



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 27, 2010**
Meeting Time: **7:00pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. **CHAPTER 3, ADMINISTRATIVE CODE, BOARDS AND COMMISSIONS – JOINT FISCAL COMMITTEE**
SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR WESTON
8. **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.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
 - A. **January 6, 2010 – Workshop**
 - B. **January 13, 2010**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. **CHAPTER 3, ADMINISTRATIVE CODE, BOARDS AND COMMISSIONS – JOINT FISCAL COMMITTEE**
SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR WESTON
 - B. **ORDINANCES IN THE 3rd READING - None**



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C. RESOLUTIONS

1. **RESOLUTION: ADOPTION OF FY 2011-2016 CAPITAL IMPROVEMENTS PROGRAM**
SPONSORED BY MAYOR MYERS BY REQUEST
2. **RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING**
SPONSORED BY MAYOR MYERS BY REQUEST
3. **RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS**
SPONSORED BY MAYOR MYERS BY REQUEST
4. **RESOLUTION: REAUTHORIZATION OF GENERAL FUND CIP APPROPRIATION OR ENERGY EFFICIENCY PROJECTS AND AUTHORIZATION FOR BONDING**
SPONSORED BY MAYOR MYERS BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RESOLUTION: AUTHORIZATION TO ENTER INTO AGREEMENT FOR DEPARTMENT OF JUSTICE GRANT**
SPONSORED BY MAYOR MYERS BY REQUEST
2. **RESOLUTION: B10023 CUSTODIAL SERVICES @ MCCONNELL CENTER**
SPONSORED BY MAYOR MYERS BY REQUEST
3. **RESOLUTION: COMPUTER EQUIPMENT STATE OF NH CONTRACT WITH DELL**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board Liaison | 6. Arts Commission |
| 2. Planning Board | 7. Solid Waste Advisory Commission |
| 3. Appointments Committee | 8. Transportation Advisory Commission |
| 4. Recreation Advisory Committee | 9. Joint Building Committee – Horne Street |
| 5. McConnell Center Advisory Committee | 10. Joint Building Committee – Woodman Park |



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B. RESOLUTIONS

- 1. ESTABLISHMENT OF PARKS IMPROVEMENT CAPITAL RESERVE FUND**
SPONSORED BY COUNCILOR NEDELKA AND COUNCILOR CARRIER
- 2. INFILTRATION AND INFLOW REDUCTION DESIGN PROJECT SILVER STREET UNDER SPAULDING TURNPIKE AND UNDER ROUTE 155**
SPONSORED BY MAYOR MYERS BY REQUEST
- 3. RESOLUTION: AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUNDS BY THE CITY OF DOVER CONSERVATION COMMISSION**
SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR NEDELKA
- 4. RELEASE OF ATTORNEY OPINIONS DATED 9/4/2009, 12/21/2009 and 12/24/2009**
SPONSORED BY COUNCILOR CHENEY

C. ORDINANCES IN 1ST READING

- 1. CHAPTER 3, ADMINISTRATIVE CODE; 3-73 MCCONNELL CENTER ADVISORY COMMITTEE**
(TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 10, 2010)
SPONSORED BY MAYOR MYERS BY REQUEST

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT

CITY MANAGER'S REPORT

January 27, 2010



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: December 2009

- Assistance to the City Council: drafting/review of resolutions and ordinance revisions; legal opinions; review of proposed Council rules and responses; orientation session presentations;
- Assistance to the Community Services Department: purchase of land for proposed North End Water tower; easement matter; consulting contract; road matter; contract reviews; water sewer issues; assistance to the DUC;
- Assistance to the Planning Department: compliance with zoning regulations-signs; assistance regarding appointments to boards;
- Assistance to the Finance Department: contract reviews and preparations; purchasing matters; dispute with previous vendor;
- Assistance to the Recreation Department: diving issues and insurance matters;
- Assistance to the Schools: contract for Joint Building committee; pension plan matter;
- Assistance to the City Manager: review of documents for signature; real estate; conversion to electronic storage to reduce cost/increase efficiency of file storage; budget preparation;
- Processing of three (3)RSA 91-A requests including Attorney Christopher Boldt, Pantelakos and Williams;
- Outside legal counsel expense for FY'10 Operating Budget:\$13,352.83 (excluding environmental \$5,698.35).

The role of the Office of the City Attorney is to represent the corporation as a whole including the City Council, the City Manager and the Departments. The focus of the Office of City Attorney is to avoid legal problems for the City by advising staff members, reviewing legal documents, addressing citizen concerns proactively, providing guidance to the boards, commissions and committees of the City and assisting City Councilors in the performance of their duties. The goal is to save money for the taxpayers and the City of Dover. A further role of the City Attorney is to respond to matters involving litigation. This role involves contacts with opposing legal counsel on a regular basis, the attendance at hearings and the trial of matters before the Courts.

Dover Business & Industrial Development Authority

Economic Development Overview

Dan Barufaldi

1. Sector Review:

Retail: Some leveling off in retail sales in the last month as holiday spending ended and returned to normal levels. Unemployment and fear of unemployment mitigated slightly as unemployment rates hovered minimally above and below projected levels.

