / commercial / industrial / office projects over a certain size.

E2– Mandate *LEEDS* certification for any new institutional projects.

E3 – Promote sustainable development through use of recycled materials, Energy Star rated products and sustainable building materials.

E4 – Encourage the use of local suppliers to minimize fuel costs and pollution and promote local job creation.

E5 – Encourage increase of required landscaping to mitigate CO2 emissions.

E6 – Encourage use of alternate/forms sources of energy, such as solar power.

E7 – Investigate incentives for *LEEDS* certification for projects that retro-fit and reuse existing buildings

TO: Mayor and City Council
 From: Christopher Parker, AICP
 CC: J. Michael Joyal, City Manager,
 Dover Planning Board
 Date: August 14, 2009
 Re: Zoning Amendments and Process

PROBLEM:

Land use regulations should be dynamic. They should adjust to reflect the current land use practices and the current character and nature of a community. The community character and desires are determined through a visioning component that is part of the Master Plan process.

INTENT:

This memo will briefly describe the 29 amendments forwarded to the City Council by the Planning Board, on August 11, 2009. Additionally, I will describe the process undertaken and finally, I will make a proposal to adjust the process for future revisions.

GOALS:

The proposed amendments include the protection of Dover's character and a move towards context sensitive development. Amendments promote positive tax development, protect natural resources, and better manage growth.

PROCESS:

The proposed amendments were developed over approximately 18 months, and were undertaken by two separate, but parallel routes. The majority of the amendments were developed by Planning Board members, citizen volunteers, and staff. The Form Based Code amendments were developed over an 11 month process undertaken by a consultant.

The Planning Board:

- Held approximately 30 subcommittee meetings
- Held 12 workshops
- Held 3 public hearings
- Sent 1 letter to each property owner alerting them to the change.

ATTACHMENTS:

- 2007 Master Plan recommendations
- Proposed Amendments

On August 11, 2009 the Planning Board forwarded 29 amendments to Chapter 170 – Zoning to the City Council for adoption. Work on these amendments began in May of 2008, though the genesis of some reaches back to 2006 during the work to create the 2007 update to the Land Use Chapter of the Master Plan.

These amendments reflect an in-depth public review of the zoning code. They are sound and based upon rational review and the contents of the 2007 Land Use chapter of the Master Plan.

Amendment	Housekeeping	Environmental	Dimensional	Form Based
2	X			
3	X	X		X
4	X			
5 - 6			X	
7 - 8				X
9	X		X	
10				X
11 - 13	X			
14			X	
15 - 16		X		
17 - 18			X	
19 - 25	X			
26				X
27 - 30	X			

Housekeeping amendments are editorial/ clerical amendments. These reflect organizational changes and a goal of making the Zoning Code more user/reader friendly.

Environmental amendments are in response to changes in State RSAs, specifically adjustments to the Comprehensive Shoreland Protection Act. Wetlands proposals reflect a need to clarify uses within wetlands and buffers and to include language for mitigation of disturbances.

Dimensional amendments reflect the desire to promote rear – private yards on smaller lots, and to review transfer of development rights programs and create incentives for redevelopment of industrial parcels, and to tweak districts to reflect development trends.

The Form Based Code amendments are designed to promote the historic development patterns in downtown Dover. The Code emphasizes form over function and the fact that buildings will outlast their initial uses.

As a result of the public comment received in the office (via telephone, email and in person), and at the July 28th, 2009 public hearing staff and Planning Board members reviewed concern areas within the amendments and suggested alternatives.

This memo will summarize the proposed amendments by category. It will also outline the process used and indicate changes made to proposals after the July 28, 2009 public hearing. Finally, I will suggest changes to the process; I hope to put in place later this year.

AMENDMENT SUMMARIES

Environmental

The environmental subcommittee reviewed the most recent State regulations (RSAs) to ensure conformity. The recommended changes include updates to the Conservation District, which includes land surrounding streams, rivers, ponds, and other water courses. The district also includes areas of 20% or greater slope.

Amendments propose language to bring conformity with the changes to the Comprehensive Shoreland Protection Act that the State of NH enforces. Additionally, a definition for slope has been added, and a description of how to determine where land is at a 20% slope or not has been developed.

