



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 28, 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 – None**
8. **CITY MANAGER'S REPORT**
9. **MINUTES**
 - A. **October 7, 2009**
 - B. **October 14, 2009**
10. **MAYOR'S REPORT**
11. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2ND READING - None**
 - B. **RESOLUTIONS – None**
12. **NEW BUSINESS**
 - A. **CONSENT CALENDAR**
 1. **RAFFLE - American Legion Post #7**
 2. **RAFFLE – Dover Girls Hockey**
 3. **RAFFLE – First Parish Church Congregational U.C.C.**
 4. **RESOLUTION: AWARD OF BID #B10017 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE SPONSORED BY MAYOR MYERS BY REQUEST**



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- 5. RESOLUTION: AWARD OF BID #B10018 FOR SNOW PLOWING/HAULING SERVICES FOR CITY STREETS AND PARKING LOTS**
SPONSORED BY MAYOR MYERS BY REQUEST
- 6. AUTHORIZATION FOR THE CITY MANAGER TO ENTER IN A LEASE AGREEMENT WITH NH FISH AND GAME FOR BARBADOS POND**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

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

B. RESOLUTIONS

- 1. AUTHORIZATION TO JOIN THE SOUTHEAST WATERSHED ALLIANCE AND APPOINT DEAN PESCHEL AS THE CITY'S REPRESENTATIVE**
SPONSORED BY MAYOR MYERS BY REQUEST
- 2. AUTHORIZATION TO APPLY FOR NH DES WATERSHED ASSISTANCE GRANT FOR WILLAND POND**
SPONSORED BY MAYOR MYERS BY REQUEST

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN

CITY MANAGER'S REPORT

October 28, 2009



Submitted by:

J. Michael Joyal, Jr.
City Manager

288 Central Avenue
Dover NH 03820
603.516.6023

GENERAL SUMMARY OF MATTERS OFFICE OF THE CITY ATTORNEY

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

SELECTED MATTERS FOR THE MONTH: September, 2009

- Assistance to the Community Services Department: road matters; bid award matter; boundary line dispute; easement deed; various engineering projects
- Assistance to the Planning Department: music event; hospital matter; zoning ordinance; review of enforcement letter; election signs
- Assistance to the Police Department: gun storage issue
- Assistance to the City Council: drafting of resolutions and ordinance revisions; legal opinions; lease provided to councilor;
- Assistance to the Finance Department: contract reviews and preparations; purchasing matters
- Assistance to the Recreation Department: leases and tenant matters
- Assistance to the Fire and Rescue Department: ordinance revisions
- Assistance to the City Manager: review of documents for signature;
- Assistance to the Parking Commission: Orchard Street parking lot research
- Processing of two (2)RSA 91-A requests
- Outside legal counsel expense for FY'10 Operating Budget: \$10,236.40 (excluding environmental)

Dover Business & Industrial Development Authority
By: Daniel Barufaldi

1. Sector Review:

Retail: Discernable dip in retail sales in the last month as “clunker” incentives cut off and unemployment and fear of unemployment reduces consumer spending and raises savings rate to 7% of household income.

Restaurants: Fast food sales are up slightly. Breakfast and lunch sales continue at moderately reduced levels. Dinner sales at higher end restaurants remain significantly down.

Hotels/Motels: Sales activity is highly location sensitive, but off markedly. Weekend sales remain scarce with some improvement anticipated as selected discount packages are offered. Our downtown hotel continues to record high occupancy levels. The Microtel at Weeks Crossing was auctioned off. Purchaser was a UK properties company specializing in distressed properties purchase and resale. Its long term status remains uncertain.

Services: Financial services are improving. Service connected to project work are off markedly. Travel (seasonal), cleaners, and cleaning services sales remain off, but now stabilizing.

Construction: Some minor residential construction improvement, but very spotty. Commercial activity exists, particularly in building rehab, but continues to decline overall. Lower rehab costs for existing commercial/ industrial buildings and lack of financing availability make new construction scarce.

Manufacturing: Remains in deep decline even as inventories are depleted. Electronic assembly is experiencing an uptick with rush delivery requests common. Automotive related parts production for new cars is dead, but used car replacement parts production is stable. New car inventories are still above normal, and likely to remain so as the “clunker” program borrowed from future new car sales that have fallen off despite new model introductions for 2010.

Healthcare: Still in a growth mode, but uninsured unemployed patients are mitigating that growth. Medicare/ Medicaid payment uncertainty and the political/economic quandary of healthcare reform/ insurance programs will delay some expansion. Doctor and hospital visits are off slightly and emergency room activity is increasing significantly as health insurance is often lost due to unemployment.

Commercial Real Estate Space: A large office space inventory continues to drive prices downward. Lower cost mill space is doing better than higher cost mill office space currently. The WDH Exit 9 Medical Practice Building is now being occupied, releasing office leased space near the WDH main campus. WDH has removed one floor from their main campus expansion plans. One of our major mill spaces is only 43% occupied and is losing two large tenants to another Dover location with door side parking. Lack of proximate parking remains a serious deterrent.

2. Local Business Retention Contacts:

Real Estate Agents: Commercial agents contacted all have high inventories, few sales, and expect that commercial real estate is still early in its decline cycle, following residential real estate by about 18 months on average. Recent flurry of interest in our Enterprise Park parcels by four firms, three local and one regional import have been reduced to one smaller candidate with retained interest to date. The others have either postponed any move to conserve cash in a slow economy or are looking for less expensive approaches through rehabbing existing older buildings. One Crosby Rd. business has their property up for sale or lease due to reduced sales revenues being experienced.

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

Mills: AT&T call center space is still not leased to a new tenant. Loss of two significant leased office space tenants to another Dover location has occurred. Lack of on-site parking is a continuing problem. Other mill space has some prospects as a children's restaurant on the ground floor opposite the Children's Museum.

Another Mill now has less than 12,000 sq. ft. unoccupied and has prospects for a baked goods manufacturing operation and a deli/bakery restaurant coffee shop. The move in has been extended and a new partnership formed with additional capital needed to attract needed financing.

Downtown: Four spaces are open currently, but with several small businesses selling discretionary rather than necessary products and services at risk due to the unavailability of credit and a lack of curbside parking. DBIDA is working with SEDC and DRED to explore the possibilities to help these businesses, and is also reviewing their business models with them to uncover opportunities for increased revenues and/or reduced expenses. ARC loans launched June 15th are being publicized to all small businesses and could help to bridge this economic decline and credit crunch being experienced by several downtown small businesses if any Dover lenders would implement the program. A canvass of local lending institutions has uncovered one local bank willing to work the SBA's ARC Loan Program, but only for their own long time customers. Only four small banks in all of New Hampshire have done ARC Loans. Contact with the Asst. Director of the SBA NH and a face-to-face meeting with an SBS NH Commercial Lending Specialist only confirmed that the ARC Loan Program, in its current configuration is unattractive to banks and even the SBA Preferred Lenders won't touch it. SBA says they can't fix it and recommend contacting our U.S. Legislators. This has been done. Since our local small businesses are in need now, this approach will be too late because the credit card companies have cut or eliminated the credit lines traditionally used by small business people to bridge seasonal and/or receivable/payable time lags. Other loan programs are being accessed like Microloans and Microcredit NH programs, but these are already swamped and backlogged and are unlikely to be able to respond in time. Dialogue with the Dover Economic Loan Program Administrator has been initiated. A few downtown businesses with limited resources, heavy debt loads, old business models and adaptability have now closed.

3. Unemployment:

Dover: Currently at 6.0%, an improvement back to early, 2009 levels.

Portsmouth: 5.4%

Rochester: 8.1%

Somersworth: 7.7%

Manchester: 7.8%

Concord: 5.9%

New Hampshire: 6.8%

Maine: 7.70%

Massachusetts: 8.9%

Rhode Island: 12.6%

Vermont: 6.1%

New England: 8.5%

U.S.: Currently at 9.8% and projected to rise to 10.2% by the end of 2010.

4. Incentive Activity:

ERZ Districts (3) Progress: Nine businesses located within the three Districts attended and received the applications to participate in the ERZ Program. In the interim, three more firms have requested ERZ information. A presentation on the ERZ Districts and Program was made to the Dover Chamber

Government Affairs Committee on Wednesday, August 5, 2009. Another ERZ Forum is scheduled in partnership with the Chamber before year-end for businesses expanding or relocating to ERZ District locations. Three new businesses so far have moved into ERZ locations in Dover.

5. Outreach/Attraction:

Enterprise Park:

A landscaping/ cleanup program continues successfully for the public areas of Enterprise Park for the season.

Following a formal RFP submission to several regional sign firms, Sundance Sign, LLC was awarded a contract for refurbishing one entrance sign, replacing one entrance sign too far gone to refurbish, reposting both signs with 6" cedar posts, and one new Directory sign, all installed at Enterprise Park. All three signs are now in place and materially enhance the Enterprise Park entrance appearance. Preliminaries are underway to form an Enterprise Park Tenants Association to handle future public area maintenance and other Park issues and governance. Legal Dept. has now completed a set of draft by-laws and association agreement to facilitate this. Review by the DBIDA Executive Committee is now underway with final review and approval achieved at the October DBIDA Board meeting. A dialogue will now ensue with the Park tenants to finalize the Association Agreement and by-laws.

A Rollinsford headset company is moving in to an ERZ location on Locust St. bringing 40+ jobs at year-end.

A Durham Economic Planning and Real Estate Development firm is moving into the 634 Central Ave. space, bringing 7 employees.

A company described as a "household design and furnishings company" is moving into the former gallery space on Central Ave.

6. Public Activities:

Parking Commission Meetings (3) Garage Presentation.
Government Affairs Committee Meeting-Chamber
Parking Commission Leadership meeting.
Spinelli Companies meeting.
Kent creative Guide meetings (4)
Parking Commission meetings (2).
City Council meeting (form based code support).
Leads Lunch Group meeting.
BusinessNH Top 100 companies Awards & Reception Concord
Meeting with NH DOJ
Tourism Leadership Partner meeting
CB Richard Ellis meeting.
Habitat meeting
Breakfast meeting with Chamber and Planning Dept.
Chamber Annual Meeting & Reception
Tourism meeting with Quality of Life Committee
DBIDA Board meeting
NHCIBOR Quarterly meeting, Bedford, NH
Hospitality Industry/Tourism Meeting and presentation with 3 Dover hotels.

Monthly Networking Leads Group 2nd Tuesdays

Meetings with Events Calendar Coordination Committee.

Meeting with Gary Green, City Council Candidate, to cover DBIDA Activities as requested.

Meeting with Bill Garrison, City Council Candidate, to cover DBIDA Activities as requested.

7. Intern Programs:

Volunteer Tourism Project Intern: Intern Tourism Project completed. Final report prepared and submitted. Dover Restaurant/Hotel/ Museum/ Discount Coupon Book underway for design, production, ad sales, and distribution to regional welcome centers with little or no cost to DBIDA through an agreement with Fosters. Hotels, Museums, and most restaurants on board. Sales campaign underway.



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CITY COUNCIL - MINUTES

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

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

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

Absent: Councilors DeDe and McCusker.

Councilor Cheney led the Pledge of Allegiance.

Mayor Myers asked the City Manager to give an overview of the Workshop.

City Manager Joyal said Fire Chief Perry Plummer will be giving the Council an overview of the City's Emergency Operations Plan. He said Fire Chief Plummer is the Emergency Management Director for the City, and coordinates resources with State and Federal officials when the City has an emergency. He said John Carlson, the City's Health Officer, will also be giving a presentation to the Council on the regional plan, information on the H1N1 virus outbreak and other types of pandemic emergencies.

1. OVERVIEW OF UPDATED COMMUNITY EMERGENCY OPERATIONS PLAN

Fire Chief Plummer gave a PowerPoint presentation to the Council on the Emergency Operations Plan. He said there will be a resolution on the next Council meeting agenda. City Manager Joyal said there will be a resolution on the next Council meeting agenda that essentially asks the Council to acknowledge that it is the City's policy to use the National Incident Management System (NIMS), which will be explained by Deputy Fire Chief Eric Hagman. He said they need to make this commitment in order for the City to qualify for federal funds.

Fire Chief Plummer asked the Council if they had any questions.

Councilor Cheney said Chief Plummer had mentioned that each department had a more in depth plan than what it is in their books.

Fire Chief Plummer said the plans break down a little bit further.

Councilor Cheney asked if the ESFs could be lined up with the departments as they are listed in the book.

Fire Chief Plummer said the ESF is an outline in the book. He said as the City's departments get deeper into the situation, there is a standard operating procedure that covers that procedure and breaks it down further.

Councilor Cheney referred to Page 14 in the Emergency Operations Plan and said it stated that each ESF has its own organization and operational chart.

Fire Chief Plummer said it is broken down into primary agencies and support agencies.

Councilor Cheney referred to Page 7, primary and secondary agencies, and spoke about Dispatch being in the Police Department.

Fire Chief Plummer said in this case Dispatch would come to the EOC and be in charge of communications. He clarified that the City uses HAM radio operators as a means of communications. He referred to the flooding and how the HAM radio operators provided valuable information while many other communications were down. He said the primary EOC will be at the North End Fire Station, and the backup is in the back of the Council Chambers.



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Councilor Scott thanked Fire Chief Plummer for his presentation. He said he was glad that this was taking place. He referred to the resolution in the back of the book and that it stated that there would be training. He said he was concerned about additional budget expenditures.

Fire Chief Plummer said those requirements are already in place for emergency responders and the City is already three-quarters of the way through the training. He said it has to be done one way or the other. He said the Deputy Fire Chief will talk about the federal requirements.

Councilor Callaghan complimented Fire Chief Plummer on his presentation. He asked if there was a mobile EOC.

Fire Chief Plummer said the City does have a mobile unit. He said the mobile command center and the EOC can be moved there if needed. He said it doesn't do everything that the EOC does, but it is state of the art and paid for with federal funds.

Councilor Callaghan said people making the key decisions can be on site.

Fire Chief Plummer said that was correct.

Councilor Carrier referred to the ice storm and said people came together.

Fire Chief Plummer said community support is essential in any disaster, because they can't get to everybody. He said one of the functions of the Fire Department is to get the word out on how to help you be prepared.

Deputy Fire Chief Hagman gave his presentation on what NIMS is and how it applies to the City. He asked the Council if they had any questions.

Councilor Cheney said it looks like the City is doing the ESF support functions as they go to get the qualifications. She referred to the HAM radio operators and being contacted. She said it was set up during the ice storm, and the City was notified where trees were down. She asked if there will be any mock accidents.

Deputy Fire Chief Hagman said they will call people with dates.

Fire Chief Plummer said he was going to put a plug in for the next Fire Safety Test/Show. He said they will be in the schools November 2nd, 3rd, 4th, and 5th, and they would love for the Council to come see their show.

City Manager Joyal said the City has a formal structure in place, a chain of command, to deal with an emergency. He said if there is some advance warning, then notices are put out to the various City officials that need to be prepared for a response. He said if the situation escalates to a community emergency or a sudden incident, such as an earthquake or a major fire, there would be the initial response by the police and fire departments, and they would establish an incident command system. He said the Emergency Operations Plan would be established and that would marshal all the resources that Fire Chief Plummer referred to in his presentation. He said the Emergency Operations Center may be activated and bring in all the management teams in the City. He said they would reach out and manage the various resources that are needed to serve the community to take care of the emergency and the recovery afterwards. He said the City Council doesn't have an immediate role in an emergency, but he, as the City Manager, will remain in contact with the Council as an emergency unfolds. He said the Council has the ability to reach out to your neighbors, reach out to constituents, and help serve with public communications in letting people know what resources are available to assist them. He said as part of the recovery process the Council may be convened to deal with major policy or financial decisions.



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2. H1N1 FLU RESPONSE AND STRAFFORD REGIONAL HEALTH RESOURCES

City Manager Joyal asked Health Officer John Carlson to present to the Council. Mr. Carlson gave his presentation to the Council on the H1N1 Flu Response. Deputy Mayor Trefethen referred to the 8,000 nasal mist doses that have been received by the County, and noted that 200,000 injection doses were coming. Mr. Carlson said there is no shortage of doses at this point.

3. CITIZEN'S FORUM

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

Harold J. Lynch, 26B Lincoln Street: He suggested the City have an old-fashioned sound truck that would go around the neighborhood and notify people of things. He referred to the police access to cameras at the schools, and said there are thermal devices that can pick up body heat and can tell whether or not students are sick. He said they could be isolated and sent home.

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

4. ADJOURN

Councilor Weston made a motion to adjourn; seconded by Deputy Mayor Trefethen.
Vote: 7/0.



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1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Callaghan led the Pledge of Allegiance.

3. ROLL CALL

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

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

Absent: Councilor DeDe.

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they had any items they wished to add, delete, or change the location of on the Agenda.

Deputy Mayor Trefethen said the City Manager would like Item 12.A.16. be pulled from the Agenda.

Mayor Myers asked for a vote on removing 12.A.16. from the Agenda.

Vote: 8/0.

Deputy Mayor Trefethen requested that Item 12.A.8. be substituted as a whole. He noted that the Council has the substituted version on their desks.

Mayor Myers asked for a vote on substituting 12.A.8. as a whole.

Vote: 8/0.