Restaurants: Fast food sales are up slightly due to price cut “specials” and post holiday bargain hunters. Other breakfast and lunch sales continue at moderately reduced levels. Dinner sales at higher end restaurants, buoyed somewhat by the holidays, have fallen off.

Hotels/Motels: Sales activity is highly location sensitive, but off markedly. Weekend sales remain scarce as winter weather sets in. Our downtown hotel continues to record high occupancy levels, but at slim margins. The Microtel at Weeks Crossing is back in operation under new ownership and was advertising holiday specials recently although their occupancy rates remain low. Weekday occupancy rates at the other Week’s Crossing hotels are moderate as business travel is reduced by the slow economy and the advent of electronic meetings.

Services: Financial services continue to improve. Services connected to project work are off markedly. Travel (seasonal), cleaners, and cleaning services sales remain off, but are now stabilizing. Software sales are rising steeply. Educational services continue to grow. Healthcare services continue to grow.

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. Food manufacturing and electronic recycling are showing growth signs locally. New car inventories are still above normal, and likely to remain so in the short term as the "clunker" program borrowed from future new car sales that have fallen off despite new model introductions for 2010. Some bright spots exist at specific brand outlets like Ford and VW.

Healthcare: Still in a growth mode, but uninsured unemployed patients are avoiding services unless conditions are painful or life threatening. 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 occupied, releasing selected office leased space near the WDH main campus. WDH has removed one floor from their main campus expansion plans. One of our major mills is only 43% occupied and has lost three 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 new build 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 has 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. We are in talks with a food manufacturer currently interested in a 20,000 sq. ft. build out at Enterprise Park.

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. More new office/warehouse leases are being sold at this time, but space is being leased at reduced prices short term to gain longer term commitments.

Mills: AT&T call center space is still not leased to a new tenant. Loss of three 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 is still being contemplated.

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 date has been extended and a new partnership formed with additional capital needed to attract needed financing. This has delayed occupancy.

Downtown: Three spaces are open currently, but several small businesses selling discretionary rather than necessary products and services are at risk due to the unavailability of credit and a lack of curbside parking. DBIDA is working with BFA, SEDC and DRED to explore the possibilities to help these businesses, and is also reviewing business models to uncover opportunities for increased revenues and/or reduced expenses. Credit card companies and banks have cut or eliminated the credit lines traditionally used by small business people to bridge seasonal and/or receivable/payable time lags. Other SBA loan programs are being accessed, but these are already swamped and backlogged and are unlikely to be able to respond in time. A new Fed stimulus program aimed at providing credit to small businesses through the SBA has been announced, but local banks do not have enough details on the program to start lending at this time. Another Federal stimulus program dedicating \$135 million to NH small businesses and administrated through the NH BFA has been announced for businesses in ERZ Districts. This program would make tax exempt bonds available through local banks. Unfortunately, the extremely tight window for application ending January 29, 2010, effectively limits the program to projects already to go and excludes refinancing as eligible. Dialogue with the Dover Economic Loan Program Administrator has been initiated for small local businesses needing a startup loan. A few downtown businesses with limited resources, heavy debt loads, old business models and adaptability have now closed.

3. Unemployment:

Dover: Currently at 5.6%, an improvement back to early, 2009 levels.

Portsmouth: 5.2%
Rochester: 7.0%
Somersworth: 7.0%
Manchester: 7.6%
Concord: 5.8%
New Hampshire: 6.7%
Maine: 7.6%
Massachusetts: 8.4%
Rhode Island: 12.2%
Vermont: 5.9%
New England: 8.3%
U.S.: Currently at 10.0%.

4. Incentive Activity:

ERZ Districts (3) Progress: Four new businesses so far have moved into ERZ locations in Dover. ERZ District availability has positively influenced four move-in companies to date representing 146-200 jobs. These include 90 at CRT Corporation (adding 60 more by mid 2010), 49 at VXI Corporation, and 7 at RKG Consultants.

5. Outreach/Attraction:

Enterprise Park: Preliminary interest in Enterprise Park land for a New England distribution hub has faded with a change in the company's wish to build new, and to instead rehab and expand an existing building. Recent contacts indicate the firm has, for the time being, decided to do nothing. Dover ERZ benefits and owner indemnification offers are still on the table and being considered. Preliminary interest in Enterprise Park land for a 30,000 sq. ft. building for a NH printing company has been followed up many times. A subsequent visit with the client indicates sustained interest, but the two principal owners appear to be contending on the future course of the business. The subject company has renewed a 3 year lease at their present location, but the President still wants to pursue an Enterprise Park location, figuring it will take two of the three years to get an Enterprise Park building built.

Local company has decided to slow their phased build out in their own building until their new production process is tested at scale. They will probably take 12,000 sq.ft. of leased space at Pease for a year or so and then consider building at Enterprise Park. They still prefer a Dover location. We are beginning discussions re another local location with enhanced water supply and cost numbers and they have expressed interest in pursuing that possibility.

We are just beginning talks with a food producer re an Enterprise Park building in the 20,000 sq. ft. range. They currently supply 850 super markets and are a family owned business with solid earnings.