The updates also rework and update the Conditional Use Permit Process, to give the Conservation Commission guidance for reviewing a request. This will assist the Planning Board as it reviews and ultimately deliberates a requested Conditional Use Permit.

Finally, the subcommittee reviewed the City's Wetlands Ordinance for conformity, but also to clarify aspects. 2002 amendments reduced certain setbacks and increased others. In 2009, the focus was on clarifying how those changes had reflected development, and tweaked to ensure continued community growth in a respectful manner. These tweaks include defining uses allowed within buffers and addresses mitigation, and marking of buffers.

Dimensional Changes

The dimensional subcommittee reviewed opportunities to adjust setbacks and other dimensional requirements. This group also looked at the build out scenario developed through the Land Use chapter and reviewed potential shifts in land use to accommodate the community's vision for growth.

Opportunities to adjust zoning district placement were reviewed and only one area needed attention. This area surrounds Exit 7 of the Spaulding Turnpike. These changes stem in part from an attempt to create 60+ units of residential on Mill Street. The community felt that this was too intense a development. One result of this rezoning process is the recognition that some development should be in this area, but at a less intensity. The resulting recommendation is to change the zoning for the area to the adjacent R-12 - medium density residential, whereby there could be 1 unit per 12,000 square feet of land. The accompanying recommendation is that the lots closest to Central Avenue should be a commercial zone, similar to the area at the intersection of Locust Street and central Avenue.

A further area rezoning suggested is the combination of multi-family residential districts to create less confusion between the 5 existing zones. In review of land use tables, it became clear the City could combine 5 zones into 2 zones, and still offer variety and diversity in housing stock.

Another dimensional proposal included reducing front setbacks, and in some areas using average setbacks for neighboring houses as a guide for determining front setbacks. This recommendation is coupled with increased rear setbacks to encourage larger usable rear yards. Moreover, a proposal sets a percentage of wetlands buffer that can be counted as part of the yard to ensure there is usable yard space.

A further area reviewed was the City's Transfer of Development Right's ordinance. This ordinance was created in the 1990s and reviewed and updated in 2003. The goal with the 2009 update was to convert from a private land owner to land owner process to a land bank method.

Finally, an amendment creates flexible reuses of the I-1 - restricted industrial zones. These are older factory spaces exist in the inner city and are ready for re-development. These areas might benefit from diverse uses allowed in exchange for more context sensitive aesthetics and setbacks.

Form Based Code

In addition to the work the committees have been undertaking, there has also been a consultant worked to revise the downtown zoning to create development that is more context sensitive. This zoning style, known as Form Based Code, looks to place stronger focus on form and less on function. The central business core would encourage multiple story buildings with durable materials and parking hidden behind the building, placing focus on the first floor on non-residential uses.

The Form Based Code amendment merges the existing downtown Urban Multiple Use District (UMUD) into the Central Business District (B-2) along with expanding the district to include some current Office district and RM-8 and RM-10, multi-family residential.

Housekeeping

When the staff makes recommendations they tend to be editorial in nature. This is the case in 2009 as well. Last year the City's budget moved building inspection services to the Fire Department. As an outgrowth of that, the Building Official is no longer the Zoning Administrator. Many of the staff changes are an effort to reinforce this.

Additionally, staff has taken cues from other communities, and is suggesting all definitions in the Zoning Code be in one section and identified in capital letters throughout the chapter. This signifies a word is a definition.

Moreover, staff was inspired by the tables generated for the Form Based Code, and revamped the table of dimensional regulations and the tables of uses to be more user friendly and navigable.

Finally, the staff is recommending some minor changes to the sign ordinance, extraction ordinance, and clarified the amendment procedures to ensure proper public participation is in place for future changes to the chapter.

PROCESS SUMMARIES

Non-Form Based Code

In 2006 the City began reviewing its land use chapter of our Master Plan. In New Hampshire, and much of the country, Master Plans, AKA comprehensive Plans, are recommended for review every 5 to 10 years. A Master Plan looks at the past and future, by understanding where a community is, how it got there, and where it sees itself in 20 years.