Councilor Scott asked to move 12.B.3. and 12.B.4. to after the Mayor's Report.

Mayor Myers asked for a vote on moving 12.B.3. and 12.B.4. on the Agenda.

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

Deputy Mayor Trefethen made a motion to approve the Agenda as amended; seconded by Councilor McCusker.

Vote: 8/0.

6. CITIZEN'S FORUM

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

Harvey J. Lynch, 26B Lincoln Street: He asked for an explanation on rumors that cable television funds are going to the McConnell Center. He said he hoped everyone votes on November 3rd, because the City needs a change.

John Guy, 5 Lexington Street: He said he supported Resolution 12.B.1. He thanked the Council and City Manager Joyal. He said there was a contract in place that had some sticky



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issues. He commended City Manager Joyal, Community Services Director Doug Steele, and Engineer Ben Clark for listening to the concerns of the citizens who live on Lexington Street. He said it has reinforced his opinion that the City's current government is working in a very responsive fashion. He said this proposal in the Resolution brings the interest rate from 18% to a more reasonable amount. He thanked Councilor DeDe for his support.

Donald Medbery, 3 Covered Bridge Lane: He said he had a few comments to make about newspaper articles and advertisements. He first commented that ever since he moved to Dover about 9 or 10 years ago everybody complained about misinformation. He said he has been accused of passing misinformation, but in the long run they found out he was right, because he researched all the information right at City Hall. He also commented on the self-anointed Councilor critic, who is absent tonight, but appeared in yesterday's Foster's Daily Democrat. He said he called Councilors liars and was making negative comments against hard-working Councilors that do not agree with him. He said this was the same old hypocritical sour grapes that the City has been hearing from this soon to be ex-Councilor since he first took his seat on the Council. He said good riddance. He referred to an advertisement in the Dover News that said that there was another special person in this community that is so special that he can make magic. He said it is the candidate challenging the incumbent in Ward 5. He said you might call him a tall drink of water. He said this guy said he supported the energy efficiency project and saved the citizens millions in water rates. He said he felt this was miraculous, but he hasn't seen any big savings in his water rates. He said the candidate said he would reduce spending and keep taxes down. He said that was what the current Council said before they came on the Council. He said he likens the advertisement to when you buy a car and they have a bait and switch: peaches and cream before, buyer's remorse later. He said they have to caution the citizens of the City about who they vote for. He said the advertisements need to be read very thoroughly. He requested a report from each of the Councilors on the millions of dollars in savings in water rates. He said the candidate is on the Dover Utilities Commission and felt it must be true. He referred to Foster's Daily Democrat and how they listen to only one side of the Council. He said it is frustrating for all of the citizens. He said the City was not in great shape and had a lot of debt to take care of. He challenged the person accusing him of stealing the signs, which is the same gentleman advertising about the water savings. He said he didn't have time to steal 20 signs, because he's too busy helping people that he feels should be elected. He said the only signs he takes down are for the people he supported, the day after election day.

Samuel Reid, 22 Lexington Street: He referred to his comments a few weeks before regarding the construction of curbing and sidewalks on Lexington Street. He thanked the Council for voting unanimously to have that done. He said that with remarkable speed and diligence, a lot of the curbing has been reset. He said he felt they were trying to get it all done before winter. He said an issue has come up with the brick sidewalks and the decision to have them re-laid if the residents will pay the difference between concrete and brick, which is about \$49 a square yard. He said they met in a neighbor's kitchen and he was heartened that most of his neighbors wanted to incur that expense and have the brick sidewalks reinstalled. He said the cost to him was \$2,000. The issue was how it was going to be paid. He said the Resolution before the Council tonight gives the City Manager the authority to enter into agreements with the



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residents on how it is to be repaved. He said right now the residents would have to pay 18% interest. He said the Resolution before the Council would allow the City Manager to charge a lower interest rate, and allow the residents to repay the amount over a period of time. He said the City has proposed 18 months, but the residents would like 36 months if it is possible. He asked the Council for their support to allow the residents to keep the great character of the neighborhood.

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

7. PUBLIC HEARINGS

A. UPDATING THE DOVER ZONING ORDINANCES SPONSORED BY DEPUTY MAYOR TREFETHEN

Daniel Barufaldi, Economic Development Director: He spoke in favor of this Resolution because it will enhance the Downtown, add flexibility to development efforts, and it will give Dover the balanced approach to development and quality of place. He said it will also enhance efforts for a mixed use in Downtown, with commercial and residential contributing to an urban village atmosphere and vibrancy only possible with people living and working in the City's core.

Marcia Gasses, 114 Garrison Road, Planning Board Member: She spoke in support of the proposed Zoning Amendments. She said the Planning Board has put in many hours over the last two years putting this together. She said the document before the Council this evening is a result of a collaborative effort that will guide the City forward in a positive way over the next several years.

Linda Merullo, 21 Sandy Lane, Planning Board Member: She spoke in support of the proposed Zoning Amendments. She said the Planning Department staff and Planning Board have worked incredibly hard over the last years putting together the Resolution of Zoning Ordinance changes before the Council tonight. She said the Planning Board broke into subcommittees to work on specific areas. She wanted to give credit to the many people behind the scenes who went over every detail line by line with the Planning Board. She said they could not have achieved this great undertaking without the help from Christopher Parker, Director of Planning and Community Development; Steve Bird, City Planner; Tom Fargo, Former Chair of Conservation Commission; Dean Peschel, Community Services Environmental Project Manager; Alan Dewes, Community Services Engineering Technician; and Bill McCann and Al Lardell, members of the Conservation Commission. She respectfully asked the Council to unanimously approve the updated Zoning amendments.

William Colbath, 129 Silver Street, Vice-Chair for Zoning Board of Adjustment: He said he had some issues with some of the changes proposed and felt they should have some more public hearings at the Planning Board level and other land use boards. He said he had a different view on the form-based code, because he felt it will be difficult to administer and will lead to litigation. He felt it overstepped the restraints of zoning. He said



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he felt the build-to lines will be cause for litigation. He said averaging setbacks will always be a moving target that will be hard to hit. He said they were all well-meaning amendments, but he felt they were short-sighted. He said it was a legitimate concern when your neighbor gets something that you can't have. He said it needs to be looked at a little more thoroughly. He said the Zoning Board of Adjustment asked for a section on in-law apartments, and that the right goes away when the in-law is no longer in the picture. He said it would be easier to have it in the code rather than the Zoning Board of Adjustment having to adjust everything to make it fit. He asked the Council to table this Resolution so it can be tweaked a little bit more.

Charles Kageleiry, 100 Dover Neck Road: He spoke in favor the proposed zoning ordinance changes. He said it will give the City a platform for growth and change in a positive direction. He asked the Council to pass it as it is written.

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

B. ARTS COMMISSION

SPONSORED BY MAYOR MYERS

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

C. SPRING STREET PARKING

SPONSORED BY COUNCILOR WESTON

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

D. BUILDING CONSTRUCTION – CHAPTER 68

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

E. EATING AND DRINKING ESTABLISHMENT – CHAPTER 99

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

F. ELECTRICAL STANDARDS – CHAPTER 102

SPONSORED BY DEPUTY MAYOR TREFETHEN

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

G. FIRE PREVENTION AND LIFE SAFETY – CHAPTER 109

SPONSORED BY DEPUTY MAYOR TREFETHEN

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



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H. FLOODPLAIN DEVELOPMENT – CHAPTER 113 SPONSORED BY DEPUTY MAYOR TREFETHEN

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

I. OFFENSES – CHAPTER 131 SPONSORED BY DEPUTY MAYOR TREFETHEN

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

J. PLUMBING – CHAPTER 135 SPONSORED BY DEPUTY MAYOR TREFETHEN

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

K. STREETS AND SIDEWALKS – CHAPTER 152 SPONSORED BY DEPUTY MAYOR TREFETHEN

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

8. CITY MANAGER'S REPORT

City Manager Joyal said he just had two things to discuss. He reminded the public that next Wednesday at 6:30 pm he will be hosting the Dover Discussions at the McConnell Center Cafeteria. He said it was an informal discussion with questions and answers. He referred to the Citizen's Forum comment regarding the McConnell Center and Cable funds. He said a portion of the Franchise Fees Fund is allocated to cover the cost of space dedicated to cable access studios.

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

Vote: 8/0.

9. MINUTES

A. September 23, 2009

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

Vote: 8/0.

10. MAYOR'S REPORT

Mayor Myers said he attended the Dover Middle School when Senator Gregg came to Dover. He said Senator Gregg was there on behalf of some legislation that had passed in Washington, and for which Dover Youth-to-Youth students were very instrumental regarding flavored tobacco. He



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said the 25th Anniversary Apple Harvest was a great event even though the weather was not cooperative. He thanked the Greater Dover Chamber of Commerce, volunteers, and sponsors. He reminded the citizens that he would be holding his Coffee with the Mayor sessions, hosted by Café on the Corner, on Saturday from 9:00am to 11:00am. Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier. Vote: 8/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING - None

1. UPDATING THE DOVER ZONING ORDINANCES SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Mayor Myers reminded the Council that this was an item that came from the Planning Board and requires a 2/3 vote in opposition to defeat it. Deputy Mayor Trefethen referred to the workshop which covered the changes to the zoning ordinances. He said there were minor word-smithing changes. He said architectural standards are now optional, but it does encourage people to adopt standards. He referred to the four pages of tables to be added between pages 30 and 31. He said Chris Parker was present to answer any questions. Councilor Weston said she has met with property owners on the campaign trail, and they were concerned with some of the proposed changes, and intimidated to come to a public hearing. She suggested a Dover Discussion type meeting for this topic, which is more informal and not televised. She said it was discussed to have an informal meeting with Wards 1, 2, and 3; and another meeting with Wards 4, 5, and 6. She said she was going to ask to move to table this Resolution, and asked the City Manager when they could schedule these two meetings in December. City Manager Joyal said the Council can schedule a meeting whenever they want, and it didn't have to be a Wednesday. Councilor Weston made a motion to table the Resolution to a date certain of December 9th, and that two informal meetings be held with municipal and planning officials prior to the Council's vote, for the taxpayers to have a formal interactive meeting for additional input; seconded by Councilor Scott. Vote: 5/3; Passed. Mayor Myers, Councilors Carrier and McCusker were opposed.

2. ARTS COMMISSION SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Deputy Mayor Trefethen. Mayor Myers said the Arts Commission worked with the City Attorney and drafted language that is consistent with other boards and commissions. Councilor Cheney said she noticed that the terms are staggered. She asked for clarification on the secretary position.



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Mayor Myers said they have annual elections for all positions: chair, vice-chair, secretary, and whatever the position might be.

Councilor Cheney said she also noticed that it is an advisory commission to the City Council and City Manager. She asked why that change is happening in the commissions.

City Attorney Krans said there were aspects of the Arts Commission that are on a day-to-day basis and it doesn't rise to the level of the Council.

City Manager Joyal gave the example of questions that came up about maintaining a mural in the City. He asked for advice from the Arts Commission.

Councilor Callaghan said he didn't think it was appropriate to have the City Manager on the same level as the City Council. He said by moving the committees down on the organization chart it takes away their authority. He said it looks like the Council is empowering the City Manager to have control over commissions. He said he wouldn't support the Resolution as it is.

Councilor Cheney made a friendly amendment to remove the City Manager; seconded by Councilor Scott.

Deputy Mayor Trefethen asked the City Attorney if taking out the three words really changed anything.

City Attorney Krans said it did. He said the point of the language was that there are a variety of advising situations where the City Manager is involved, and to say to the commission that they can only speak to the City Council would take away most of their tasks.

Councilor Callaghan said nobody has told these committees not to talk to anybody else. He said these committees do act autonomously unless there is an issue that they want to bring to the Council. He said there was no reason to put another level of management between the Council and the committee.

Councilor Scott said he felt Councilor Callaghan's objection was valid. He said it was good that the committees report to the Council and not have a direct line to the City Manager.

Councilor McCusker said he couldn't believe that there were issues so important that the City Manager wouldn't be involved in them. He said the City Manager is the point of administrative contact for this commission. He said he hasn't heard of any situation where the Council disagreed with the City Manager's handling of the Arts Commission. He said the City Manager is here to manage and the Council should let him handle it. He said he didn't understand the movement to try to keep the City Manager from being involved with these little things. He said he felt it went back to the evaluation, and you would think you would want to give him more so he'll screw up.

Mayor Myers said he sponsored this Resolution at the request of the Arts Commission, and didn't come up with the language. He sat with them during one meeting, but they worked with the City Attorney.

Councilor Cheney said the Arts Commission can be advisory to anyone, but she felt the Council is still responsible to make sure that the Council knows what is going on.

Councilor Callaghan said there was no intention that the City Manager can't work with this committee.

Mayor Myers asked for a vote on the amendment to the Resolution.



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Vote: 3/5; Failed. Councilors Callaghan, Cheney and Scott voted in favor.
Mayor Myers asked for a roll call vote on the Resolution.
Roll Call Vote: 5/3; Passed. Councilors Callaghan, Cheney and Scott were opposed.

3. SPRING STREET PARKING SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor McCusker. Councilor Weston said the issue of parking on Spring Street was brought to the Transportation Advisory Commission (TAC). She said Spring Street is 24 feet wide, and with 8 feet parking on each side it will not allow enough room for a fire truck. She said TAC discussed which side of the street to make no parking. She said she went to inspect the street and noticed that the language in the background information for this Resolution was incorrect. She said she spoke with Sergeant Speidel and read his responding email to the Council. "Councilor Weston, per our discussion today can you please move to amend the language in Chapter 166, Spring Street Parking Ordinance, when it comes up tonight. The current language calls for the parking restriction on the southerly side per the minutes of the August TAC meeting that I missed. Parking should instead be restricted on the Northerly side for the following reasons: the sidewalk is on the southerly side; based on the location of curb cuts the south side can fit up to 16 vehicles, whereas the north side can fit only 14. Thank you for catching this and seeking clarification. Marn." She made an amendment to the Ordinance to change "south side" to reflect "north side"; seconded by Councilor Cheney. Councilor Callaghan said he didn't have a problem with it. He asked if this was a substantial change for the people living there. Councilor Weston said they had 100% representation of the citizens at a TAC meeting and they wanted the most parking available. Mayor Myers asked for a vote on the amendment.
Vote: 8/0.
Mayor Myers asked for a roll call vote on the amended Resolution.
Vote: 8/0.

4. BUILDING CONSTRUCTION – CHAPTER 68 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said he first wanted to make comments that will apply to this Ordinance and to all of the seven ordinances to follow, because there are a lot of similarities. He said these changes came about with the zoning changes. He said they may be creating a problem with tabling the Zoning changes and approving the following Ordinances tonight. He said the reorganization of the Building Official, Building Inspector, and Zoning Administrator that the Council changed last fiscal year made a number of ordinances need to be cleaned up to reflect how the City is organized now. He referred to this Ordinance and said that the fire limits language that was deleted at the request of the Fire Chief, duplicate language about the Merit Plan has been deleted,



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some statutory references have been revised, and some qualifications removed for the Building Official that the City doesn't put on any other employee.

Mayor Myers said if the Council adopts these Ordinances tonight they will get published if and when the Zoning gets changed.

City Manager Joyal said some of the changes have to do with organizational changes and don't relate to the Zoning changes, and he will have them published right away so they are implemented.

Mayor Myers said they will publish the ones that are applicable and not publish the ones tied into the Zoning changes.

Councilor Weston asked the City Manager to identify the ones that are not tied to the Zoning changes.

City Manager Joyal said he would have to ask the Fire Chief and the City Attorney to address that as each Ordinance comes forward. He said he believed there were some organizational issues in this Ordinance.

Fire Chief Plummer said the bulk of all of these Ordinances are organizational issues and wording changes that won't be affected by the Zoning changes. He said the issue in this Ordinance is that there would be duplicate language in the current Code, and current pending changes in the Zoning.

City Attorney Krans said he didn't see any reason not to go through these and adopt them.

City Manager Joyal asked the Council if they would feel more comfortable as they go through these Ordinances to stipulate that they'll become effective in conjunction with any Zoning changes that are related to them.

City Attorney Krans said he would just adopt them clean.

Councilor Cheney referred to the addition of 68-14.

Fire Chief Plummer said it was an addition to the Ordinance, but it comes from the Planning Ordinance. He said the wording hasn't changed, but it moved from chapter to chapter.

Councilor Cheney referred to the same section and asked about changing the limit from \$1,000 to \$2,500.

Fire Chief Plummer said the City is raising the amount where you would need a building permit to \$2,500.

Councilor Cheney referred to 68-9 and asked about taking out the fire limits.

Fire Chief Plummer said it was old language and doesn't apply anymore.

Roll Call Vote: 8/0.

5. EATING AND DRINKING ESTABLISHMENT – CHAPTER 99 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen said most of the changes were requested by the Fire and Rescue Department. He said it removed the reference to fees, because the Council sets the fees annually. He said they cleaned up the language without changing the substance. He said they linked it to Chapter 45, dealing with the Health Board.



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Councilor Cheney referred to 99-2A and asked for clarification about when they do not have a license.

Fire Chief Plummer said it didn't change what they do. He said the wording was very confusing and they just cleaned up the language.

Roll Call Vote: 8/0.