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 and approval by the DBIDA Executive Committee is now complete. A dialogue will now ensue with the Park tenants to finalize the Association Agreement and by-laws.

Goss Building: A new wind turbine assembly company is scheduled to move into the Goss Building shortly. Employment numbers are not yet set, but 20-25 employees is the most recent estimate.

Industrial Park Drive: The CRT Corporation has leased 80,000 sq. ft. and has added 20,000 more for a total of 100,000 sq. ft. They currently have hired 90 employees and expect to expand to two full shifts and employ 150 by early next year. They are an electronic components recycler with headquarters in Janesville, WI, a large facility in Las Vegas, NV, another in Alabama, and two more about to be located in the SE and SW of the country shortly. The Governor came to Dover to officially open the facility. ERZ status helped their decision to locate in Dover. A local "opening" is currently being planned with the Mayor, City Council, City Manager, and DBIDA Board members for a ceremony and plant tour.

The Moore Building: VXI, head set designer and distributor, (manufacturing is in China) is in the process of moving in and will bring 49 jobs. Since they are coming from Rollinsford, they will have a mix of Dover and other local employees.

Rt. 1 and Mast Rd.: Mixed use development incorporating a senior facility, 56 unit housing development, a Hannaford market, and possible restaurant. So far zoning and density compliance looks good. A public announcement with on-line plans is now available.

A Durham Economic Planning and Real Estate Development firm, RKG has moved into the 634 Central Ave. space, bringing 7 employees and are already representing local real estate interests.

"Design By You" a household design and furnishings company has moved into the former gallery space on Central Ave.

Economic Development Resource Guide: This important outreach tool is now available and distribution to selected venues for use has commenced. Feedback on the quality and usefulness of the piece has been very positive. It will be well used in the Ambassador Program for economic development outreach to relocation candidate companies.

6. Public Activities:

Parking Commission Meetings (3) Garage Presentation.
Government Affairs Committee Meeting-Chamber
Strand Investors meeting.
Kent creative Guide meetings (3)
DRED Meetings (2): Mike Bergeron
Tourism Leadership Partner meetings (2)
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.
Presentation to Portsmouth Coldwell Banker Realty Group
Arts Commission Meeting
City Council Orientation meetings
Office Interiors contact/VXI Loan Program for furniture
Local businesses lead meeting
Development Issues Meeting/Planning
TRC Meeting/ Horne St. School
Tourism Partners Meeting
Pedestrian Bridge Sub-Committee Meeting
CIBOR Seacoast Marketing Meeting: Pease
BusinessNH Meeting with Pease, Rochester, Somersworth, Portsmouth
10% Buy Local Meeting with regional E.D. Directors, Bob Hampton (author), Dover
Chamber Director
Ambassador Program Launch meeting
Silver Moon Creperie meeting



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: WORKSHOP
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, January 6, 2010**
Meeting Time: **Following Special Meeting**

1. CALL TO ORDER

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, Councilor Weston.

2. CITIZEN SURVEY PRESENTATION

The City Manager handed out packets of information that were just received yesterday. The goal is to work this information into goal setting and budget discussions.

Power Point presentation followed.

City manager is planning to work with Department Heads to go through the results and discuss programs and improvements.

Councilor Hooper stated that the results were not surprising and that some of the results were based on budget decisions.

Councilor Nedelka was pleased to have the data and felt the numbers were very consistent with the Recreation Master Plan statistics.

3. CIP DISCUSSION

The CIP is being referred to public hearing for January 13, 2010. Vote is tentatively set for January 27th. Can have a workshop on January 20th if needed.

Deputy Mayor Trefethen had no specific recommendations but believes that reductions will need to be made.

Councilor Weston stated she has a difficult time voting on street repairs without having the previously requested information of cost of phases of Tolend Road repairs.

Mayor Myers confirmed that the design bids for that project would be awarded on January 13th and would take approximately 180 days to complete design. The sewer project is due to be completed summer of 2010. Therefore, it would make sense to wait one year for the road repairs as the construction period would be short after sewer repairs were finished.

The second item was the \$300,000.00 for General Fund reserve. While a huge proponent of saving for these projects it may make more sense to cut that amount in half this year.

Councilor Nedelka wanted to see funding for Applevale maintained and was interested in receiving more information on the costs associated with the Catch basin facility. He was reluctant to slash money from savings account funds.

4. CITIZEN'S FORUM

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

Seeing no one wishing to speak, Citizens forum was closed.

5. ADJOURN

Motion to adjourn by Deputy Mayor Trefethen; seconded by Councilor Weston-passed 9/0



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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Councilor Cruikshank.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, Councilor Weston.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Weston made a motion to accept the agenda as presented; seconded by Councilor Cheney.

Vote: 9/0.