Dover first began the Master Plan process in 1968 and has continued to update its Plan in the ensuing 40 years on a relatively consistent basis. The City has broken the overall Plan into several chapters and updates these chapters independently to ensure workload is spread evenly out over time. The Land Use chapter is the core chapter in the plan is tied to all other chapters. It really sets the frame work for long term development of a community.

In 2006, staff worked with the Planning Board to determine where the community saw itself developing in the 20 year time period. A telephone survey, a visual preference survey and interviews with key stakeholders accomplished this goal. A group of volunteers met throughout 2007 to develop and draft the land use chapter.

Included in this chapter were some progressive and some conservative recommendations. The overall guiding principal was to create a development environment where new development reflects the values and context of the existing structures. This would be accomplished by updating regulations to adjust setbacks, building materials and lot dimensions.

In May of 2008, the Planning Board broke itself into subcommittees to work on implementing changes to the land use regulations. The Board followed a process it also

followed in 2002/2003 when the same tasks were reviewed as a result of the 1998 Land Use Chapter. These subcommittees worked on environmental regulations, dimensional regulations, and quality of life regulations.

Over the past year, these subcommittees have pushed forward working on making changes large and small - tweaks to overhauls. In total these three sub-committees met approximately 30 times in publicly noticed meetings. Additionally, the Planning Board held 12 workshops as a group, held three public hearings and sent one letter to each property owner alerting them to the change.

Form Based Code

While the Planning Board was reviewing changes to the existing code, work to develop the Form Based Code for downtown Dover also took place. The essence of Form Based Code is to protect quality buildings in place, and promote the replication of their massing and character in future development.

Much of September 2008 was spent walking downtown Dover, inventorying buildings and understanding its development pattern. As part of his inventory, building heights, setbacks, width and length of buildings and lots was measured.

In addition, over the months of September and October, a series of stakeholder meetings was held with property owners, planners (volunteer and staff) and developers. These meetings and the inventory became the basis of two charrettes held in November 2008.

These charrettes offered opportunity for the public to review a slide show and give input on development. The team then worked on images to try and capture what they had heard. Participants then returned to the session and reviewed and ranked these concept drawings.

The drawings were also posted to a Google Group. The public was encouraged to review the images and take part in an online survey of the images, and to participate through email or traditional means.

The resulting input from the surveys and charrette's was used to draft the text portion of the Form Based Code. This work was completed in late January and early February, 2009.

This text was then presented to the Planning Board in February, 2009. Revisions were made to reflect Planning Board input and a final stakeholder meeting was held in June. The new text was presented in June, 2009 to the Planning Board.

A question has arisen regarding the inclusion of the Zoning Board of Adjustment (ZBA) in the process. Traditionally, the ZBA is seen as a quasi-judicial board. It reviews and interprets the Code upon citizen request. In order to protect the integrity and objectivity of the ZBA, they have not been included in the drafting process. Staff will review ZBA applications to look for areas of concern or repeat variances, and suggest revisions based upon its findings. This is not meant to exclude the ZBA, rather protect it.

It is easy to recognize that not only the ZBA, but other land use boards have experience and ideas that should be included in the process to a better degree. I will outline a suggested change at the end of the memo.

CHANGES MADE POST PUBLIC INPUT

After the July 28, 2009, public hearing, staff and subcommittee members met to review concerns expressed by residents. These concerns fell into five categories:

- Form Based Code
- Transfer of Development Rights
- Flexible Uses in the I-1 District.
- Conservation District
- Wetlands District

I developed tables to explain the changes drafted after public input, which follow the discussion of public process changes. The explanations are in five parts, identifying the original – pre amendment text (in some cases this will be blank), the initial amendment, the concerns raised, the revisions, and notes. Instead of repeating the text you can find in the amendment, I have summarized the revisions.

Finally, I included for your review a progress summary for the recommendations from the 2007 Master Plan. Annually, it is my goal to revisit the recommendations and note progress.

PROCESS CHANGES

As stated at the onset, land use changes should be dynamic. Though not necessarily reactionary, they should reflect the community's development desires and reflect the character of a community.