6. ELECTRICAL STANDARDS – CHAPTER 102 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes to this Ordinance are basically the difference between fees and penalties. He said fees have been removed and the penalties have remained.

Roll Call Vote: 8/0.

7. FIRE PREVENTION AND LIFE SAFETY – CHAPTER 109 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen referred to the more extensive changes in this Ordinance. He said the statutory authority was changed because of State action. He said Fire and Rescue requested changes to the fire code. This removes bureaus and divisions which are now in Chapter 3, corrects the conflict with the Fireworks permit, clarifies the appeals procedure for the Fire Code, and also clarifies the ability to change the code requirements in extraordinary circumstances. He said the fees were removed.

Roll Call Vote: 8/0.

8. FLOODPLAIN DEVELOPMENT – CHAPTER 113 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes in this Ordinance are about the Building Official, which relates to the reorganization of staff that has already occurred.

Roll Call Vote: 8/0.

9. OFFENSES – CHAPTER 131 SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen made an amendment to this Ordinance. He referred to the second amendment and said he would like to add after the word fireworks: "and deleting entirely Section 131-3.1." Further in the document there would be a strikethrough of the entire Section 131-3.1. He said that section was about locking up firearms, and it has been determined by the Police Chief that it is no longer needed.

Councilor Callaghan seconded the motion to amend the Ordinance.



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Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

Deputy Mayor Trefethen said this Ordinance basically coordinates Chapter 109 and Chapter 131 regarding fireworks. He referred to Section 131-20, Sex Offender, and said a recent court action has probably negated it. He said it was the thought of the City Attorney and Police Chief that it not be removed at this time, and to deal with it later on when the court has decided.

Councilor Cheney referred to 131-3, Prohibited Weapons List, and asked if it is unlawful to have a slingshot.

Fire Chief Plummer said they felt it should remain.

Mayor Myers asked for a roll call vote on the amended Ordinance.

Roll Call Vote: 8/0.

10. PLUMBING – CHAPTER 135

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor McCusker. Deputy Mayor Trefethen said the changes were dealing with the fees language, and section 135-4 has a deletion in it.

Roll Call Vote: 8/0.

11. STREETS AND SIDEWALKS – CHAPTER 152

SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen referred to Section 6 and said it deleted the five year prohibition; Section 3 deleted the appeal to the City Council, changed the fees language, changed the terminology to the Building Official, and changed all the penalties to \$25.

Roll Call Vote: 8/0.

B. RESOLUTIONS – None

12. NEW BUSINESS

A. CONSENT CALENDAR

- 1. PARADE – Brian Doucette Scholarship Fund**
- 2. PARADE – Kiwanis Club of Dover**
- 3. PARADE – Saint Mary Academy**

- 4. RESOLUTION: HOLIDAY PARADE STREET CLOSURES**
SPONSORED BY MAYOR MYERS BY REQUEST

- 5. RESOLUTION: ADOPTION OF 2009 EMERGENCY PLAN**
SPONSORED BY MAYOR MYERS BY REQUEST



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- 6. RESOLUTION: ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**
SPONSORED BY MAYOR MYERS BY REQUEST
- 7. RESOLUTION: SETTING VOTING HOURS FOR THE NOVEMBER 3, 2009 MUNICIPAL ELECTION**
SPONSORED BY MAYOR MYERS BY REQUEST
- 8. RESOLUTION: WARD 4 MODERATOR**
SPONSORED BY MAYOR MYERS BY REQUEST
- 9. RESOLUTION: AUTHORIZATION TO ENTER INTO AGREEMENTS FOR SIDEWALK AND STREETScape IMPROVEMENT UPGRADES**
SPONSORED BY MAYOR MYERS BY REQUEST
- 10. RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR AUTOMOTIVE PARTS AND SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
- 11. RESOLUTION: AWARD OF BLANKET PURCHASE ORDER FOR TIRES AND MISCELLANEOUS RELATED SUPPLIES**
SPONSORED BY MAYOR MYERS BY REQUEST
- 12. RESOLUTION: PLOW HITCH & HYDRAULICS & DUMP BODY – STATE OF NH AWARD TO HOWARD P. FAIRFIELD INC**
SPONSORED BY MAYOR MYERS BY REQUEST
- 13. RESOLUTION: B10004 CHANGE ORDER FOR HYDRO GEOLOGICAL SERVICES PHASE III**
SPONSORED BY MAYOR MYERS BY REQUEST
- 14. RESOLUTION: B10006 PURCHASE OF WHEEL LOADER BACKHOE**
SPONSORED BY MAYOR MYERS BY REQUEST
- 15. RESOLUTION: B10015 PURCHASE OF FIVE 2010 FORD POLICE CROWN VICTORIAS**
SPONSORED BY MAYOR MYERS BY REQUEST
- 16. RESOLUTION: B10016 TRAIN STATION GLASS VESTIBULE & CDBG-R SUBSTANTIAL PROGRAM AMENDMENT**
SPONSORED BY MAYOR MYERS BY REQUEST

Council voted to remove from Agenda.



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17. RESOLUTION: B10017 FOR SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE
 SPONSORED BY MAYOR MYERS BY REQUEST

18. RESOLUTION: B10021 PURCHASE OF TWO TRUCK-CAB-CHASSIS
 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 McCusker.

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

Councilor Callaghan asked to pull 12.A.9., 12.A.11., 12.A.13., 12.A.15., and 12.A.17.

Councilor Scott asked to pull 12.A.14.

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

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.9.; seconded by Councilor Weston. Councilor Callaghan said he will not agree to an open-end blanket order. He felt there should be a limit on the amount.

Councilor Scott agreed with Councilor Callaghan.

Roll Call Vote: 5/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

Deputy Mayor Trefethen moved for the approval of 12.A.11.; seconded by Councilor Carrier.

Councilor Callaghan asked if the City has explored the possibility of contracting more of the City's plowing to preserve overtime funds and equipment expenses.

City Manager Joyal said they look at it every year. He felt the City has the best balance of private contractors and the City's staff. He said the City needs the ability to mobilize quickly. He asked Doug Steele, Community Services Director, to comment on this issue.

Mr. Steele said they did go out to bid for plowing services, and only received one offer from a firm out of New York, who sub-contract the work. He said he was hesitant to try it.

Councilor Callaghan asked about letting contractors plow every storm instead of an as-needed basis.

Mr. Steele said he had a concern with relying on contractors, because the City has a commitment to pay them whether they plow or not. He said contractors assist with parking lots or specific runs. He said it was a complicated issue, and if they have the staff available they will plow. He said they also have the union contracts to keep in mind.



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City Manager Joyal referred to last year and the difficulties they had with contractors, and that he had to ask the Council to approve adding more contractors.

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

Deputy Mayor Trefethen moved for the approval of 12.A.13.; seconded by Councilor Weston. Councilor Callaghan referred to Community Services' budget proposal, which didn't have the purchase of a backhoe in it, and asked if this was an emergency request.

Mayor Myers said it was part of Water and Sewer, and he wasn't sure if it was part of the Enterprise Fund.

City Manager Joyal said they will purchase part the vehicle out of Water Funds and part out of the Sewer Funds.

Roll Call Vote: 8/0.

Deputy Mayor Trefethen moved for the approval of 12.A.14.; seconded by Councilor McCusker. Councilor Scott said the City has to stop spending.

Mayor Myers asked the City Manager about the analysis on when cruisers cost us more in repairs, and also when the City has traded them in for more fuel efficient vehicles for other City departments. He asked if that analysis is still valid.

City Manager Joyal said they reviewed it as a part of the budget. He said some savings have been realized.

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

Deputy Mayor Trefethen moved for the approval of 12.A.15.; seconded by Councilor Weston. Councilor Callaghan said it was a lot of money for moving electrical panels. He asked if the City was changing the intent of the use for the train station.

City Manager Joyal said they are changing the intent of the use for this. He said they have been unsuccessful in finding an operator for the train station. He said currently they have volunteers to unlock the doors, allowing patrons to enter in the morning and later in the evening, but are unable to keep the building open. He said this Resolution, with CDBG funds, would allow the City to put an atrium on the outside of the building, which will allow passengers to stay out of the weather and allow for the ticket machine to be moved outside. He said it was to make the train station more functional until they can find an operator to take over the rest of the building. He said there are security concerns right now and they can't leave the building unlocked and unattended.

Councilor Callaghan referred to the comment that it should be heated, and asked if the building was going to be heated and if the City had the money for that from the CDBG funds, or if they would have to come up with the funds.

Mr. Parker said it was part of the design/build project. He said it would be heated as determined by the designer if the Council awards the bid tonight. He said it wasn't just a train station, but will also allow the Coast and Wildcat riders to get out of the inclement weather.

City Manager Joyal said there will be some heat in the building.

Councilor Cheney asked what CD funds were.

Mr. Parker said it was Community Development funds. He said in May the Council adopted the amendment to the Comprehensive Plan, as required by HUD, to accept these additional funds,



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the CDBG-R, which came out of the stimulus package. He said in May the Council approved the idea of the vestibule, and now they're asking the Council to award the bid.

Councilor Cheney said it was coming from the McConnell Center.

Mr. Parker said that was because HUD came to the City and said only a certain amount of the money from the CDBG-R funds could be used on the McConnell Center, which was \$75,000 of the \$85,000.

Councilor Cheney asked who was spending the money.

City Manager Joyal said this was for a glass atrium to be attached to the outside of the building in the area of the train station platform.

Mr. Parker said the McConnell Center work was already approved as part of the energy efficiency project.

Councilor Weston said TAC went to Durham's vestibule over the summer and had some concerns. She said there was nothing in this Resolution about a camera system for security.

Mr. Parker said that will be coming to the Council in another Resolution.

Councilor Callaghan asked if there were any plans to make this atrium bigger than 10'x10'.

City Manager Joyal says there are typically 5 to 10 people waiting, and they don't plan to make it bigger. He said it is their hope to get someone to make use of the building.

Councilor Cheney said she is still trying to follow the money. She said it went into the McConnell Center and now we're taking it out.

City Manager Joyal said the City was notified that they were eligible for additional stimulus funds, which they used for the McConnell Center energy efficiency project. He said there were excess funds that they are now going to use on this project.

Councilor Cheney asked who made that decision and if there were other projects.

Mr. Parker said the vestibule project was already in the pipeline and met HUD's criteria for CDBG-R funds.

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

Deputy Mayor Trefethen moved for the approval of 12.A.17.; seconded by Councilor Carrier.

Councilor Callaghan said the CIP budget shows one truck, and asked where the second truck came into play.

City Manager Joyal said there were funds from a prior capital project that the City did not use. He said the City delayed the purchase last year. So they will use the funds from last year and this year to purchase two chasses. He said they did apply and were awarded grant funds from the State to reimburse the City for this purchase. He said it had to do with taking two of the City's older vehicles out of service and using grant funds to purchase newer fuel-efficient diesel vehicles.

Councilor Scott asked what assurances the City had to receive those funds, because he has read in the paper that the State is scratching to make ends meet.

City Manager Joyal said the City has received a commitment that they have been awarded those funds, but the City has to submit evidence that the vehicles have been purchased and the older ones have been destroyed and taken off the road. He said it was part of the stimulus program and the State can only use the money for this purpose.

Roll Call Vote: 6/1; Passed. Councilor Scott was opposed. Councilor Callaghan was absent from Council Chambers.



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B. RESOLUTIONS

1. AUTHORIZATION TO ENTER INTO AGREEMENTS FOR SIDEWALK AND STREETScape IMPROVEMENT UPGRADES SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston. Deputy Mayor Trefethen moved to amend the Resolution to include the background information, which is on the Councilor's desks; seconded by Councilor Cheney. Mayor Myers asked for a vote on the amendment.

Vote: 8/0.

City Manager Joyal said there are a number of areas in the City that have brick sidewalks. He said it is the procedure for the City to replace brick sidewalks with concrete or asphalt, and not to incur the additional expense for brick sidewalks. He said the residents have to pay the difference in cost if they still want brick. He said this neighborhood has brick sidewalks that the residents are interested in replacing, but the project moved quickly and they didn't have enough time to come up with the money, and requested a payment plan. He said the City would have charged 18% without Council action. He said this proposal will allow residents to pay for the upgrade, the City will coordinate a three-year payment plan, and would charge interest based on our return of investment set by the Finance Director. He said the money would go to other projects. Councilor Scott said it was a great idea.

Mayor Myers asked if all the neighbors have to agree, or if it could end up looking like a checker board.

City Manager Joyal said that could happen, because it depends on what individual residents want to do.

Councilor Cheney asked where else in the City this has taken place.

City Manager Joyal said it has been a longstanding policy of the City to offer this, but he wasn't sure of any recent projects. He said this project happened so quickly and it was hard for the residents to come up with the money.

Councilor Cheney asked what the interest rate will be.

City Manager Joyal said it could be from 1% to 5%.

Councilor Cheney asked if the City had other loans like this with private citizens.

City Manager Joyal said not like this, but there are other situations where the City has loan funds under other programs.

Councilor Cheney asked about the maintenance on this sidewalk.

City Manager Joyal said it was a concern.

Councilor Cheney said it does involve more money. She was concerned about liability.

City Manager Joyal said it does belong to the City and we have immunity because it's the public sidewalk.

Councilor Cheney asked which one is safer.

City Manager Joyal felt cement sidewalks last longer.

Councilor Cheney said she had a problem with the language of this Resolution.

City Manager Joyal said this was a distinct neighborhood of well-maintained homes that are self-contained.



CITY OF DOVER

CITY COUNCIL - MINUTES

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Councilor Cheney asked if there was a lien on the property if they were unable to pay. City Manager Joyal said that was correct.

Councilor Carrier asked if the brick abuts the granite curbing.

Mr. Steele said there is grass in between.

Councilor Carrier asked about the driveways and the sidewalk going through it.

Mr. Steele said some of the houses have brick driveways, and the City will not touch the aprons. He said if some want brick they will have to pay for tearing it up, for new brick, and for labor.

Councilor Callaghan asked what would happen with cost overruns.

City Manager Joyal said the residents will be responsible for laying the bricks, and the City will incur the preparation costs.

Councilor Weston said some of the lawns are steep and asked about retaining walls.

Mr. Steele said the sidewalks were present and there should be no need for retaining walls.

Councilor Cheney said she was going to support this Resolution.

Roll Call Vote: 8/0.

2. THE BENCH IN FRONT OF CAFÉ ON THE CORNER SPONSORED BY COUNCILOR SCOTT

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

Councilor Scott said it was amazing how a small item can create such controversy. He understood that there were a lot of senior citizens who benefited from having a bench in that location. He said this Resolution raises two issues: 1. To put the bench back; 2. A procedural problem, and that it should have been the Council to take the initiative to decide whether or not to replace the bench.

Councilor Callaghan said he noticed that the City Attorney's name is not on the Resolution, and asked if it was approved as to form.

City Attorney Krans said he did not approve this Resolution. He said it invades the administrative authority of the City Manager. He said in Dover's form of government the City Council sets policy and the City Manager works with that policy to administer day-to-day operations. He said he felt this Resolution violates the Charter.

Councilor Callaghan referred to the first whereas. It says that there were a series of emails that indicate that the Mayor was involved in the process to remove the bench. He said he has read through the emails, and agrees there was some level of involvement, but he had a problem with this statement. He agreed with the City Attorney that the Council should not be involved in making these decisions. He said it was hard to say if we want the bench back, but the Council has an obligation to people who want the bench back. He said the right thing to do is replace the bench, and there should be some standard for benches and tables in front of stores.

City Manager Joyal said it was the administration that decided to move the bench. He said he went to the business owner about putting tables out to enhance the Downtown, but it was done with a caveat that anyone can sit in those chairs, and not just a customer. He said the sidewalk has to be accessible for anybody in a wheelchair. He



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said he has checked the area many times. He said there hasn't been a problem. He said if anyone is being turned away he will be the first one to go talk to the business. Councilor Cheney said she remembered Mr. Lynch being ignored both times he brought up the bench during Citizen's Forum. She said she didn't remember when it was finally addressed by the Mayor and City Manager. She said it was a nice bench where people sit that was obviously public. She said she read the emails and it didn't look good. She said it looks like the City just wants to encourage business, but asked about the pedestrian activity. She said she supported that the bench be put back.

Councilor McCusker said he is in the wrong circles, because he hasn't heard anyone complain about the benches. He said there were two benches, one broken with caution tape around it and one around the corner. He said the next bench is in front of Harvey's Bakery. He said the broken one was replaced with a good one by the bus stop. He said it would be a different story if the broken bench wasn't replaced. He said outside of the Council Chambers he has heard this issue referred to as "benchgate," like there was some kind of conspiracy and wrongdoing. He said the City Manager did this and the Mayor did not interfere. He said this was politically motivated. He said a Resolution was drawn up to make the Mayor look bad and they can use it later. He said the November 3rd date is important to some people. He said this was wrong, because the Mayor didn't do this. He asked why the Council was spending so much time on a bench, and he said it makes sense that the City Attorney wouldn't approve it.

Deputy Mayor Trefethen said it was tongue in cheek when people discuss this, and was disgusted that an issue has been made out of it. He said it was a matter of perception of who's talking and who's listening. He agreed that it was purely politically motivated. He said earlier in the meeting they heard about how the City can't spend money and had to tighten its belt. He said there was nothing in the budget to move this bench, and it would be a total waste of money. He said it would be ridiculous to spend money to move a bench 30 feet.