7. PUBLIC HEARINGS

A. ORDINANCE: MORNINGSIDE DRIVE STOP SIGN SPONSORED BY COUNCILOR WESTON

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

B. ORDINANCE: SHAWS LANE PARKING SPONSORED BY COUNCILOR WESTON

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

C. RESOLUTION: ADOPTION OF FY 2011-2016 CAPITAL IMPROVEMENTS PROGRAM (TO BE VOTED ON JANUARY 27, 2010) SPONSORED BY MAYOR MYERS BY REQUEST

John Scruton, 99 Sixth Street: He asked if the Tolend Road reconstruction project was part of the CIP.

Mayor Myers answered that the CIP did include the reconstruction of Tolend Road and Watson Lane.



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Mr. Scruton said they have all heard how great the roads would be if they all could be reconstructed. He said it costs \$1 million per mile to reconstruct a street and \$100,000 to resurface. He said Sixth Street was reconstructed. After six years it was breaking up and after eight years they were patching it. He asked what the lifespan was of a road reconstruction, because he didn't believe it should be breaking up already with the amount of money that was spent.

Douglas DeDe, 143 Locust Street: He agreed with the suggestions floating around that the Tolend Road project shouldn't go forward. He said the sewer still needs to be completed, and a mound may need to be built at some point, which means there will be a lot of truck travel on the road. This had to be a citywide issue and not just a Ward 6 issue, because it is a citywide expense. He said until all the variables are clearly known this project should wait.

Harvey J. Lynch, 26B Lincoln Street: He said he was surprised he agreed with Mr. DeDe's comments. He asked where the money was coming from with all the delinquencies on taxes. He felt Dover was going to be bonded into bankruptcy.

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

D. RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING (TO BE VOTED ON JANUARY 27, 2010) SPONSORED BY MAYOR MYERS BY REQUEST

John Scruton, 99 Sixth Street: He said bonding in the past has gotten the City into a lot of trouble. He said there has been a nonstop tax increase in the City for more than 10 years. He stated his property tax increases from 1999 to present. He said he is topping \$6,000 and doesn't know where he's getting the money. He said there is plenty of money to run the City, and would like an independent audit conducted that shows where the money is going.

Harvey J. Lynch, 26B Lincoln Street: He said he felt the City was over bonding. He asked for an explanation about the City bonding an employee's salary.

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

E. RESOLUTION: APPROPRIATION FOR FY2011 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS (TO BE VOTED ON JANUARY 27, 2010) SPONSORED BY MAYOR MYERS BY REQUEST

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



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F. RESOLUTION: REAUTHORIZATION OF GENERAL FUND CIP APPROPRIATION FOR ENERGY EFFICIENCY PROJECTS AND AUTHORIZATION FOR BONDING (TO BE VOTED ON JANUARY 27, 2010)
SPONSORED BY MAYOR MYERS BY REQUEST

Eric Steltzer, 103 Henry Law Avenue, Chairman of the Dover Energy Advisory Committee: He wanted to show his support for this Resolution in making the City more energy efficient.

Douglas DeDe, 143 Locust Street: He said he was in favor of the Resolution. He said it will make a big difference for the City, most particularly at the Dover Arena and McConnell Center.

Harvey J. Lynch, 26B Lincoln Street: He didn't see why the City had to front all this money to Johnson Controls before they do anything. He didn't understand why results won't be seen for seven years. He said Dover doesn't have a lot of money, and he felt the Council was giving it away.

Aviva Grasso, 1 Pebble Hill Drive: She said spending a little money now to do things right will save money down the road. The sooner this gets done the sooner the City can start saving.

Gary Green, 18 Footbridge Lane: He said he still stands firmly behind it. He clarified that the City will start seeing savings immediately, and seven years was the time period to pay off the bonding on the project.

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

8. 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.

Douglas DeDe, 143 Locust Street: He complimented the Council on the rearrangement of the Agenda. He said people sometimes come to the podium with erroneous and negative information. He said he had something positive to say about the very impressive brochure that was created by the Economic Development Director. He said his approach is spectacular, and tells the story of Dover well. He has volunteered to work pro bono with the Economic Development Director, who is looking to establish an outreach program. He asked for citizens to contact the City Clerk's office if they are interested in making contacts with businesses and selling the story of Dover.

Eric Steltzer, 103 Henry Law Avenue, Chairman of the Dover Energy Advisory Committee: He congratulated the Council on their election. He introduced himself and explained the role of the Dover Energy Advisory Committee. He invited everyone to the Button Up New Hampshire



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Program, which is a two hour presentation on energy efficiencies that everyone can do to be more energy efficient. He said it will also be aired on Channel 22.

Harvey J. Lynch, 26B Lincoln Street: He said he hated to sound negative, but he doesn't like the amount of money that is wasted in the City. He said what the Council did to Councilor Cheney was breaking the law. He said he sees things happening behind the scenes. He said he will try to be positive, but he was going to be watching them. He said it was the people's money and the Council should watch what they do.

David Montenegro, 55 Union Street: He congratulated the new Councilors. He referred to the Resolution regarding the video camera, and asked why the City felt there was a need for video cameras in the halls of the city buildings. He was concerned about privacy, and asked the Council to withhold this Resolution until it can be addressed. He referred to John Scruton's comments on December 9, 2009, where he recommended turning off traffic lights to induce traffic calming. He said the Council listened and one Sunday all the lights were blinking yellow, and the traffic was running smoother. He referred to the new guidelines for Citizen's Forum and asked for clarification on what constitutes City business. He said there many things the citizens are concerned about that might not be on the Agenda, and they should be able to talk about them.