In June of 2009, the Planning Board held a public hearing soliciting public input on changes for the land use regulations. Unlike the hearing held on July 28th, 2009, this was not meant to be a reaction to draft text. Instead, this was an attempt to ask the public if there were areas we had not considered yet.

I feel this is a valuable tool to involve the public in the land use process. I have spoken with Chairman Ron Cole, about holding these public input sessions three times a year. At these sessions the public would be invited to suggest areas, not just in the zoning code, but also in the subdivision and site review chapters.

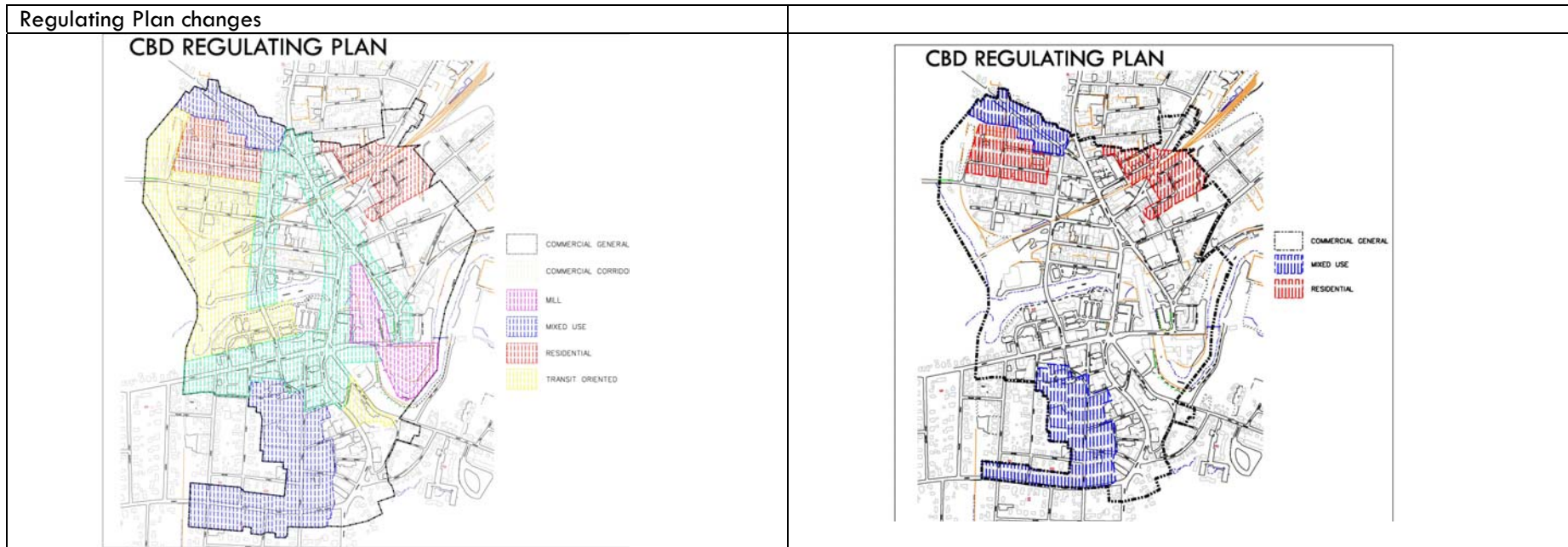
In addition to this review, starting this November, staff will request that the Zoning Board, Conservation Commission, Open Lands Committee, Transportation Advisory Commission, Energy Advisory Commission, and other land use boards provide an annual report, prior to January 1, to staff regarding areas they would like to see change within each land use ordinance.

These reports will be organized and brought to the first workshop of the year, in January. The Planning Board will review the suggestions and determine if it will work on any suggestions over the following year; essentially setting regulation change goals. In addition to reviewing and prioritizing the other Board recommendations, it would review any ideas brought forward by the public.

At that point the Board will undertake review and development of the suggested areas over the next year.