Councilor Carrier said the City Manager indicated that the bench is gone and a table with four chairs is there that anyone can sit at without purchasing a muffin, coffee, or anything else. He said nothing has been gained or lost. He said he walks all around the City and sees benches in disrepair, and nothing is said about them other than a comment that you can't sit there anymore. He said this situation is disgusting to him, because there is an accusation that the Mayor did something wrong in favoritism to this restaurant so he might get a free coffee every time he has his Coffee with the Mayor. He said this issue was an emergency order to fix it before something happens. He asked what the problem was. He said the City is facing tough economic times right now and Foster's Daily Democrat dedicated the top 1/3 of the front page to this bench. He said he was embarrassed. He said this one bench has motivation behind it versus other benches all over the City in disrepair.

Councilor Weston said she works in the center of town and a lot of people say they wish the bench was still there. She said she didn't believe the Resolution was about the Mayor, but about open and forthright government. She said the City Manager stated that there was no money available to move or replace the bench, and then they received emails that a bench is available on Riverwalk. She said what was presented to the City Council was not accurate, because there was a bench.



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Mayor Myers asked what happened to the bench on the Riverwalk.

City Manager Joyal said it was moved for Oriental Garden, and was damaged when it was taken out. He said his comment was misconstrued about not having the money to have staff work there, when there was something perfectly acceptable in its place: 8 tables, each having 4 chairs that the City is not paying for. He said if the Council disagrees he will put a bench back.

Mayor Myers said he was surprised and perturbed to see this issue come back. He told Councilor Scott that he was not promoting discussion with the wording in this Resolution. He said Councilor Scott wasn't even sure where these benches were, and if they were on public or private property. He said the broken bench was by the Coast bus stop and the working bench was moved to that spot. He said Councilors have talked about people walking corner to corner, and said these benches were 30 feet apart from each other, and he said this argument cracks him up. He said he released the emails and felt that he complied with open and forthright government. He said if he received an email from a constituent about a pothole that needs to be fixed he would then email Doug Steele and the City Manager about it. He asked if there should be a resolution to go dig up that pothole. He said it was disgusting that this came up again. He said it was not surprising that it came up during election season. He referred to Gilda Radnor's comment of "Oh, never mind." He said the City has an Ethics Commission and someone should go to them with an issue like this and not have a resolution. He said the City should not have a Council oversee where benches are placed in the City. He felt this was an attack and he hopes people are paying attention to what the Council is wasting their time on tonight, and who is arguing that there is an issue here.

Councilor Cheney said she felt this was bigger than a pothole. She said the Council is looking at major changes to zoning in the Downtown. She said this was public space that now had private property on it. She said she wouldn't sit at a table with someone already at it, but she would sit on a bench even if someone was also sitting there. She said she understood that the wording of the Resolution does look incriminating, but she saw whereas there was a bench at the corner facing the center, the square, the adopt-a-spot for the Fire Department, with the beautiful flowers; whereas there was a bench facing where you walk and sit and look at the old Café Saloon, Janetos, Photosmith, and you can see downtown; therefore let's put the bench back there. She said there may be two different perceptions, and she hears them both, but we have to represent them. She said there was a bench there. She said if someone was having a muffin and coffee it wasn't at a table that belonged to somebody else, but at something that belonged to them, the taxpayer. She said the Mayor did follow the protocol that they all do. She felt the Council should have a public hearing on this if it is needed. She said in some ways these things are a big deal. She said she can see both sides, but she felt the bench should be put back.

Councilor Scott said the Council was here to look after the people and their concerns. He said again that there were two problems: the bench and the procedure problem. He said he was going to withdraw the Resolution at this time, so he can come back with another Resolution to put the bench back.



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Mayor Myers said that he can't just withdraw it at this point because there has been discussion. He asked if there was any objection to withdrawing this Resolution at this point.

Deputy Mayor Trefethen said he objected.

Mayor Myers said there were several objections and it cannot be withdrawn at this point.

Councilor Scott asked to table the Resolution to November 11, 2009; Councilor Callaghan seconded the motion to table the Resolution.

Vote: 4/4; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier and McCusker were opposed.

Deputy Mayor Trefethen said the building is not open on Veterans' Day.

Councilor Scott asked to table the Resolution to November 18, 2009; Councilor Cheney seconded the motion to table the Resolution.

Vote: 4/4; Failed. Mayor Myers, Deputy Mayor Trefethen, Councilors Carrier and McCusker were opposed.

Councilor Cheney made a friendly amendment to make it one whereas: "there was a public access bench at Third Street and Central Avenue facing the square and it is no longer there; therefore, be it resolved by the Mayor and Dover City Council that there will be a bench placed at that corner facing the square."

Mayor Myers said she was basically rewriting the entire Resolution, which needs a suspension of the rules to allow a new resolution.

Councilor Cheney she would like that as long as she wasn't undermining what Councilor Scott wanted.

Mayor Myers asked Councilor Cheney to wait at this point. He said the original Resolution is still before the Council.

Councilor Weston said she did not agree with the City Manager and his interpretation on the cost of the bench. She remembers him specifically stating that the City had no money in the budget to replace the bench, the option of putting the chairs there was more financially feasible, and there were no benches available. She said she expects a straightforward answer to whether or not there is a bench. She said she knew there was a bench available and it could have been replaced. She said she will not support this Resolution because of the accusations, but she did have a problem with the statement that there was no bench, and then they find out there was a bench.

Mayor Myers asked for a roll call vote on this Resolution.

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

3. RESPONSIVENESS TO REQUESTS BY THE PUBLIC SPONSORED BY COUNCILOR SCOTT

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

Councilor Scott said this Resolution had to do with the responsiveness to people's questions. He said he would like to get the answers in writing in the City Manager's Report.

Deputy Mayor Trefethen said he would vote no on this Resolution. He said a good percentage of the questions that are asked at the podium are rhetorical in notion and a written response is not necessary.



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Councilor Callaghan said the City Manager has answered a lot of questions, but some don't get answered. Unfortunately they are not always solid. He felt the Council owes it to the public to give them the answers in writing and have it documented. He said he would support this Resolution.

Councilor Carrier said he has never seen the City Manager's or City Attorney's doors locked. He said to take all this time to answer in written form is ridiculous. He said he would be voting no on this Resolution.

Councilor McCusker said there are a lot of times when the question is answered in written form, because the Council is cc'd the answer a lot of times on emails. He usually does it within a day. He referred to the 5th whereas, it states: "In many cases the City Manager has not been responsive and has ignored the questions of the public and their requests for information." He said he has never heard that the City Manager doesn't respond to their questions. He said supporting this Resolution is acknowledging that the City Manager is not being responsive and ignores questions from the public. He said he felt the City Manager does it well, and he doesn't see where this came from. He said Citizen's Forum are opinions and a lot of times they are wrong. He said there was no way he was going to support this Resolution.

Councilor Weston said she can't support this Resolution. She said the City Manager answers verbally the questions put to him during Citizen's Forum, and the minutes reflect what he said. She said when he does have to research an answer he does copy all of the Councilors with the answer.

Mayor Myers said he will not support this because he felt the City Manager has been responsive. He said he might be cynical in believing that someone will come to the podium with 50 questions that he wants answered, or even a Councilor could have someone come up to ask questions that the City Manager would have to answer.

Councilor Callaghan asked to make a friendly amendment to strike the 5th whereas; seconded by Councilor Cheney.

Councilor Callaghan agreed that the statement was wrong, and felt the City Manager was very responsive.

Councilor Cheney said she has seen some things not get answered. She has seen people be belligerent, but felt the people should still get an answer. She said the City Manager usually responds to the questions and it is recorded in the minutes, which are then approved by the Council. She said he has been responsive. She reminded the Council of when he came out to a site to look at an issue.

Deputy Mayor Trefethen said he will vote for the amendment, but he will vote no on the Resolution. He said if there was an uncomfortable level on this issue, then the proper thing to do is to vote this down quickly.

Mayor Myers said he appreciates the sentiment of removing the 5th whereas and he will vote for it, but doesn't want to give false hope that he will vote for the Resolution. He asked for a vote on the amendment.

Vote: 5/3; Passed. Mayor Myers, Councilors Carrier and McCusker were opposed. Deputy Mayor Trefethen made a motion to move the question; seconded by Councilors Carrier and Weston.

Mayor Myers asked for a vote to move the question.

Vote: 8/0.



CITY OF DOVER

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Mayor Myers asked for a roll call vote on the amended Resolution.
Roll Call Vote: 3/5; Failed. Councilors Callaghan, Cheney, and Scott voted in favor.

4. RIGHT OF ACCESS TO THE OFFICIALS OF THEIR GOVERNMENT SPONSORED BY COUNCILOR SCOTT

Councilor Scott asked to withdraw the Resolution.
Mayor Myers said since it was not withdrawn earlier and the Agenda had been approved, it can't be withdrawn at this point without a suspension of the rules.
Councilor Callaghan made a point of order. He said he can think of numerous times when Councilors have withdrawn their Resolutions as it came up on the Agenda.
Deputy Mayor Trefethen said Councilor Callaghan is right, but the Mayor researched this with the City Attorney and found out that the Council has been doing it wrong for years.
Mayor Myers said he agreed, and allowed Councilor Scott to withdraw it tonight with the stipulation that this is the learning curve that something needs to be withdrawn during the approval of the agenda. He asked if anyone had an objection to Councilor Scott withdrawing his Resolution. The Resolution was withdrawn.

Deputy Mayor Trefethen made a motion to suspend the rules to continue the meeting past 10:30 pm; seconded by Councilor Carrier.
Roll Call Vote: 7/1; Passed. Councilor McCusker was opposed.

C. ORDINANCES IN 1ST READING – None

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

Councilor Scott said he has been getting a lot of requests about when they will be notified of their new assessments.

City Manager Joyal said they should be out by the end of next week. He said the tax bills will be sent out on November 1st. He said the setting of the tax rate will happen next week.

Councilor Scott asked if the City Manager had an idea of what the tax rate may be.

City Manager Joyal said he couldn't.

Councilor Scott said he has seen other towns go down about 6% or 7% in assessments, and asked if that was what Dover was seeing.

City Manager Joyal said he understood from the Assessor that it's about a 6% decline in assessments.

Councilor Scott asked if the tax rate will go up about 10%.

City Manager Joyal said to raise the same amount of money the tax rate has to go up.

Councilor Scott asked if people were going to see a 3% increase in their tax bill.

City Manager Joyal said people were going to see what was based on the spending that was adopted by the Council. He said he would forward the Council that information.

Mayor Myers said the City Manager did send out an email a few days ago.



CITY OF DOVER

CITY COUNCIL - MINUTES

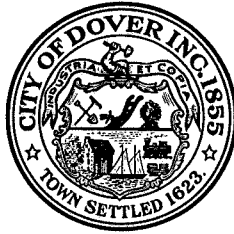
Meeting Type: Regular Meeting
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Deputy Mayor Trefethen referred to the sayings on tombstones in old cemeteries. He said on December 31st, when referring to this Council, it will say: "emails and benches, RIP."

Councilor Weston said she read the scathing opinion letter in the local newspaper and she was personally disappointed in the Councilor who wrote it.

14. ADJOURN

Councilor Weston moved to adjourn at 10:35pm; seconded by Councilor McCusker.
Vote: 8/0.



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: American Legion Post 7

Federal Tax ID number for Organization: _____

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

Contact Person: Bette Talon Day Time Telephone: 603-617-9977

Address: Central Ave Dover NH 03820 Email Address: btalon2009@yahoo.com

Purpose of Permit: would like to raffle off generator to raise \$\$ for our veterans and military families for Christmas

Date of Event: 11-21-09 Specific Time: _____

Location of Event: American Legion - Central Ave Dover

(Raffle Permit only)

Prize (s) To Be Awarded: 5000 watt generator

Amount of Donation: ~~5000~~ 450⁰⁰ Date of Drawing: 11-21-09 Specific Time: _____

Place of Drawing: American Legion Central Ave Dover

* 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 287:1-4 287:31-33 and/or RSA 286 and I agree to abide by same.

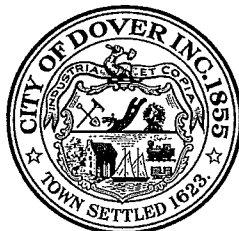
Signature: Bette Talon Date: 11-10-13-09

Licensing Board approval: [Signature] Date: 10/14/09

Revised 03/17/08

RECEIVED
CITY CLERK
2009 OCT 15 P 2:32

OK
W



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Dover Girls Hockey
Federal Tax ID number for Organization: 06-4081025
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Karen Duffy Day Time Telephone: 606-0517

Address: 27 Bacon Ln. Email Address: khduffy@comcast.net

Purpose of Permit: calendar raffle

Date of Event: Dec 09 Specific Time:

Location of Event:

(Raffle Permit only) Prize (s) To Be Awarded: mostly gift cards

Amount of Donation: small Date of Drawing: each day Specific Time: evening

Place of Drawing: Bovee Residence

* 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.

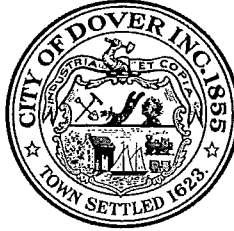
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I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: [Handwritten Signature] Date: 10.21.09

Licensing Board approval Date:



RECEIVED
DOVER CITY CLERK
DOVER, NH

2009 OCT 21 P 5:41

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: First Parish Church Congregational, U.C.C.

Federal Tax ID number for Organization: 02-0240160

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

Contact Person: Diane J. Fiske Day Time Telephone: 603-436-2818 (w)

Address: 218 Central Ave, Dover Email Address diane.fiske@melane.com

Purpose of Permit: Quilt Raffle & raffle of donated items at Holiday Fair

Date of Event: Nov. 21, 2009 Specific Time: 9-3:00

Location of Event: 218 Central Avenue

(Raffle Permit only)

Prize (s) To Be Awarded: QUILT + Goods & Services donated by local merchants

Amount of Donation: \$1.00 Date of Drawing: 11/21/09 Specific Time: 3:00

Place of Drawing: at First Parish Church, 218 Central Avenue

*** 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.

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Signature: Diane J. Fiske Date: 10/20/09

Licensing Board approval _____ Date: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R – 2009-10-28 – 169**
Resolution Re: **Award of Bid#B10017 for Segregation and Recycling of Construction Debris and Demolition Waste**

WHEREAS: Sealed bid B10017 was requested and received for the segregation and recycling of construction debris and demolition waste on September 29, 2009 at 2:00 p.m; and

WHEREAS: Responses received from three vendors were reviewed and evaluated with the bid deemed most advantageous being submitted by Aggregate Recycling Corp. in the amount of \$70.00 per ton; and

WHEREAS Following consideration of travel costs and other operations factors by the Community Services Waste Recycling Division, it is the recommendation to award the project to Aggregate Recycling Corp. at \$70.00 per ton for an estimated 867 tons with estimated annual expenditures expected to be \$60,690.00.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Aggregate Recycling Corp of Eliot ME given the estimated bid amount of \$60,690.00 and corresponding rate of \$70.00 per ton provided September 29, 2009. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000-43240-4421-0000-00-30	CS Recycling Mgmt Waste Disposal	84,000.00	69,717.77

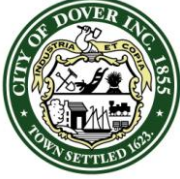
AUTHORIZATION

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 – 2009-10-28 – 169**

Resolution Re: **Award of Bid#B10017 for Segregation and Recycling of Construction Debris and Demolition Waste**

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 – 2009-10-28 – 169**
Resolution Re: **Award of Bid#B10017 for Segregation and Recycling of Construction Debris and Demolition Waste**

RESOLUTION BACKGROUND MATERIAL:

The Community Service Department has identified several companies that provide segregation and recycling of construction debris and demolition waste services. The city is moving away from sending construction debris waste to landfills and toward recycling as much of this material as possible. The city generates approximately 867 tons of debris annually and has two dumpsters that it will fill and haul to Aggregate Recycling in Eliot ME for segregation and recycling. Another vendor, a further distance from the City, submitted a response with lower rates and one vendor submitted with the same price. A cost analysis was done by City Personnel to determine the most advantageous bid. Aggregate Recycling Corporation is the closest distance from the Mast Rd Recycling facility in Dover and therefore, saving wear and tear on the vehicle, as well as gas, oil and tires and employee hourly wages.