Aviva Grasso, 1 Pebble Hill Drive: She congratulated the new Councilors. She heard some story about the inauspicious start last week, and hoped the Council will move forward positively as they said they would while campaigning. She said she was excited that the Button Up New Hampshire Program will be broadcasted, and she is looking forward to the expansion of Channel 22.

Gary Green, 18 Footbridge Lane: He congratulated the Councilors. He referred to the video camera resolution. As a member of the McConnell Center Advisory Board, they have determined a need for them. He wouldn't discuss the incidents, but he hoped the Council would vote for it.

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

9. CITY MANAGER'S REPORT

City Manager Joyal referred Page 21, Storm Management Summary. He said there have been six recorded storm events, expending \$84,000 to date. He wanted the Council to know that the City has 3 sidewalk tractors, and only the oldest model, 1986, is working at this time. He referred to the energy project, and said the City qualified for a second round of funding, \$200,000 to \$400,000, from Energy Efficiency Community Block Program Grant (EECB.) He said the City has applied for a low interest loan from the Community Development Finance Authority, who was awarded funds through the regional greenhouse gas initiative. He said the workshop next Wednesday will be dealing with finance issues. He said he hoped to have the final tax cap numbers available, and the County budget figures that are expected to be released.



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Councilor Weston made a correction that Tolend Road landfill is in Ward 5. She asked about the mound that was mentioned during the public hearing.

City Manager Joyal said he didn't know anything about it.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

- A. December 2, 2009
- B. December 9, 2009
- C. December 11, 2009
- D. December 16, 2009
- E. January 4, 2010
- F. January 6, 2010 – Special Meeting

Deputy Mayor Trefethen moved to accept the Minutes as presented; seconded by Councilor Carrier.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Myers said the County plans to publicly release their budget on Friday, with a public hearing to be held on January 27th. He thanked the City Manager, Department Heads and staff for their assistance with the Council Orientation Sessions. He thanked City Clerk Lavertu and Ms. Bessette for their work on the inauguration. He said he did a few ribbons cuttings for the Chamber of Commerce and he had more coming up this month, which was positive sign for Dover. He invited the citizens to his Coffee with the Mayor session at Café on the Corner on Saturday, January 30th, 9:00 to 11:00 am.

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

Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. MORNINGSIDE DRIVE STOP SIGN SPONSORED BY COUNCILOR WESTON

Councilor Weston moved for its adoption; seconded by Councilor Carrier.

Roll Call Vote: 9/0.

2. SHAWS LANE PARKING SPONSORED BY COUNCILOR WESTON



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 13, 2010**
Meeting Time: **7:00pm**

Councilor Weston moved for its adoption; seconded by Councilor Nedelka.
Roll Call Vote: 9/0.

B. ORDINANCES IN THE 3rd READING - None

C. RESOLUTIONS - None

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – City of Dover, Community Services Employees**
- 2. RAFFLE – St. Mary's Academy**
- 3. TAG – Dover Baseball, Inc.**

- 4. RESOLUTION: B10033 TOLEND AND WATSON RD ENGINEERING SERVICES
SPONSORED BY MAYOR MYERS BY REQUEST**

- 5. RESOLUTION: B09100 VIDEO SECURITY SYSTEM
SPONSORED BY MAYOR MYERS BY REQUEST**

- 6. RESOLUTION: TOTAL STATION FOR DOVER POLICE DEPARTMENT
SPONSORED BY MAYOR MYERS BY REQUEST**

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board Liaison | 6. Arts Commission |
| 2. Planning Board | 7. Solid Waste Advisory Commission |
| 3. Appointments Committee | 8. Transportation Advisory Commission |
| 4. Recreation Advisory Committee | 9. Joint Building Committee – Horne Street |
| 5. McConnell Center Advisory Committee | 10. Joint Building Committee – Woodman Park |

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

Councilor Garrison asked to remove Item 13.A.4.

Councilor Carrier asked to remove Item 13.A.5.

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

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 13.A.4; seconded by Councilor Garrison.



CITY OF DOVER

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Councilor Garrison discussed the different bidders on the project, and asked about the scope of work presented to them. He noted that CMA was awarded the project and has worked for the City previously. He asked if any change orders have been put in for these other projects. City Manager Joyal explained the process that the City uses on large construction projects; a qualifications based bidding process.

Mayor Myers asked for the City Manager's recommendation if the project was pushed back one year in the CIP.

City Manager Joyal recommended that the Council go forward with this Resolution.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 13.A.5.; seconded by Councilor Cruikshank.

Councilor Carrier referred to the discussions on security at the McConnell Center.

City Manager Joyal said this system would address security concerns in all the City buildings listed.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. RESOLUTION: AD-HOC FINANCIAL POLICY REVIEW COMMITTEE SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Councilor Cheney.

Vote: 9/0.