Additionally, it has been my goal to create a better communication system between the land use boards, and staff will try to work with Boards to generate better monthly reports. Finally, I have wanted to have an annual land use "summit" to encourage all land use board members to understand what their colleagues are working towards. I hope to commence the first summit in February of 2010.

Form Based Code				
Original Language	Proposed Amendment	Concern	Revised Amendment	Notes
N/A	<ul style="list-style-type: none"> Architectural Standards included to help define the form of the building Conditional Use Permit is present as a relief valve Building Heights list a min and max range 6 sub -districts 	<ul style="list-style-type: none"> Architectural Standards have to be met Clarify need for Conditional Use Permit Building Heights are too rigid Too many sub -districts Need to appeal to Superior Court Sub-districts go too far Creating a Historic District, without properly following HDC process 	<ul style="list-style-type: none"> Architectural Standards are optional Conditional Use Permit is available as a relief valve for all standards. Not required. Maintained minimum height, removed maximum Combined 3 districts (net result is 3 remain) Clarified ZBA has appellate review. Adjusted in three areas: <ul style="list-style-type: none"> Silver Street Cochecho Street Hanson Street Clarified by removing arch. Standards 	Focused on the intent, which is to massing, and siting of buildings to ensure an urban feel. Desire to move the building to back of the sidewalk and move parking behind or to the side of buildings, if needed on site.

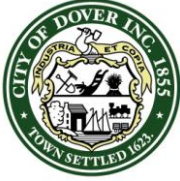


Transfer of Development Rights				
Original Language	Proposed Amendment	Concern	Revised Amendment	Notes
<ul style="list-style-type: none"> Residential TDR used between landowners with Planning Board approval for the transfer. 	<ul style="list-style-type: none"> Convert to a land bank method, where all land preserved by the Conservation Commission is eligible Sale monies are used to replenish the conservation fund. 	Public vs private process	Allow both options	Flexibility is increased

Flexible Uses in I-1				
Original Language	Proposed Amendment	Concern	Revised Amendment	Notes
<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Allow for residential uses and retail/commercial uses as well as previously allowed industrial uses New construction must be context sensitive. 	Clarifications regarding density calculation	Clarified that density is calculated by using density of neighboring lots, and not lot size	

Conservation District				
Original Language	Proposed Amendment	Concern	Revised Amendment	Notes
<ul style="list-style-type: none"> N/A Mean High Water is listed as line to measure 	<ul style="list-style-type: none"> Incorporate the Comprehensive Shoreland Protection Act 	<ul style="list-style-type: none"> Did the CSPA apply to the whole district or just the areas within 50' State uses Reference Line 	<ul style="list-style-type: none"> Clarified to specify the difference between 50' and 100'. Migrate to Reference Line 	

Wetlands District				
Original Language	Proposed Amendment	Concern	Revised Amendment	Notes
<ul style="list-style-type: none"> Marking of wetlands required 	<ul style="list-style-type: none"> Marking of wetlands and buffer required Mitigation plan for disturbances over 10,000 required, buffer mitigation may be required 	<ul style="list-style-type: none"> Buffer markings confused with lot line markings Marking of Wetlands buffer is not needed in all cases Mitigation requirement goes beyond state standards and has no guidelines 	<ul style="list-style-type: none"> Remove requirement Made marking optional and added standard that if development is within 20 feet of buffer, marking may be required Remove mitigation requirement Require copy of mitigation plan Remove function assessment requirements 	



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:

Ordinance Title: **O – 2009.07.08 – 14**

Chapter:

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

The City of Dover Ordains:

1. Purpose

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by amending Section 3-69 entitled “Arts Commission”

2. Amendment

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, Section 3-69 is hereby amended as follows:

“3-69: Arts Commission

A. MEMBERSHIP: The Arts Commission shall consist of nine (9) members.

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

C. AUTHORITY AND DUTIES: The Arts Commission shall serve in an advisory capacity to the City Council and City Manager to enhance an appreciation and awareness of arts and culture in the community through increased dialog and participation of citizens.

3. Takes Effect

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

4. Recommendation

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:

Ordinance Title: **O – 2009.07.08 – 14**

Chapter:

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

Document History:

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

Document Actions:

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