Bid Information:

The City of Dover has solicited by sealed bid to identify qualified, reliable vendor needed for the segregation and recycling of construction debris and demolition waste disposal

Award Information:

A purchase order will be issued to Aggregate Recycling Corp to be used as needed.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	22	Number of Responses:	3
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	No
Prices will hold for:	One year	Estimated Delivery:	As needed
Recommended Award to:	ARC	Fund:	Waste 3320-
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R – 2009-10-28 – 169**
Resolution Re: **Award of Bid#B10017 for Segregation and Recycling of Construction Debris and Demolition Waste**

Vendor List

Waste Management of N.H.
4 Liberty Lane West
Hampton NH 03842

Casella Waste Systems
53 Pellham Rd
Salem NH 03079

B.F.I.
360 Constitution Avenue
Portsmouth, NH 03801

Corcoran Environmental Svcs
PO Box 536
W Kennebunk ME 04094

E.R.R.Co
Dave Diveto
270 Exeter Road
Epping, NH 03042

Advanced Recycling
25 Sanquest Street
Concord, NH 03301

Pinard Waste Systems
PO Box 5048
Manchester, NH 03108

Bestway Disposal Services
PO Box 460
Epping, NH 03042

Aggregate Recycling Corp
Jay Dougherty
PO Box 363
Eliot ME 03903-0363

Atlantic North Waste Systems
53 Pelham Road
Salem, NH 03079

Environmental Resource
Route 27
Epping NH 03042

Waste Management of N.H.
P.O. Box 7065
Rochester, NH 03867

Recycling Services, Inc.
Industrial Blvd.
P.O. Box 305
Claremont, NH 03743

Troiano Waste Services
Jim Nevin Acct Manager
197 Lincoln St
So. Portland, ME 04106

Brockton Iron & Steel
45 Freight Street
Brockton, MA

Commercial Paving & Recycling
2 Gibson Road
Scarborough, ME 04074

Maine Metal Recycling
522 Washington, Avenue
PO Box 1478
Auburn, ME 04210

Jeff Simpson
281 Jagger Mill Rd
Sanford ME 04073

Haul Away, Inc.
29 Commercial Drive
Brentwood, NH 03833

Maquire Equipment
PO Box 13
Readville MA 02137-0013

Best Way Disposal
453 Rte 125
Brantwood, NH 03833

Atlantic North Waste Systems
53 Pelham Road
Salem, NH 03079
Attn: Joanne Stanley



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.4.

Resolution Number: **R – 2009-10-28 – 169**

Resolution Re: **Award of Bid#B10017 for Segregation and Recycling of Construction Debris and Demolition Waste**

Bid Results

Vendor	\$ per ton
CPRC Group 70 Pleasant Hill Rd Scarborough ME 04074	\$55.00
Environmental Resources Return Corp 270 Exeter Rd Epping NH 03042	\$70.00
ARC Jay Doherty PO Box 363 Eliot ME 03903	\$70.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009-10-28 – 170**
Resolution Re: **Award of Bid#B10018 for Snow Plowing/Hauling Services for City Streets and Parking Lots**

WHEREAS: Sealed bid B10018 was requested and received for Snow Plowing/Hauling Services for City Streets and Parking lots on October 7, 2009 at 2:00 p.m.; and

WHEREAS: Responses were received from multiple vendors, as follows, for various prices and equipment at varying hourly rates.

Bob Sherwood Landscape Co.	Dover, NH
Norman Gagnon Construction	Rollinsford, NH
Carl Spencer Trucking	Somersworth, NH
R & M Paving Company	Dover, NH
Marshall Rental Center Inc	Kittery ME
GBT Trucking	Rochester, NH
Gil's Trucking	Dover, NH
Spencer Excavating Services	Rollinsford NH
Back & Forth Transportation LLC	Dover, NH
Brian Turgeon Excavating	Somersworth, NH
Nopano Construction LLC	Rochester, NH
Dale R. Sprague Construction	Dover, NH
Scott A. Turcotte	Rochester, NH
Tri-State Sealcoating & Paving	Dover, NH (<u>received after bid opening</u>)

WHEREAS: There is a sufficient number of vendors listed for snow removal of city parking lots and hauling services but there is an insufficient number of responses for snow removal from city streets. Due to difficulty in locating vendors and equipment suited to the City's snow plowing requirements, "late" Bids are sometimes accepted from the contractors and said equipment at agreed upon rates. Additional qualified vendors may be added as discovered and approved by the Community Services Director for Snow Plowing/Hauling Services.

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

The Purchasing Agent is hereby authorized to issue Blanket Purchase Orders to the Vendors identified above given the rates provided October 7, 2009. Additional qualified vendors may be added as discovered and approved by Community Services Director. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance 10/21/09
1000-43125-4422-0000-00-30	CS - Contract Snow Plowing	85,000.00	84,440.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009-10-28 – 170**
Resolution Re: **Award of Bid#B10018 for Snow Plowing/Hauling Services for City Streets and Parking Lots**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009-10-28 – 170**
Resolution Re: **Award of Bid#B10018 for Snow Plowing/Hauling Services for City Streets and Parking Lots**

RESOLUTION BACKGROUND MATERIAL:

The Community Service Department has found that it is more cost effective to contract out selected areas of its snow and ice removal responsibilities on streets and parking lots. To that end, an annual bid solicitation occurs for these services, and based on proposals received, staff assigns designated lots or areas of responsibility during a snowstorm. This solicitation allows the Community Services Department to better manage and track the costs of clearing school lots, public parking lots and outlying streets. The decision to use or not use certain vendors, or to supplement normal vendor assignments with additional contractual vendors, is determined by the Community Services staff on a storm-by-storm basis according to the severity of the storm. The only vendor not being considered in this years bid solicitation was submitted by Brook Valley Inc of Merrimack New York as they are a general contracting company that will utilize sub contractors. Due to the need for quick mobilization and availability the city needs to have direct interaction with vendors and not go through general contracting services.

Bid Information:

The City of Dover has solicited by sealed bid to identify qualified, reliable snow removal contractors needed to assist City personnel in this necessary winter activity, “as needed”.

Award Information:

Blanket purchase orders will be issued to the multiple vendors for the winter plowing season to be used as needed.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	43	Number of Responses:	15 and 1 NB
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	No
Prices will hold for:	April 30, 2010	Estimated Delivery:	As needed
Recommended Award to:	Various	Fund:	Snow Removal
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes/most	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009-10-28 – 170**
Resolution Re: **Award of Bid#B10018 for Snow Plowing/Hauling Services for City Streets and Parking Lots**

Vendor List

David Doucette Excavate
PO Box 694
Berwick, ME 03901

David Roy
101 Oldfields Road
South Berwick, ME 03908

Nopano Construction
14 Colonial Drive
Rochester, NH 03839

Jason McKenna
P. O. Box 128
Rochester, NH 03867

SUR Construction
PO Box 720
Rochester, NH 03867

JP Towle Construction
PO Box 1708
Dover, NH 03821

IJC, LLC
60 Farmington Road
Rochester, NH 03867

Mick Construction Corp
PO Box 210
S. Berwick, ME 03908

William Renaud
119 Knights Pond Road
S. Berwick, ME 03908

LCG Limited
PO Box 587
Barrington NH 03825

Phipps Landscape
589 Silver Street
Rollinsford, NH 03869

KC Paving
85 Knox Marsh Road
Dover, NH 03820

Demers Brothers & Sons
47 Berwick Road
South Berwick ME 03908

JR Oberbey, Inc.
175 Mt Vernon Street
Dover, NH 03820

Salmon Falls Landscape
511 Portland Ave
Berwick ME 03901

Houle Construction
409 Valley Road
N. Berwick, ME 03906

RM Paving
50 Crosby Rd
Dover NH 03820

Brian Turgeon Excavating
237 Green st
Somersworth NH 03878

TriState Sealing & Paving
PO Box 162
Dover NH 03820

Bob Sherwood Landscape
55 Knox Marsh Road
Dover, NH 03820

Al Laskey & L Sons
376 Scruton Pond Road
Barrington, NH 03825

GBT Trucking, LLC
621 Portland Street
Rochester, NH 03867

Parshley Trucking
14 Colonial Village
Somersworth, NH 03878

Nathan Winchell
33 Pork Street
Lebanon, ME 04027

DW Boisvert Trucking
368 Portland Street
Rochester, NH 03867

CAB Services, Inc.
PO Box 8
Dover, NH 03820

Allen McKenzie
PO Box 171
Lebanon, ME 04027-0171



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.5.

Resolution Number: **R – 2009-10-28 – 170**

Resolution Re: **Award of Bid#B10018 for Snow Plowing/Hauling
Services for City Streets and Parking Lots**

Norman Gagnon
Construction
126 Goodwin Road
Rollinsford, NH 03869

Mike Paterau
River Valley Development
42 Mallard Ln
Dover NH 03820

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

Carlton Spencer
Spencer Trucking 279
Green Street
Somersworth, NH 03878

Scott Blood Excavation LLC
PO Box 188
Hampton Falls, NH 03844

Tom Seigney
142 Central Ave
Dover NH 03820

Mr. Lee Page
244 Pinkham Road
Middleton, NH 03887

A Plus Roof
135 Josiah Norton Road
Cape Nedick, ME 03902

Waynes Excavation
511 Oak Hill Road
Swanville, ME 04915

Steve Slawnwhite
11 Hartswood rd
Dover NH 03820

Joseph Agins Jr.
5 Northway Cl Apt. 10
Dover, NH 03820

Gil's Trucking LLC
19 Highland Street
Dover, Nh 03820

Richard Hebbard
Hebbard Farms
99 Spruce Ln
Dover NH 03820

RSA Development
60 Farmington Rd
Rochester NH 03835

Marshall Rental
56 State Rd Rte 1
Kittery ME 03904

Riverview Landscaping
1843 State Road
Elliot, ME 03903

Bid Results

See attached spreadsheet

B10018 Vendor & Location	Plowing Streets			School Lots				Municipal Parking Lot				Snow Hauling/Sanding		
	Equipment	Plow	Rate	Location	Equipment	Plowing	Sanding	Location	Equipment	Plowing	Sanding	Equipment	Capacity	Rate
Brook Valley Inc 2174 Hewlett Ave, Suite 209 Merrick, NY 11566	2006 International	10'	90.00	DHS	96 International 10' plow	80.00	55.00	Arena	International Dump 4000 10' plow	90.00	65.00	00 International 4000 6VW	125.00	
	1996 International	10'	85.00	Alt. School *	05 F-350 9' plow	80.00	55.00	Belknap/Liquor Store	Ford F-250 8' plow	80.00	55.00			
	2000 Ford Pump	10'	90.00	Woodman Pk **	08 F-350 9' plow	85.00	55.00	Bellamy Park	Ford F-350 8' plow	80.00	55.00			
	01 Double Axle Ford	10'	105.00	Hornes St School	06 F-450 9' plow	85.00	55.00	Broadway Fire Stn***	Ford F-250 8' plow	80.00	55.00			
				Garrison	00 F-350 8.5' plow	80.00	55.00	North end Fire Stn	Chevy Dump 8'	85.00	55.00			
				Middle	92 F-350 8' plow	80.00	55.00	Butterfield Gym ***	International 8'	80.00	55.00			
								Chestnut St Lot ***	F-550 Ford 8'	80.00	55.00			
								City Hall (2 Lots) ***	International 8'	80.00	55.00			
								Dover District Court	Chevy Avalanche 8'	85.00	55.00			
								Library/McConnell ***	Ford Dump F-350	90.00	55.00			
								Durham Rd Fire ***	Mitsubishi Hiro	85.00	55.00			
								First Street Lot	01 F-350 9' plow	80.00	55.00			
								Locust Street***	00 International 8' plow	80.00	55.00			
								Orchard Street***	96 International 8.5' plow	85.00	55.00			
								Portland St Lot	98 F-350	80.00	55.00			
								River Street pkg***	96 F-250 9' plow	80.00	55.00			
								School St Lot	01 F-450 8' plow	80.00	55.00			
								Third St Lot***	99 F-350 8' plow	80.00	55.00			
								Water St	01 International 10' plow	95.00	55.00			
								Pking/Young St Pk/ End of Wash St						
									All lots preferred					
									*** Indicates loader needed					
	R & M Paving LLC 50 Crosby Road Dover, NH 03820								Arena	3 cu yd Loader	100.00		Mack Tri-Axle 20 yds Dump	80.00
									Belknap/Liquor Store	3 cu yd Loader	100.00			
									Bellamy Park	3 cu yd Loader	100.00			
									Broadway Fire Stn***	3 cu yd Loader	100.00			
									North end Fire Stn	3 cu yd Loader	100.00			
									Butterfield Gym ***	3 cu yd Loader	100.00			
								Chestnut St Lot ***	3 cu yd Loader	100.00				
								City Hall (2 Lots) ***	3 cu yd Loader	100.00				
								Dover District Court	3 cu yd Loader	100.00				
								Library/McConnell ***	3 cu yd Loader	100.00				
								Durham Rd Fire ***	3 cu yd Loader	100.00				
								First Street Lot	3 cu yd Loader	100.00				
								Locust Street***	3 cu yd Loader	100.00				
								Orchard Street***	3 cu yd Loader	100.00				
								Portland St Lot	3 cu yd Loader	100.00				
								River Street pkg***	3 cu yd Loader	100.00				
								School St Lot	3 cu yd Loader	100.00				
								Third St Lot***	3 cu yd Loader	100.00				
								Water St						
								Pking/Young St Pk/ End of Wash St	3 cu yd Loader	100.00				
								Preferred Lot: Any						

B10018 Vendor & Location	Plowing Streets			School Lots				Municipal Parking Lot				Snow Hauling/Sanding			
	Equipment	Plow	Rate	Location	Equipment	Plowing	Sanding	Location	Equipment	Plowing	Sanding	Equipment	Capacity	Rate	
Marshall Rental Center 56 State Road Kittery, ME 03904	No Bid			DHS	6 wheel dump 10' plow	43.50	74.50	Durham Rd Fire ***	No Bid			No bid			
				Alt. School *	3/4 Ton Pick up 8' plow	43.50	74.50		1 Ton with 9' plow			43.50			
				Woodman Pk **	3/4 Ton Pick up 8' plow	43.50	74.50		1 Loader 2/0 yd as needed			85.00	74.50		
				Hornes St School	1 tn pickup 9' plow 2yd sander	43.50	74.50								
				Garrison	3/4 Ton Pick up 8' plow	43.50	74.50								
			Middle School	1 tn pickup 9' plow 2yd sander	43.50	74.50									
All lots preferred															
Preferred lot- Durham Road Fire Station															
Tri-State Sealcoating & Paving PO Box 162	L8000 6 Wheeler 10 Wheel Dump	11"	95.00 70.00	No Bid				No Bid				10 Wheel Dump 18 Yds 70.00 6 Wheel Dump 6 Yd 95.00			
Bob Sherwood 55 Knox Marsh Road Dover, NH 03820	No Bid			No Bid				Chestnut St Lot ***	1 ton with 9' plow 1 6 Wheel Trucks 10' plow Bobcat 773 8' plow		65.00 55.00	6 Wheel Dump 8 yd 55.00 Truck w Sander 2 yd & 4 yd 55.00 JD 344 Loader u/a 95.00 Cat 950 u/a 110.00			
SUR Construction PO Box 720 Rochester, NH 03866	No Bid			No Bid				No Bid				No Bid			
GBT Trucking 621 Portland Street Rochester, NH 08869	No Bid			No Bid				No Bid				Tri-Axle Dump 23 Ton 65.00 Mustang Skid Steere 65.00			
Gil's Trucking LLC 19 Highland Street Dover NH 03820	No Bid			No Bid				No Bid				Tri-Axle Dump 20 yds 65.00			
Spencer Excavating Svc 132 Clement Road Rollinsford, NH 03869	No Bid			No Bid				No Bid				05 Sterling Tri-Axle Dump 22 yds 75.00			
Back and Forth Transport LLC 11 Hartwood Road Dover NH 03820	No Bid			No Bid				No Bid				1 '05 Sterling Dump Truck w/ 20 yds or heated body 76,650 lbs 65.00			
Norman R Gagnon Construction LLC 126 Goodwin Road Rollinsford, NH 03869	No Bid			No Bid				No Bid				10 Wheel Truck 16 yds 60.00 10 Wheel Truck 16 yds 60.00			
Brian Turgeon Excavating 237 Green Street Somersworth, NH 03878	No Bid			No Bid				No Bid				Western Star Tri-Axle 18-20 yds 75.00			
NoPano Construction LLC 14 Colonial Drive Rochester, NH 03839	No Bid			No Bid				Perfered lot: where needed No Bid				Volvo 10 wheel dump truck 16 cy 45.00 Case 621B lodr 3-31/2 cy 74.90			
Carl Spencer Trucking 279 Green Street Somersworth, NH 03878	No Bid			No Bid				No Bid				2007 Cat 420d 4.4 backhoe 1.5 yd loader bucket 90.00			



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

WHEREAS: In the late 1990’s, the Grandview Drive Subdivision was developed on property along the eastern shore of Barbados Pond and essentially eliminated public access to Barbados Pond; and

WHEREAS: The City of Dover owns a large parcel of land in Madbury which has frontage on Barbados Pond ; and

WHEREAS: NH Fish and Game has requested permission to establish a public access to the pond on the City’s property.

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

The City Manager is authorized to enter into a lease for Barbados Pond with NH Fish and Game.

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 – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

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 – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

RESOLUTION BACKGROUND MATERIAL:

Barbados Pond has provided area residents a place to canoe and fish for many years. NH Fish and Game stocks the pond annually to enhance the fishery. In the late 1990's, the Grandview Drive Subdivision was developed on property along the eastern shore of Barbados Pond and essentially eliminated public access to Barbados Pond. The City of Dover owns a large parcel of land in Madbury which has frontage on Barbados Pond. The property also has a public water supply well on it. NH Fish and Game approached the Community Services Department shortly after access to the pond was lost. They requested permission to establish a public access to the pond on the City's property. The City agreed to allow public access on a conditional basis. The City was concerned about potential vandalism which could compromise water system assets or water quality.