2. RESOLUTION: SETTING OF PROPERTY TAX CREDIT FOR VETERANS FOR FY2011 SPONSORED BY DEPUTY MAYOR TREFETHEN

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

Roll Call Vote: 9/0.

3. RESOLUTION: APPOINTMENTS TO JOINT BUILDING COMMITTEE WOODMAN PARK SCHOOL SPONSORED BY MAYOR MYERS

Mayor Myers moved for its adoption; seconded by Councilor Weston.

Councilor Cheney submitted paperwork to the Council. She spoke about her discussions with several attorneys who all agree that the Council is in violation of the State statute. She said the Council still hasn't received a written opinion from City Attorney Krans. She said she would abstain from the vote.

Mayor Myers made a point of order that if a Councilor was planning to abstain from a vote it was supposed to be done at the earliest possible moment, and then they leave the Council dais. He asked Councilor Cheney to rethink her position on abstaining from the vote.



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Meeting Time: **7:00pm**

Councilor Cheney said she has read the rules and will still abstain from the vote. Mayor Myers asked the City Manager and City Attorney for guidance on the rules. City Manager Joyal said the Council Rule, Section 5-K stated: "Council members should only abstain from voting on a matter before the Council in limited circumstances involving a conflict of interest or other potential Oath of Office, City Charter or ordinance violation. The Council Member shall inform the presiding officer of their intention and reason for abstaining immediately following the motion and seconding of the question pertaining to the matter, but prior to the start of the debate (the Council Member abstaining may not move or second the question to be considered.) Only the Council member may decide if there is a need for their abstention based on a conflict of interest or other potential Oath of Office, City Charter or ordinance violation. Compliance with Chapter 22 of the Dover ordinance is required. In the event of an abstention the abstainer in effect, "consents" that a majority of the Council Members may act for him or her. Council Members abstaining from consideration of a particular item shall leave the Council dais and join the public observing the proceedings until conclusion of action upon the item as determined by the presiding officer."

Mayor Myers asked Councilor Cheney to leave the Council dais if she planned to abstain from the vote. Mayor Myers said any written submissions from Councilor Cheney will not be part of the record. He asked the City Manager or City Attorney to answer about what can be done about somebody's comments on the issue before they choose to abstain

City Attorney Krans explain the two reasons to abstain. The reason is a conflict of interest, and the Councilor needs to declare the conflict of interest. The second reason for a Councilor to abstain is they just don't feel like voting. The Council Rules states that every Council has a duty to vote, but they won't be required to vote. He said the public has a right to know that is the position of the Councilor. He said Councilor Cheney has not stated why she is abstaining from the vote.

Mayor Myers asked Councilor Cheney return to the dais and state her reason for abstaining from the vote.

Councilor Cheney stated: "During the oath of office I swore to the regulations of the constitution and laws of the State of New Hampshire, the Charter and Ordinances of the City of Dover. In light of it all I feel there is a violation of the State statute, and therefore my oath of office, and I am abstaining from voting on this Resolution."

Mayor Myers suggested that the Council move on with the discussion and vote on the Resolution.

Roll Call Vote: 8/0. Councilor Cheney abstained.

C. ORDINANCES IN 1ST READING

1. CHAPTER 3, ADMINISTRATIVE CODE, BOARDS AND COMMISSIONS – JOINT FISCAL COMMITTEE

(TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 27, 2010.)

SPONSORED BY DEPUTY MAYOR TREFETHEN AND COUNCILOR WESTON



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, January 13, 2010**
Meeting Time: **7:00pm**

Deputy Mayor Trefethen moved to refer to a public hearing on January 27, 2010; seconded by Councilor Weston.

Deputy Mayor Trefethen said they have to update for some of the dates in this Resolution and they will be incorporated into a substituted version.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE

- A. Letter from Commissioner Thomas S. Burack to Ms. Loretta B. Chase**
- B. Letter from Commissioner Thomas S. Burack to Mr. Jonathan Mitchell**
- C. Letter from Commissioner Thomas S. Burack to Mr. Thomas Fargo**

Deputy Mayor Trefethen moved for the acceptance of Council Correspondence; seconded by Councilor Cruikshank.

Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Weston said the Joint Building Committee does two reports monthly: progress and financial. She asked if the Council wanted copies of the full report or a brief summary.

Councilor Cheney said the full reports are available online.

The consensus was to receive a summary.

Councilor Cheney said the paperwork that she submitted was presented as a Councilor and should be submitted as such. She said she spoke with the City Attorney after the meeting last week and he asked her to have one of the attorneys call him, but then there was a misunderstanding that the City Attorney couldn't talk to her. She said she received an email last night at 8:30pm, and she decided to call the attorney to ask him to clarify this. He said he was authorizing you to talk to Catherine Cheney about any and all matters without exception, and she is to be treated no differently than any other Council member. She said she did expect her correspondence to be put into the meeting minutes.

Mayor Myers said the Council has already chosen not to accept the written submission, and the Council has already accepted the Council Correspondence. He asked the Council if someone wanted to put forward a motion to suspend the rules. He said he will not accept it, but that Councilor Cheney could put it on another Agenda.

16. ADJOURNMENT

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

Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O-2010.01.13 - 1**
Ordinance Title: Boards and Commissions
Chapter: Chapter 3, Administrative Code

The City of Dover Ordains:

1. Purpose

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

2. Amendment

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, is hereby amended by generally amending Section 3-71, entitled “Joint Fiscal Committee” as follows:

“3-71. Joint Fiscal Committee

A.. **MEMBERSHIP:** The Joint Fiscal Committee shall consist of all elected members of the Dover School Board and the Dover City Council.

B. **TERMS OF MEMBERS:** The members shall serve for the length of their respective terms on the Dover School Board and the Dover City Council.

C. **MEETINGS AND AGENDAS:** The Joint Fiscal Committee shall meet at dates and time mutually agreeable to the Chair of the School Board and the Mayor, but at least three times per year.

1. The first regular meeting of the year shall be called to discuss the formulation of the annual budget and shall occur prior to February 1st.

2. The second regular meeting shall be called to discuss the general fund budget and shall occur prior to May 1st.

3. The third regular meeting of the year shall be called to discuss the Capital Improvements Plan (CIP) and shall occur prior to October 15th.

4. Other subjects may be discussed at any meeting pursuant to an advance agenda prepared by mutual agreement of the Chair of the School Board and the Mayor in consultation with their respective bodies.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O-2010.01.13 - 1**
Ordinance Title: Boards and Commissions
Chapter: Chapter 3, Administrative Code

5. In addition, either the Chair of the School Board or the Mayor may initiate additional special meetings throughout the year by contacting his or her counterpart. An agenda for special meetings shall be prepared in advance by mutual agreement of the Chair of the School Board and the Mayor in consultation with their respective bodies.
6. The location of meetings and seating arrangements shall be selected to promote effective communication, to enhance collegiality, and to honor the elected status of the members of each body on an equal basis.
7. The Chair of the School Board and the Mayor shall alternate presiding over the meetings on a meeting by meeting basis.

NOTE: A PUBLIC HEARING IS REQUIRED

3. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen
Councilor Karen Weston

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O-2010.01.13 - 1**
Ordinance Title: Boards and Commissions
Chapter: Chapter 3, Administrative Code

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 William Garrison, III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O-2010.01.13 - 1**
Ordinance Title: Boards and Commissions
Chapter: Chapter 3, Administrative Code

ORDINANCE BACKGROUND MATERIAL:

The purpose of this ordinance is to establish a framework for communication between the Dover School Board and the Dover City Council.

The members of the Dover School Board are elected by the citizens of Dover to serve together as the governing body for the Dover School District. As a governing body, the School Board establishes policies, plans for and manages the overall operations of Dover's public educational system ensuring excellence in meeting the needs and expectations of students, educators and citizens of the City of Dover.

The members of the Dover City Council are elected by the citizens of Dover to serve together as both a local legislative and governing body for the City of Dover. As the overall legislative body for the community, the City Council adopts ordinances, authorizes annual budgetary appropriations for all municipal departments, including the School Department, and has responsibility for ensuring the fiscal well being of the overall municipal corporation. As governing body, the City Council formulates policies, establishes strategic plans and approves matters pertaining solely to operations of the municipal services of the City of Dover exclusive of the schools.

In their respective roles, both the School Board and the City Council seek to better communicate and work cooperatively in achieving the highest level of public services in the most efficient and affordable manner needed and expected by Dover's citizens.

Opportunities for the School Board and City Council to meet and discuss issues important to each body and the city as a whole will foster communication and enhance a working relationship to meet the challenges confronted by students, educators, councilors and citizens of Dover moving forward.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2009.12.09 - 7**

Resolution Re: Adoption of FY2011-2016 Capital Improvements Program

WHEREAS: The Capital Improvements Program (CIP) serves as the City's long range planning document for the purchase or construction of capital assets; and

WHEREAS: The CIP anticipates the scheduling and financing over the course of the next six years of individual capital related projects with an estimated annual aggregate cost of \$10,000 or more and useful life of three years or greater; and That

WHEREAS: The CIP is updated annually following review by the Planning Board and adoption by the City Council;

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

The Proposed Capital Improvements Program for Fiscal Year 2011-2016 reflected in the attached document is hereby adopted.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2009.12.09 - 7**

Resolution Re: Adoption of FY2011-2016 Capital Improvements Program

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.C.1.

Resolution Number: **R – 2009.12.09 - 7**

Resolution Re: Adoption of FY2011-2016 Capital Improvements Program

RESOLUTION BACKGROUND MATERIAL:

This resolution establishes the attached FY2011 through FY2016 Capital Improvements Program. This resolution only recognizes and adopts a financial and operational planning document for the City's infrastructure over the course of the next six years and does NOT authorize funding for projects. The FY2011 – FY2016 CIP projects and their anticipated schedule for funding are reflected in the attached document.