The practice of allowing public access at the Barbados property has been successful and without incident. NH Fish and Game has lived up to its obligations providing trash pick up, sanitary services and policing the access.

The time has come to formalize the access following the trial period. NH Fish and Game and the City have negotiated a five year lease for the Barbados Pond access. In that agreement a permanent fence and gate which define the parking area and provides access to the well house will be installed by NH Fish and Game.

The agreement also reserves the right of the City to terminate the agreement should activities associated with the access threaten the assets or integrity of the City's water supply.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

STATE OF NEW HAMPSHIRE

Lease Agreement for Dover, N.H Public Access Facility

1. PARTIES TO THE LEASE

The Lessor (hereinafter referred to as the "City") is:

City of Dover incorporated in the State of New Hampshire with a Business Address of 288 Central Avenue, Dover, NH, 03820 and a phone number of (603) 516-6000 having been granted authority to enter into this lease by the City of Dover City Council, [date] the minutes of which are attached as Appendix A,

The Lessee (hereinafter referred to as the "State") is:

The State of New Hampshire acting by and through its Fish and Game Department, 11 Hazen Drive, Concord, NH 03301 with a phone number of 603-271-3511.

The indenture of this Lease Agreement for **Dover**, New Hampshire canoe/cartop and walk in public access facility at Barbadoes Pond (hereinafter the "Lease") shall be effective on the date of the Lease's approval by the New Hampshire Governor and Executive Council (the "Effective Date"). This Lease is to be recorded by the State in the **Strafford** County Registry of Deeds within thirty (30) days after approval of Governor and Executive Council.

WITNESSETH THAT:

2. DEMISE OF PREMISES

For and in consideration of the mutual covenants and agreements herein contained, the City hereby demises to the State and the State hereby leases from the City, the following Premises (hereinafter called the "Premises") for the Term (as defined herein) and upon the terms and conditions hereinafter set forth:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

Parking Easement

Beginning at a New Hampshire Fish and Game aluminum bound, said point being the most westerly corner of the within described parcel; thence, N 35°00'10" E a distance of 50.00 feet to a New Hampshire Fish and Game aluminum bound; thence, S 54°59'50" E a distance of 195.00 feet to a New Hampshire Fish and Game aluminum bound; thence, S 35°00'10" W a distance of 50.00 feet to a point; thence, N 54°59'50" W a distance of 195.00 feet to the point of beginning. Containing 9,750 square feet or 0.22 acres

Access Easement

Beginning at a point on the most northwesterly line of the previously described parcel at the approximate centerline of an existing 10 foot wide trail, more or less, said point being further described as being N 35°00'10" E a distance of 12 feet, more or less, from a New Hampshire Fish and Game aluminum bound; thence, following said trail centerline in a Northwesterly direction, Westerly direction and again in a Northwesterly direction for a total distance of 850 feet, more or less, to the edge of Barbadoes Pond.

Shoreline Easement

A 150 foot wide by approximately 245+/- feet along the shore of said Barbadoes Pond, said premises being over and upon a portion of land owned by the City identified as Tax Map F-1, Lot F-42, also known as the Hughes Well lot.

The demise of the Premises consists of an area of land described in a Plan entitled Easement Plat prepared for F.S.T. Inc. of Barbadoes Pond, Dover, New Hampshire dated October 10, 2008 and added to the Lease as Appendix B (hereinafter called the "Plan"). The State will be responsible for the costs of preparing the Plan. Said Plan may be amended by the State during project development and construction by mutual agreement of the State and the City.

3. PURPOSE OF THE LEASE

Pursuant to this Lease, the State intends to maintain, manage, operate, inspect, and enforce an access facility (hereinafter called the "Facility") on the banks of the **Barbadoes Pond** on land owned by the City of Dover for the benefit of the general public. The State shall record, after review and written approval by the City, a Notice of Completion including final design in the Strafford County Registry of Deeds (the "Registry"), which shall include the Effective Date and the Term of this Lease, as hereinafter defined, and shall incorporate the terms and conditions of this Lease by reference.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.A.6.

Resolution Number: **R – 2009.10.28 – 171**
Resolution Re: Authorization for the City Manager to Enter in a Lease Agreement with NH Fish and Game for Barbados Pond

4. TERM; DELAY IN OCCUPANCY; EXTENSION OF TERM

- A. Term: The State shall have and hold the Premises for five (5) years, commencing on the Effective Date (the “Term”).
- B. **Delay in Occupancy:** If for any reason, the City fails to complete preparations of the Premises for occupancy by the State, or the City is unable to deliver possession of the Premises on the Effective Date of this Lease, all conditions and covenants of the State hereunder shall, at the State's option, be postponed until possession of the Premises is given, or until such reasonable time as the City shall complete all necessary preparations.
- C. **Extension of Term - General:** The State, subject to approval by the Governor and Executive Council, and the City may agree to extend the Term to a mutually agreeable additional term, upon the same terms and conditions as set forth herein. Either the City or the State must initiate discussions regarding extension at least one (1) year in advance of the termination of this Lease in order to allow all necessary approvals to be obtained before the Lease expires. In such event, the Lease shall be amended and a corrective notice shall be recorded at the Registry to memorialize the additional term.
- D. **Extension of the Term - Capital Improvements at Request of City:** If, at the request of the City, additional capital improvements are made to the site by the State during the Term of this Lease, this Lease shall be extended by the life of the additional improvements made, said additional life of improvements to be determined by the State with the assistance of the Federal Funding Agency at the time the improvements are planned. In such event, the Lease shall be amended and a corrective notice shall be recorded at the Registry to memorialize the extension of the Term. Notwithstanding the forgoing, and notwithstanding anything to the contrary in this Lease, if the condition of the Facility jeopardizes the health or safety of the public, the State may make all necessary repairs to the Facility including, but not limited to, in-kind replacement of capital improvements.
- E. **Conditions on the Extension of Term:** It is hereby understood and agreed by the parties that any extensions of this Lease are conditional upon mutual approval by the New Hampshire Governor and Executive Council and the City. If an extension request is denied by either party, this Lease shall terminate pursuant to the original Term as set forth above; unless the parties agree that the Lease should terminate sooner. In the event that the Term shall be amended, a corrective Notice shall be recorded at the Registry to memorialize the amended Term.



CITY OF DOVER

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5. CONSIDERATION

There shall be no monies paid by the State to the City as rent. In lieu of rent, the State shall maintain, manage, operate, inspect and enforce a public access Facility, as depicted on the Plan, during the Term of the Lease for the benefit of City residents and the non-resident general public.

6. CONDITIONAL OBLIGATION OF THE STATE

Notwithstanding the provisions of Sections 4 and 5 or anything contained in this Lease to the contrary, it is hereby expressly understood and agreed by the Parties hereto that the existence and continuance of this Lease and the obligations of the State hereunder, with the exception of actions required of the State to protect the public health and safety at the Premises which shall remain a State obligation so long as this Lease is in effect, are contingent upon the availability of State funds appropriated by the General Court of New Hampshire, and that the State shall not be responsible for carrying out the obligations under this Lease except to the extent such funds are available. In the event that any portions of such funds are not available, the State may, at its option, terminate the Lease by serving thirty (30) days written notice to the City of its intention to terminate the Lease. Termination shall occur subject to the requirements of Section 22. The City agrees to waive all claims for damages, injunctive relief, or other relief arising from the State's termination of this Lease pursuant to this Section 6.

7. USE OF FACILITY

The State shall use the Premises for the purpose of providing cartop/canoe and walk-in access to the **Barbadoes Pond**

8. PLANNED CAPITAL IMPROVEMENTS AND TITLE TO IMPROVEMENTS

The State shall provide, at its sole cost, the specific capital improvements to the Premises as set forth in Appendix C. All improvements constructed or installed by the State, including but not limited to structures, equipment, and machinery, shall be owned by the State so long as this Lease is in effect. See Section 22 regarding changes to title upon termination of the Lease.

A. Subsequent Alterations or Additions: The State may provide, at its sole cost, such other capital improvements, in addition to those set forth in Appendix C, as may be mutually agreed upon by the parties. Mutual agreement by the parties of any such alterations, additions, or improvements shall be evidenced in writing, signed by both the State and



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the City, kept on file with the State and the City. The State may conduct a “Public Open House” to collect public comment in the event of any such alterations or additions.

9. CONSTRUCTION OF THE PUBLIC ACCESS FACILITY

The State shall, at its own expense, make any alterations, additions, or improvements to the Premises in order to maintain and operate a Public Access Facility as shown on the Plan.

- A. **Manner of Work:** All alterations, additions or improvements to the Premises shall be performed in a good workmanlike manner, and when completed shall be in compliance with all Federal and State statutes. Any permits required by law or rule shall be obtained by the State. All alterations, additions, or improvements shall be made in accordance with the Plan or shall be mutually agreeable between the State and the City under the procedure described above in Section 8.
- B. **Subsequent Alterations:** Any alterations to the Facility after initial construction shall not weaken or impair the structure of the Facility, substantially lessen its value, or change the purpose for which it is used. No alteration shall be undertaken which decreases or has the effect of decreasing the usefulness of the Premises for a Public Access Facility.

10. MAINTENANCE, MANAGEMENT, OPERATION, INSPECTION AND ENFORCEMENT

For the duration of the Term, the State shall be responsible for the maintenance, management, operation, inspection, and enforcement of the Facility, including but not limited to grounds maintenance and trash and litter removal. State laws and rules, such as those in effect at the Commencement of this Lease (see Appendix D attached hereto), will be enforced by the State. Such laws and rules may be amended from time to time, and laws and rules in effect during this Lease will be enforced. The City may, with approval of the State, post and enforce additional rules that will not interfere with the intent and operation of the Public Boat Access Facility. The State shall be responsible for policing and enforcing all State rules and regulations concerning the use of the Facility. The City shall be responsible for enforcing its rules and regulations.

11. REPAIRS, REPLACEMENTS AND/OR RECONSTRUCTION OF CAPITAL IMPROVEMENTS

- A. **Ordinary Repairs:** The State shall be responsible for and shall undertake any repairs, replacements, and/or reconstruction of any capital improvement to the Facility as may be made necessary by the effects of weather or normal usage and wear by the public. Necessity for such repairs shall be determined by the State. Such repairs, replacements,



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and/or reconstruction shall be dependent upon the appropriation of adequate funds by the New Hampshire Legislature, Federal Funding, and/or Governor and Council approval.

B. Extraordinary Repairs or Major Improvements: If substantial repairs or construction of capital improvements, not including routine maintenance, are needed to protect public health and safety as determined by the State, and if such repairs or improvements would extend the life of the Facility beyond the term of the Lease, the State will consult with the City as to whether the Lease should be extended by the life of the anticipated new improvements or the Lease should terminate pursuant to the original Term. An extension of the Term of the Lease shall require City approval, as described above in Section 4(E). At the State's sole discretion, the State may permit the City to perform the necessary repairs or construction of capital improvements, to an equal or better standard than what would normally be provided by the State.

12. USE AS A PUBLIC ACCESS SITE

The City covenants and agrees that the public's use of the Boat Facility shall not be disturbed or interfered with by the City, or any person claiming by, through or under the City. The State agrees and covenants that in the event of an emergency requiring the City to gain immediate access to the Facility, access shall not be denied.

13. SIGNS

The State shall have the right to erect, and maintain a sign or signs on the Premises identifying the Facility, listing rules and regulations and posting educational materials that would be helpful to Facility users. All signs shall be removed by the State at the State's expense, at the end of the Term or any extension thereof. All damage due to such removal shall be repaired by the State as described in Section 22 herein.

14. PUBLIC ACCESS

The Facility shall be subject to 24-hour public use for the purpose of providing access to the Barbadoes Pond, and the use thereof for recreational purposes, it being expressly understood by the parties that use of the Facility may not be restricted exclusively to City of **Dover** residents.



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15. CITY ROAD TO FACILITY

The City shall also grant to the State a right-of-way easement over and upon its existing driveway from Old Stage Road to the Premises. This term of this easement shall coincide with the term of this Lease.

The City shall maintain this driveway, leading from Old Stage Road to the Premises, in a condition suitable to handle public ingress and egress to the Facility.

Snow removal on the Premises will not be provided by the State.

16. TEMPORARY CLOSURE OF FACILITY

If conditions at the Facility pose a health or safety hazard, and when construction, maintenance, or enforcement activities require, the State may temporarily close the Facility or any portion of it to public use.

17. INSURANCE

Upon the Effective Date and throughout the Term of this Lease, and any extension thereof, the City shall at its sole cost and expense, maintain with respect to the Premises and the property of which the Premises are a part, a comprehensive general liability insurance against all claims of bodily injury, death, or property damage occurring on (or claimed to have occurred on) in or about the Premises and caused by, or claimed to have been caused by, the City's negligent acts or omissions. All such insurance shall cover the City against liability and name the State as "additionally insured" within the policy.

Such insurance is to provide minimum protection, in limits of not less than two-hundred fifty thousand (\$250,000.00) per claim and two million (\$2,000,000) per incident. All insurance shall be in the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than 10 days after written notice thereof has been received by the State.

The first certificate of such insurance which will be attached hereto as Appendix E, and the City will in subsequent years send the insurance certificates to the Support Services Division of the Fish and Game Department to be kept on file.



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18. OTHER CONSISTENT USES

Nothing contained herein shall be deemed to limit the authority of the City to make use of the Premises and its surrounding area for other public or municipal purposes, provided that such other uses do not interfere with the public's use of the Facility for access to the Barbadoes Pond for recreational uses.

19. ASSIGNMENT AND SUBLEASE

This Lease shall not be assigned by the City or State without the prior written consent of the other, nor shall the State sublet the Premises or any portion thereof without the City's written consent which consent shall not be unreasonably withheld, and provided, further, that any such resulting assignee or sublessee shall have given written certification to the City to accept and perform all of the terms, covenants and conditions of this Lease to be kept and performed by the State, and that the assignee or sublessee agrees to comply with and be bound by said terms, covenants and conditions. Consent by the City to any assignment or sublease shall not waive the necessity for consent to any subsequent assignment or sublet.

In the case of any assignment or sublease of this Lease, the same shall be evidenced in writing with a Notice of Lease that is duly recorded in the Registry. In the event of an assignment of this Lease or any interest therein to a private party, or a sublease of all or any part of the Premises of this Lease to a private party, or if there is a new tenant that is a private party for the balance of this Lease or any extension, the City shall have the right to negotiate a reasonable rent, to require the new tenant to maintain insurance policies to the City's satisfaction, to require payment of real property taxes if the new party is not eligible for a tax exemption, and to make such other changes reasonably related to a typical commercial lease that are being waived for the State.

Notwithstanding the foregoing, the State may sublet the Premises or any portion thereof to a government agency under the auspices of the State without the City's prior consent but will inform the City of its intentions at least 30 days prior to the sublease.

20. INDEMNIFICATION

Except as described in Sections C and D below, the City will save the State harmless and will indemnify the State from and against any and all losses suffered by the State, and from and against any and all claims, liabilities or penalties asserted by, or on behalf of, any person, firm, corporation or public authority:



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- A. **Acts or Omissions of City:** On account of, or based upon, any injury to a person or loss or damage to property, sustained or occurring, or which is claimed to have been sustained or to have occurred on or about the Premises, on account of or based upon the act, omission, fault, negligence or misconduct of the City, its agents, servants, contractors or employees.
- B. **City's Failure to Perform Obligations:** On account of or resulting from the failure of the City to perform and discharge any of its covenants and obligations under this Lease and, in respect to the foregoing from and against all costs, expenses (including reasonable attorney's fees) and liabilities incurred in, or in connection with, any such claim, or any action or proceeding brought thereon; and in the case of any action or proceeding being brought against the State by reason of any such claim, the City, upon notice from the State shall at City's expense resist or defend such action or proceeding.
- C. **State's Acts or Omissions Excepted:** Notwithstanding the foregoing, nothing contained in this section shall be construed to require the City to indemnify the State for any loss or damage resulting from the acts, omissions, fault, negligence or misconduct of the State or its agents, servants, and employees.
- D. **Sovereign Immunity:** Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State and of the City as a subdivision of the State, which immunity is hereby reserved.

21. FIRE, CASUALTY AND EMINENT DOMAIN

Should a substantial portion of the Premises or of the property of which they are a part, be substantially damaged by fire or other causality, or be taken by eminent domain, the City or the State may elect to terminate this Lease, only if the State is not willing or able to replace the Facility as described in Section 11(B).

22. TERMINATION OF LEASE AND TITLE TO ALTERATIONS, ADDITIONS OR IMPROVEMENTS

Subject to the sub-paragraph immediately below, title to all improvements constructed or installed by the State, including but not limited to structures, equipment, and machinery, shall be in the State so long as this Lease is in effect.

- A. **Removal of State Property:** The State may, no later than 120 days after the termination or expiration of this Lease or any extension thereof, remove from the Premises any and all personal property installed by it, such as signs, materials and equipment, provided that doing so does not cause any substantial damage to the Premises. Any structures or other



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permanent improvements that were constructed by the State but are not in a safe condition for use by the public shall be removed without unnecessary damage to the land, unless the City agrees in writing to accept title to such improvements. All permanent improvements with useful life remaining, and all other property not so removed, shall become the property of the City at the end of the 120-day period after the termination or expiration of the Lease.

- B. Condition of Premises at Termination:** The State shall leave the Premises in good order and condition, and shall repair any and all damage caused by removal of its property, ordinary wear and tear of the Premises excepted.

23. BREACH BY CITY

In the event that the City defaults in the observance of any of the City's covenants, agreements and obligations hereunder, and if such default materially impairs the habitability and use of the Premises by the State, which is not corrected within thirty (30) days of the date of the written notice by the State to the City specifying such default and requiring it to be remedied, then the State may serve a written five (5) day notice of cancellation of this Lease upon the City, and upon the expiration of such a five (5) day period, the Lease shall terminate.

If any such default of the City does not materially impair the habitability and use of the Premises by the State, the City shall cure such default within thirty (30) days of the date on the written notice or within such reasonable alternative amount of time agreed upon in writing by the State, failing which, the State may terminate this Lease upon ten (10) days written notice to City.

If the City believes that activities on the Premises constitute a threat to the public water supply the City may, at its option, terminate the Lease by serving thirty (30) days written notice to the State of its intention to terminate the Lease. Termination shall occur subject to the requirements of Section 22.

Rights Hereunder: The rights granted under this Section are in addition to, and not in substitution for, any rights or remedies granted herein to the parties, or any rights or remedies at law, or in equity.



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24. CONDITIONS PRECEDENT OF THE STATE

The State's obligations under this Lease, including its obligation to maintain the Facility, are subject to each of the following conditions, which run to the State's exclusive benefit:

- A. The State may perform, at its cost, any necessary activities to assure that the Premises meets the Department's programmatic objectives. These objectives include, but are not limited to the following:
- a. Acceptable level of hazardous waste that meet or exceed public safety and health standards;
 - b. Protection of federal and state endangered/threatened and rare plant & animals species and their critical habitats;
 - c. Protection of state historic/prehistoric resources;
 - d. Protection of essential fish habitats (EFH) for marine, estuarine and anadromous finfish, mollusks and crustaceans;
 - e. Floodplain, flood storage and wetland protection;
 - f. Shoreland protection of public waters consistent with the Shoreland Protection Act;
 - g. Protection of navigation in navigable waters;
 - h. Farmland protection policies; and
 - i. Coastal zone management policies.

If the Premises fail, in the State's sole discretion, to meet any of the above objectives, the State's obligations under this Lease shall be void.

- B. The State must obtain approval from the Governor and Executive Council to enter into the Lease and to make capital improvements on the Premises. The State shall provide notice to the City within 14 days of receipt of such approval.

In the event that the conditions precedent cannot be satisfied by the State, then this Lease shall terminate without recourse by or against either party.

25. SURRENDER OF THE PREMISES

In the event that the Lease, and any extension thereof, shall have expired or terminated, the State shall peacefully quit and surrender the Premises to the City, consistent with the terms in Section 22. The State's obligations to observe or perform the covenants contained herein shall survive the expiration or termination of this Lease.



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26. NOTICE

Any notice sent by a party hereto to the other party shall be delivered by registered or certified mail, postage prepaid, in a United States Post Office, addressed to the parties at the addresses provided in Section 1 above.

27. MISCELLANEOUS

- A. **Extent of Instrument, Choice of Laws, Amendment, etc.:** This Lease, which may be executed in a number of counterparts, each of which shall have been deemed an original but which shall constitute one and the same instrument, is to be construed according to the laws of the State of New Hampshire. It is to take effect as a sealed instrument, is binding upon, inures to the benefit of, and shall be enforceable by, the parties. It can be amended only by a written instrument executed and approved by the City and the State.
- B. **No Waiver or Breach:** No assent by either party, whether express or implied, shall act as a waiver of a right of action for damages as a result of a breach of covenant, condition or obligation by the other party, nor shall it be construed as a waiver of any subsequent breach of the covenant, condition, or obligation.
- C. **Unenforceable Terms:** If any terms of this Lease, or any application thereof, shall be invalid or unenforceable, the remainder of this Lease and any application of such terms shall not be affected thereby.
- D. **Meaning of "City" and "State":** Where the context so allows, the meaning of the term "City" shall include the employees, agents, contractors, servants and licensees of the City, and the term "State" shall include the agencies, departments, employees, agents, contractors, servants, and licensees of the State.
- E. **Headings:** The headings of this Lease are for purposes of reference only, and shall not limit or define the meaning hereof.
- G. **Entire Agreement:** This Lease embodies the entire agreement and understanding between the parties hereto, and supersedes all prior agreements and understandings relating to the subject matter hereof.
- H. **No Waiver of Sovereign Immunity:** No provision of this Lease is intended to be, nor shall it be, interpreted by either party to be a waiver of sovereign immunity.



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- I. **Third Parties:** The parties hereto do not intend to benefit any specific third parties, and this agreement shall not be construed to confer any such benefit.

- J. **Incompatible Use:** The City will not rent, lease, or otherwise furnish or permit the use of the Premises, to any enterprise or activity whereby the efficient daily operation of the Facility would be adversely affected by the subsequent increase in traffic, parked vehicles, noise, odors, or any other objectionable condition or activity.



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IN WITNESS WHEREOF:

The parties hereto have set their hands on the following three signature pages:

STATE OF NEW HAMPSHIRE

The State of New Hampshire, acting through its Fish and Game Department on this day ____ of _____, 2009.

Glenn Normandeau, Executive Director

State of New Hampshire
County of _____

Personally appeared on this _____ day of _____, 2009, Glenn Normandeau, who acknowledges himself to be the Executive Director for the New Hampshire Fish and Game Department, and as such is duly authorized to executed the foregoing instrument for the purposes therein contained, by signing his name on behalf of the State of New Hampshire.

Notary Public/Justice of the Peace [seal] My Commission Expires: _____

CITY OF DOVER

APPROVED: On this _____ day of _____, 2009.

City Manager



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State of New Hampshire
County of _____

Personally appeared on this _____ day of _____, 2009, the undersigned officer who acknowledged themselves to be the Mayor of the City of Dover and that as such, he/she are duly authorized to execute the foregoing instrument for the purposes therein contained, by signing their names on behalf of the City of Dover.

Notary Public/Justice of the Peace [seal]

My Commission Expires: _____



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APPROVALS:

Approved by the Department of Justice as to form, substance, and execution on this _____ day of _____, 2009;

Assistant Attorney General

Approved by the Governor and Executive Council:

Approval Date: _____ Item #: _____

The date of approval by the Governor and Executive Council shall constitute the Effective Date of this Lease.



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APPENDIX A

MINUTES OF CITY OF DOVER MEETING OF THE CITY COUNCIL



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APPENDIX B

STATEWIDE PUBLIC BOAT ACCESS PROGRAM BARBADOES POND, DOVER, NH SITE PLAN



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APPENDIX C

LIST of ACCESS AREA IMPROVEMENTS to be made by NH FISH AND GAME

The New Hampshire Fish and Game Department will:

- Replace the existing approximately 120 feet of fencing with a four (4) foot high wire fence;
- Replace the existing 21 foot chain gate with a fourteen foot post gate;
- Continue placement and maintenance of portable toilets seasonally for the life of the lease;



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APPENDIX D **NH FISH AND GAME BOAT ACCESS AREA** **RULES and REGULATIONS**

CHAPTER Fis 1600 STATEWIDE PUBLIC ACCESS PROGRAM

PART Fis 1601 CHAPTER DEFINITIONS - RESERVED

PART Fis 1602 DEPARTMENT CONTROLLED BOAT ACCESS FACILITIES

Fis 1602.01 Rules for Department Controlled Boat Access Facilities.

(a) Department controlled boat access facilities shall be subjected to the following:

- (1) There shall be no bathing, washing or swimming permitted;
- (2) No person shall remove, destroy, or damage any tree, shrub, vine or plant or any part thereof;
- (3) No person, except a law enforcement officer acting under proper authority, shall obstruct any other individual from launching a watercraft;
- (4) No person shall park any vehicle or moor a watercraft in such a manner as to obstruct any avenue of ingress or egress, except for the purpose of launching. After launching, vehicles shall be parked in designated parking spaces
- (5) There shall be no fires or burning materials on the ground unless they are in designated fireplaces that are provided;
- (6) There shall be no camping;
- (7) No person shall leave or store watercraft unless otherwise posted;
- (8) No person shall discharge human waste from recreational vehicles;
- (9) No person shall discharge a firearm, fireworks or other explosive devices;
- (10) No person shall consume alcoholic beverages or possess an open container



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of alcoholic beverage;

(11) Commercial use of the facilities shall be prohibited;

(12) No person shall dispose of any trash except where trash receptacles are provided;

(13) No person shall attach, affix or mount any commercial or private advertisement to a department owned kiosk, building or to any other area of the public access facility;

(14) The access facilities shall be open to the public 24 hours a day except that between 10:00 pm and 5:00 am, the access sites shall be used solely for the purpose of launching and retrieval of watercraft and/or fishing from shore. No other use of the access sites shall be allowed;

(15) No person shall park any vehicle and/or trailer in an area which has been posted to prohibit parking;

(16) No person shall park any vehicle without an attached trailer, or trailer alone, in an area which has been designated for the parking of vehicles with attached trailers;

(17) No vehicle and/or trailer shall be left for a period of greater than 24 continuous hours;

(18) Vehicles and/or trailers parked contrary to this section may, at the discretion of a law enforcement officer acting under proper authority, be towed at the owners expense;

(19) If the access facility is filled to capacity, the facility shall be closed to entry by additional vehicles and trailers until such time as additional parking is available and the safety of all individuals can be ensured;

(20) The access facility shall be closed to all public use during periods of time for activities such as, but not limited to, repair and maintenance or an emergency when the safety of all users cannot be maintained.

Source, #6436, eff 1-22-97; ss by #6877, eff 10-31-98



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.10.28 – 172**

Resolution Re: Authorization to Join the Southeast Watershed Alliance and Appoint Dean Peschel as the City's Representative

- WHEREAS: The potential ecologic and economic impacts to the Great Bay estuary with excessive nutrients is enormous; and
- WHEREAS: Great Bay is beginning to show signs of degradation through loss of eel grass, and oyster beds; along with an increase of macro algae; and
- WHEREAS: Federal and State regulatory agencies are compiling regulatory policies for communities in the Piscataqua River watershed; and
- WHEREAS: Dean Peschel has had numerous discussions with both the EPA and NHDES and is aware of the problems that currently exist.

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

The City of Dover join the Southeast Watershed Alliance and appoint Dean Peschel as the City's Representative.

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

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Agenda Item#: 12.B.1.

Resolution Number: **R – 2009.10.28 – 172**
Resolution Re: Authorization to Join the Southeast Watershed Alliance and Appoint Dean Peschel as the City’s Representative

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 – 2009.10.28 – 172**

Resolution Re: Authorization to Join the Southeast Watershed Alliance and Appoint Dean Peschel as the City's Representative

RESOLUTION BACKGROUND MATERIAL:

Southeast Watershed Alliance Background

Nutrients have been identified by researchers and the NH Department of Environmental Services as a serious threat to the ecological integrity of Great Bay. Excessive nutrients have decimated other estuaries in the US and around the world with Chesapeake Bay being a prime example. The ecologic and economic impact to an estuary with excessive nutrients is enormous. Great Bay is beginning to show signs of an approaching catastrophe and federal and State regulatory agencies are moving to put in place regulatory policies that will require the communities in the Piscataqua River watershed to take action to halt the increase and begin reducing the amount of nutrients reaching the Great Bay. Sources of nutrients are primarily non point associated with runoff from streets and developed property. Lawn fertilizers, septic systems, agricultural runoff, and automobile contaminants are some of the non-point sources. The wastewater treatment plants are a point source of nutrients and will require upgrades to reduce nutrients in their discharges. The NH Legislature passed SB 168 last year to empower the local towns and cities in the Piscataqua watershed to form a regional alliance which allows the communities in the watershed to work together to begin resolving the nutrient issue. With pending regulations and permits from the EPA and NHDES it is in Dover's best interest to join the Southeast Watershed Alliance (SWA) so that it has a voice at the table as the SWA takes form. It gives member communities the strength in numbers when appealing to the regulators for reason in implementation strategies. Successfully reducing the nutrients is going to cost a lot of money. The SWA will be able to obtain grants, request federal funding through its Congressional delegation to leverage the local funds that will need to be spent to solve this problem.

Southeast Watershed Alliance Information Sheet

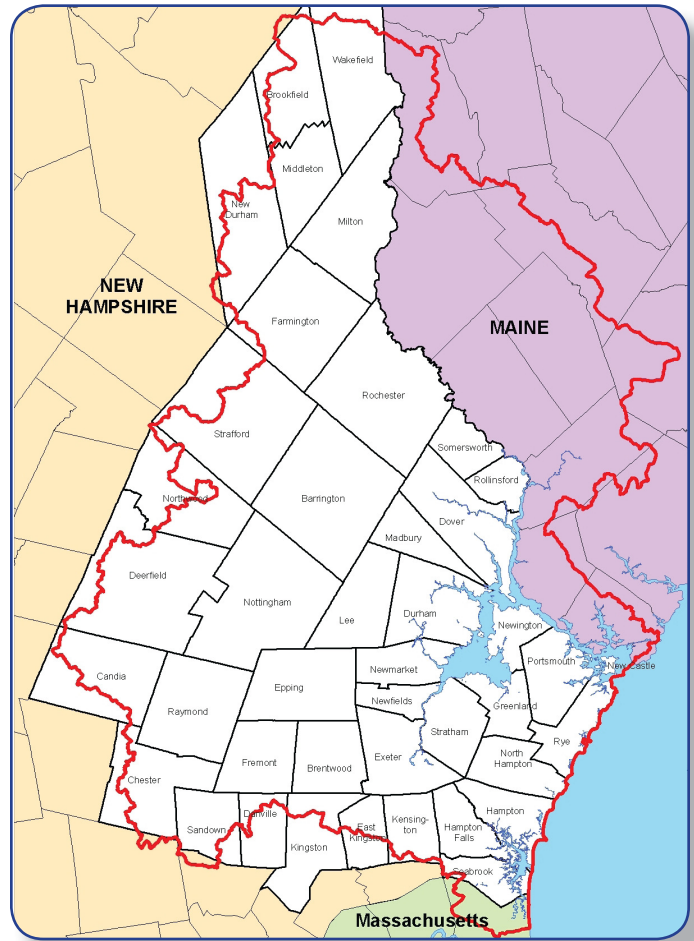
A Forum for Solutions

The Southeast Watershed Alliance (SWA), established by RSA 485-E in the 2009 legislative session, sets up an organizational framework for coastal watershed communities to learn about and address water quality issues. Your community has the opportunity to shape the SWA as it forms in the upcoming months.

Background

N.H.'s coastal water resources are highly sensitive and are subject to intense and increasing pressures associated with population growth and development. These pressures include increased pollutant loads from nonpoint sources, such as stormwater runoff, septic systems, lawn fertilizers, and agriculture, as well as point sources, such as wastewater treatment facilities. In addition, changing climate has caused increased intensity and quantity of rain, which combined with human activities has increased pollutant loads into the watershed's surface and ground waters.

Wherever you are in the 42 coastal watershed communities, your activities impact the water quality in the Great Bay and Hampton-Seabrook Estuaries.



Why Now and So What?

Excess pollution threatens Great Bay and Hampton-Seabrook Estuaries. NHDES has listed sections of all the rivers draining to Great Bay as impaired for nutrient pollution, and Hampton Harbor is impaired for bacterial pollution.

Great Bay Estuary

Rising nitrogen levels in Great Bay increasingly concern scientists and community members. When large quantities of nitrogen are introduced into a body of water, algae begin to grow and reproduce rapidly, covering the surface of the water and occupying the upper layers of the water column, both blocking sunlight and consuming vast amounts of oxygen, effectively suffocating many of the organisms beneath. For example, one of the factors in the vast decline of eelgrass is excess nitrogen. In a place where everything's connected, the threat extends from eelgrass to fish, geese, ducks and other life that rely on this plant for food and refuge.

Hampton-Seabrook Estuary

The estuary is not meeting water quality standards for bacteria, causing frequent closings of shellfish beds. In addition, the estuary supports important coastal habitats including the most productive softshell clam beds in the state and important roosting, feeding and nesting grounds for shorebirds, as well as remnant sand dunes that help protect the coast from storms.

What can joining the Southeast Watershed Alliance do for your community?

This Alliance will provide a way for communities to learn and work together on sustainable and cost-effective solutions to water quality issues in the face of the potential for increased regulatory requirements.

Communities play an integral role in helping to stop pollution from degrading our waters. All communities in N.H.'s coastal watershed play a part in the problems and the solutions; the nutrient and bacteria problems are coming from upstream and downstream communities, from both rural towns and urban centers. Streams and rivers connect all of the coastal watershed communities to each other and then to Great Bay and Hampton-Seabrook Estuaries, where the pollutants ultimately build up.

Bringing more people to the table will result in an increased understanding of the challenges. There will also be more minds to implement creative solutions to reducing pollutant loads and meeting future regulations.



The details on how SWA will go forward will be developed in the upcoming months. **Getting involved now means that you can help shape the SWA to meet your community's needs!**

Joining SWA will Help Your Community ...

- √ Get prepared to meet future regulatory responsibilities.
- √ Leverage funding to implement solutions.
- √ Build a vision to save Great Bay and Hampton-Seabrook Estuaries.
- √ Improve water quality and the quality of life in your town.

Eligible Communities as defined in 485-E:2 Section III of the legislation establishing the SWA

Barrington ♦ Brentwood ♦ Brookfield ♦ Candia ♦
Chester ♦ Danville ♦ Deerfield ♦ Dover ♦ Durham ♦
East Kingston ♦ Epping ♦ Exeter ♦ Farmington ♦
Fremont ♦ Greenland ♦ Hampton ♦ Hampton Falls ♦
Kensington ♦ Kingston ♦ Lee ♦ Madbury ♦ Middleton ♦
Milton ♦ New Castle ♦ New Durham ♦ Newfields ♦
Newington ♦ Newmarket ♦ Nottingham ♦
North Hampton ♦ Northwood ♦ Portsmouth ♦ Raymond
♦ Rochester ♦ Rollinsford ♦ Rye ♦ Sandown ♦ Seabrook
♦ Somersworth ♦ Strafford ♦ Stratham ♦ Wakefield

For more information on the SWA contact Ted Diers at 559-0027 or 271-7940.

Visit the SWA blog for links and updated meeting information at <http://blogs.nh.gov/nhpress2/swa/>.

CHAPTER 220

SB 168-FN – FINAL VERSION

06May2009... 1460h

06/24/09 2341eba

2009 SESSION

09-0952

08/05

SENATE BILL ***168-FN***

AN ACT establishing the Southeast Watershed Alliance.

SPONSORS: Sen. Hassan, Dist 23; Sen. Cilley, Dist 6; Sen. Merrill, Dist 21; Sen. Fuller Clark, Dist 24; Rep. Borden, Rock 18; Rep. Schlachman, Rock 13; Rep. Kepner, Rock 15; Rep. Spang, Straf 7

COMMITTEE: Energy, Environment and Economic Development

AMENDED ANALYSIS

This bill repeals the estuary alliance for sewage treatment and replaces it with the Southeast Watershed Alliance.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

06May2009... 1460h

06/24/09 2341eba

09-0952

08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT establishing the Southeast Watershed Alliance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

220:1 Estuary Alliance for Sewage Treatment. RSA 485-E is repealed and reenacted to read as follows:

CHAPTER 485-E

SOUTHEAST WATERSHED ALLIANCE

485-E:1 Findings and Purpose.

I. New Hampshire's coastal water resources have significant ecological, commercial, cultural, and recreational values for the state and its citizens. The state's coastal water resources are highly sensitive and are subject to intense and increasing pressures associated with population growth and development, including increased pollution loads from many sources, including wastewater treatment facilities, stormwater runoff, septic systems, and land use practices. Excess levels of nutrients are of particular concern, have become a significant problem in the Great Bay estuary, and are likely to result in more stringent water quality requirements that could affect activities occurring in municipalities throughout the coastal watershed. In order to improve and protect water quality and meet state and federal regulations, it is necessary for municipalities to reduce nutrient pollution loads from wastewater treatment facilities, stormwater runoff, septic systems and seepage, and land use practices. It is essential that the state, and municipalities located within the state's coastal watershed, work in a coordinated way to address these problems and protect the health and sustainability of New Hampshire's coastal resources.

II. The purposes of this chapter are to:

(a) Create better municipal, intermunicipal, and regional planning and coordination relative to wastewater and stormwater management, water quality and water supply planning, and land use;

(b) Establish a regional framework for coastal watershed communities, regional planning commissions, the state, and other stakeholders to collaborate on planning and implementation measures to improve and protect water quality and more effectively address the challenges of meeting clean water standards, particularly with respect to nutrients pollution;

(c) Encourage coastal watershed municipalities, the state, and other stakeholders, individually and in collaboration with one another, to plan, implement, and invest in wastewater, stormwater, and land use planning and management approaches that protect the water quality, natural hydrology, and habitats of the state's coastal resources and associated waters and that advance the state's economic growth, resource protection, and planning policy, established in RSA 9- B; and

(d) Seek innovative solutions to reducing pollution and enhancing water quality.

485-E:2 Definitions. In this chapter:

I. “Alliance” means the Southeast Watershed Alliance.

II. “Associated waters” means freshwater surface waters and groundwater located in the coastal watershed, which contribute flows downstream to the state’s coastal water resources.

III. “Coastal watershed” means the land area in New Hampshire contributing groundwater, surface water, and stormwater to the state’s coastal water resources and associated waters. The coastal watershed consists all or portions of the following municipalities: Barrington; Brentwood; Brookfield; Candia; Chester; Danville; Deerfield; Dover; Durham; East Kingston; Epping; Exeter; Farmington; Fremont; Greenland; Hampton; Hampton Falls; Kensington; Kingston; Lee; Madbury; Middleton; Milton; New Castle; New Durham; Newfields; Newington; Newmarket; Nottingham; North Hampton; Northwood; Portsmouth; Raymond; Rochester; Rollinsford; Rye; Sandown; Seabrook; Somersworth; Strafford; Stratham; and Wakefield.

IV. “Coastal water resources” means the Gulf of Maine and associated coastal embayments on the Atlantic coast of New Hampshire, and the Great Bay estuary.

V. “Department” means the department of environmental services.

VI. “Great Bay estuary” means the Piscataqua River, Great Bay and Little Bay, all tidal portions of the Bellamy, Cochecho, Lamprey, Oyster, Salmon Falls, Squamscott, and Winnicut Rivers, and the tidal portion of all minor tributaries to the Piscataqua River Great Bay, or Little Bay.

VII. “Low impact development” means development that incorporates best management practices to reduce impervious surfaces, preserve natural hydrology, and reduce stormwater volumes and pollution. Low impact development practices include, but are not limited to, project designs that reduce the amount of impervious cover, porous pavements, gravel wetlands, and green rooftops.

VIII. “Municipalities” means cities, towns, and village districts.

IX. “State’s economic growth, resource protection, and planning policy” means the policy established pursuant to RSA 9-B.

X. “Stormwater utility” means a special assessment district established to generate funding specifically for stormwater management, under RSA 149-I:6-a.

485-E:3 Southeast Watershed Alliance. There is hereby established a public body corporate and politic having a distinct legal existence separate from the state and not constituting a department or agency of the state government to be known as the Southeast Watershed Alliance, also known as the Alliance. The Alliance shall include those municipalities in New Hampshire whose boundaries include a portion of the coastal watershed and who have agreed to participate the Alliance. The public purpose of the Alliance is:

I. To engage in improved municipal, intermunicipal, and regional planning, studies, public education, and implementation measures, including potential investments, relative to water quality, water supply, wastewater and stormwater management, septic systems and septage, and land use, for the purpose of improving and protecting the water quality and natural hydrology of the state's coastal water resources and associated waters, and to more effectively address on a watershed basis the challenges of meeting state and federal regulations, including waste load limits and allocations. Such planning and investments may include, but are not limited to:

- (a) Establishing intermunicipal stormwater utilities and any associated facilities.
- (b) Establishing intermunicipal or regional wastewater districts and facilities.
- (c) Establishing and coordinating common municipal regulations for nutrient reduction and water quality protection, such as stormwater, wetlands, and buffer regulations.
- (d) Developing and implementing, in coordination with the department, innovative means to achieve compliance with nutrient and other pollutant reductions, such as a nutrients offset or trading program.
- (e) Addressing water supply and water conservation measures.

II. To foster improved municipal and intermunicipal land use planning and regulation, in coordination with the applicable regional planning commissions, such as to encourage low impact development and innovative zoning and land use management approaches, and to advance the state's economic growth, resource protection, and planning policy.

485-E:4 Advisory Committee. The Alliance shall include an advisory committee consisting of the commissioner of the department, or designee, the commissioner of the department of transportation, or designee, the Strafford, Rockingham, and southern New Hampshire regional planning commission executive directors, or designees, and the Piscataqua Region Estuaries Partnership director, or designee. The committee shall provide technical assistance, education, scientific advice, and consultation on whether plans advance the state's economic growth, resource protection, and planning policy, and otherwise share expertise and provide resources to assist the Alliance, in accordance with available resources. Members of the advisory committee shall be nonvoting members of the Alliance. The Alliance may add members to the advisory committee as it determines its needs for expertise.

485-E:5 Duties of the Department.

I. The department shall, no later than October 1, 2009:

- (a) Notify the governing bodies, planning boards, conservation commissions, and public works departments of each municipality in the coastal watershed, and the applicable regional planning commissions, of the establishment of the Southeast Watershed Alliance and of the need and purpose of the Alliance, and solicit their participation;
- (b) Convene an organizing meeting or meetings, at which the department shall describe the purpose of this chapter, the challenges facing the Great Bay estuary and coastal resources, the potential scope of the Alliance's activities, and the method prescribed by this chapter for coastal watershed municipalities to join the Alliance; and

(c) Provide technical and logistical assistance, as resources allow, to the Alliance until such time as it is self-supporting.

II. The department shall, no later than January 1, 2010, hold a meeting of all coastal watershed municipalities that have joined the Alliance to elect a chairperson of the Alliance and to begin the process of developing the Alliance's operating procedures and organizational structure.

485-E:6 Method of Joining Southeast Watershed Alliance. Any Alliance municipality may elect to participate or subsequently to withdraw from participation in the Alliance by vote of its governing body.

485-E:7 General Powers and Duties.

I. The Southeast Watershed Alliance may engage in:

(a) Intermunicipal and regional planning, coordination, and public education.

(b) Intermunicipal implementation measures, including but not limited to, intermunicipal investments and the establishment of intermunicipal agreements in furtherance of the purposes of this chapter.

II. The Alliance shall establish governing operating procedures and organizational structure, as follows:

(a) At the meeting required by RSA 485-E:5, II, members of the Alliance shall establish a planning committee which shall propose a board of directors and draft operating procedures and organizational structure in furtherance of the public purpose of the Alliance and this chapter, in accordance with all state laws. The planning committee shall include representatives from 8 coastal watershed municipalities and a representative of the advisory committee.

(b) The Alliance shall hold a meeting no later than 180 days following the meeting required by RSA 485-E:5, II at which the planning committee shall present the proposed operating procedures, organizational structure, and proposed board of directors for the Alliance's review, modification, and approval. The Alliance chairperson shall send the approved operating procedures and organizational structure to the attorney general and department of environmental services for their review and approval. The attorney general shall approve any proposed agreement unless it is in improper form or is incompatible with the requirements of this chapter and the laws of this state. The attorney general shall notify in writing to the governing bodies and the planning committee the details of any specific respects in which the proposed agreement fails to meet the requirements of law. Approval by the attorney general shall be required for the operating procedures and organizational structure to be legally valid. Failure by the attorney general to disapprove an agreement within 30 days of its submission shall constitute approval. The department shall provide comment, including recommendations for improvement, to the committee and governing bodies within 30 days of the proposed agreement's submission relative to its compatibility with the state water statutes and rules.

(c) The Alliance may amend its operating procedures and organizational structure, if necessary, to engage in implementation measures, including the establishment of intermunicipal agreements pursuant to RSA chapter 53-A. Any such amendments shall be

presented and approved at a properly noticed public meeting, and submitted to and reviewed by the attorney general and the department consistent with subparagraph (b).

III. The Alliance shall have the power to engage in intermunicipal and regional planning, coordination, and public education in furtherance of the purpose of this chapter during and after the establishment of the Alliance's bylaws, and before the department's final adoption of water quality standards establishing applicable numeric nutrient criteria.

IV. The Alliance shall have the power to engage in implementation measures consisting of intermunicipal agreements property and investments, staff, services and facilities, and the establishment of intermunicipal or regional districts, in furtherance of the purposes of this chapter. Intermunicipal or regional districts, and implementation measures needed to fund and construct intermunicipal or regional infrastructure, including the incurring of obligations or the raising and appropriating of revenue, shall be established pursuant to cooperative agreements, which shall be valid only if established in accordance with RSA 53-A. After the department's final adoption of water quality standards establishing applicable numeric nutrient criteria, the Alliance may develop a water quality management plan and, at its discretion, establish a water quality planning committee to determine the advisability of establishing one or more intermunicipal water quality management districts to implement such water quality management plan. The Alliance may engage in implementation measures prior to the department's final adoption of water quality standards.

485-E:8 Southeast Watershed Alliance Fund. The Alliance shall establish a southeast watershed alliance fund to assist the activities of the Alliance and Alliance municipalities in furthering the purpose of the Alliance and this chapter. The fund shall be nonlapsing, and shall be used only for planning, public education and outreach, organizational assistance, and implementation and infrastructure uses consistent with the purposes of this chapter, and may consist of moneys provided by Alliance municipalities, the state and federal governments, and private sources. The fund shall be administered by the department on behalf of the Alliance until such time as the Alliance has adopted its operating procedures and organizational structure and has the fiduciary capacity to administer the funds, as determined by the department.

485-E:9 Regional Outfall Construction; Prohibition. The Alliance shall not construct a regional outfall that transfers water out of the Great Bay estuary watershed directly into the Gulf of Maine absent legislation specifically authorizing it to do so.

485-E:10 Exemption from Taxes. Any property of the Alliance acquired and used to further the public purpose of planning, developing, and implementing wastewater and stormwater management and other water quality management solutions that protect the water quality and natural hydrology of the state's coastal resources and associated waters, is hereby declared to be public property and shall be exempt from all taxes and special assessments of the state or any of its subdivisions. No taxes or assessments shall be imposed upon the activities of the Alliance or upon any of its revenues.

485-E:11 Exemption from Regulation. The New Hampshire public utilities commission shall regulate the Alliance only with regard to insurance and safety requirements.

485-E:12 Report. The Alliance shall, no later than November 1 each year, provide to the senate president, the speaker of the house of representatives, the senate energy, environment and economic development committee, and the house resources, recreation and

development committee, a report on the Alliance's work and progress in carrying out the purposes of this chapter, and on recommendations for further legislation.

485-E:13 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

220:2 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (277) the following new subparagraph:

(278) Moneys deposited in the southeast watershed alliance fund established in RSA 485-E:8.

220:3 Effective Date. This act shall take effect upon its passage.

Approved: July 15, 2009

Effective Date: July 15, 2009



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R - 2009.10.08 – 173**
Resolution Re: **Authorization to Apply for NH DES Watershed Assistance Grant for Willand Pond**

WHEREAS: The City of Dover is working with the City of Somersworth and the New Hampshire Department of Environmental Services (NHDES) to remediate water quality and quantity issues at Willand Pond; and

WHEREAS: The Watershed Assistance bureau administered by the NHDES, offers annual grants which may be used by municipalities to improve aquatic natural resources in the State considered impaired; and

WHEREAS: The City of Dover has applied for and received a grant in the past and wishes to apply in 2009 for a similar grant to continue work.

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

The City Manager is hereby authorized to apply for and accept grant funds from the New Hampshire Department of Environmental Services to be used in the remediation of Willand Pond. To the extent that matching funds may be required, private funds and/or the City's funds currently allocated to the Willand Pond Project may be used.

Financing

Account	Description	Appropriation	Balance
xxxx-xxxxxx			

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.2.

Resolution Number: **R - 2009.10.08 – 173**
Resolution Re: **Authorization to Apply for NH DES Watershed Assistance Grant for Willand Pond**

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 - 2009.10.08 – 173**
Resolution Re: **Authorization to Apply for NH DES Watershed Assistance Grant for Willand Pond**

RESOLUTION BACKGROUND MATERIAL:

Willand Pond is a 86 acre natural and spring fed Class A water body, situated in the Middle Salmon Falls River, which is located in the Piscataqua River Watershed, which is located in Dover and Somersworth. Over the decades the pond watershed has been steadily developed. Routes 108 and 9 border the pond. Due to many factors a sustained elevated water level has resulted in flooding, property damage, and inaccessibility to trails and other detrimental human and environmental impacts. This elevation has been accompanied by poor water quality which triggered the pond being declared impaired under the DES Surface Water Quality Standard, Env-W's 1703.01 Water Use Classifications, (c) and (d). Since that time the pond has been reviewed and studied.

The Cities of Dover and Somersworth working with DES, through a previous Watershed Assistance grant, retained a consultant to review the watershed and to develop models to suggest solutions to the water quantity and quality issues. In 2009 the resulting study suggested infrastructure improvements be retrofitted in existing storm water management structures to improve water quality.

Staff applied to a pre-application process in September, 2009 for the 2010 round of Watershed Assistance monies. The City's application was pre-selected for interview as a next step in the grant award process. As part of that interview staff was informed that in order to apply for the final grant round in early December 2009, a commitment from the City of Dover to accepting the grant monies and providing any local match is required.

This grant would be utilized to retro-fit up to three storm water basins located within the Willand Pond watershed in Dover. The intention of retrofitting these storm water basins will be to lower the nutrient loads entering the Pond. This is required to achieve improvements in water quality. The City has requested over \$100,000 in grant funds for this project.

The Willand Pond Ad-hoc Committee has been advised of this grant and is supportive of the application.