Capital Improvements Program - FY2011-2016

Proposed

All Projects

PROJECT DESCRIPTION	Fiscal Year						Total	Finance Method
	2011	2012	2013	2014	2015	2016		
GENERAL GOVERNMENT								
Capital Reserve - Infrastructure & Equip	300,000	350,000	400,000	450,000	450,000	450,000	2,400,000	OB
Cemetery Master Plan Improvements						550,000	550,000	DF
TOTAL GENERAL GOV'T.	300,000	350,000	400,000	450,000	450,000	1,000,000	2,950,000	
POLICE								
Police Vehicle Replacement	90,000	112,500	90,000	112,500	90,000	112,500	607,500	OB
Police Facility - Design & Construction				13,000,000			13,000,000	DF
TOTAL POLICE	90,000	112,500	90,000	13,112,500	90,000	112,500	13,607,500	
FIRE & RESCUE								
Fire Apparatus Replacement	400,000		450,000				850,000	RF
Ambulance Replacement		135,000					135,000	DF
Hydraulic Extrication Equipment		30,000					30,000	OB
So End Station Generator Replacement			50,000				50,000	OB
Bunker Gear Replacement				120,000			120,000	DF
Breathing Apparatus Replacement				240,000			240,000	DF
Cardiac Monitor Replacement						72,000	72,000	OB
Repaving South End Station Ramp						38,000	38,000	OB
Staff Vehicle Replacement						35,000	35,000	OB
TOTAL FIRE & RESCUE	400,000	165,000	500,000	360,000	0	145,000	1,570,000	
COMMUNITY SERVICES - PUBLIC WORKS								
PW Heavy Equipment	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000	OB
General Streets & Sidewalk Improvements	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000	OB
Bridge Improvements	100,000	100,000	100,000	100,000	100,000	100,000	600,000	OB
Transportation Improvement Pgm	670,000	70,000	123,000	123,000	128,000	433,000	1,547,000	RF
Drainage System Improvements	150,000	150,000	150,000	150,000	150,000	150,000	900,000	OB
Bridge Replacement Whittier St		3,000,000					3,000,000	DF/GR
Bridge Improvements - Rte 108					2,200,000		2,200,000	DF
Bridge Repl - County Farm over Cochecho River						200,000	200,000	DF
Downtown Street Light Upgrade						500,000	500,000	DF
Street Recon - Floral Avenue						700,000	700,000	DF
Street Reconstruction - Silver St				3,000,000			3,000,000	DF
Street Impr - Tolend/Watson Road	2,000,000	2,500,000					4,500,000	DF
Street Reconstruction - Atlantic Ave		100,000	1,000,000				1,100,000	DF
Street Recon - Richardson Drive		475,000					475,000	DF
Street Recon - Pineview & Pearson		400,000					400,000	DF
Street Recon - Roberts						250,000	250,000	DF
Street Recon - Tanglewood Dr						335,000	335,000	DF
Street Recon - Lisa Beth Drive & Circle			500,000				500,000	DF
Street Reconstruction - Broadway	200,000		2,500,000				2,700,000	DF
Street Recon - Oak/Ham/ Ela Area		1,600,000	2,000,000				3,600,000	DF
Street Recon - Applevale Area	1,000,000						1,000,000	DF
Street Recon - Piscataqua/Rabbit Rd					1,100,000		1,100,000	DF
Street Recon - Nelson St					425,000		425,000	DF
Street Impr & Sidewalk - Mast Rd/Spruce Ln	100,000	825,000					925,000	DF
Court St/Silver St Re-alignment						200,000	200,000	DF
Catch Basin Spoils Facility	30,000	150,000					180,000	OB
Washington Street Extension						200,000	200,000	DF
Street Reconstruction - Henry Law Final Phase				850,000			850,000	DF
TOTAL COMM SERV - PW	5,450,000	10,570,000	7,573,000	5,423,000	5,303,000	4,268,000	38,587,000	
CULTURE & RECREATION								
Park/Playground Improvements	75,000	75,000	75,000	75,000	75,000	75,000	450,000	OB
Indoor Pool Lighting & Sauna Replacement						150,000	150,000	DF
Park Improvements - Maglaras						1,100,000	1,100,000	DF
Park Improvements - Guppey Field					550,000		550,000	DF
Park Improvements - Amanda Howard					200,000		200,000	DF
TOTAL CULTURE & RECREATION	75,000	75,000	75,000	75,000	825,000	1,325,000	2,450,000	

Capital Improvements Program - FY2011-2016

Proposed

All Projects

PROJECT DESCRIPTION	Fiscal Year						Total	Finance Method
	2011	2012	2013	2014	2015	2016		
PUBLIC LIBRARY								
Books and Collections	125,869	128,745	131,707	134,758	137,901	141,138	800,118	OB
Self Checkout Workstations			24,000				24,000	OB
Library Automation System (split City/School)				16,000			16,000	OB
TOTAL PUBLIC LIBRARY	125,869	128,745	155,707	150,758	137,901	141,138	840,118	
TOTAL CITY DEPARTMENTS	6,440,869	11,401,245	8,793,707	19,571,258	6,805,901	6,991,638	60,004,618	
EDUCATION								
Horne Street Elementary School Improvements	2,242,998						2,242,998	DF
Garrison Elementary School Improvements		5,400,000	2,100,000				7,500,000	DF
High School & Regional Career Tech Improvmnts				35,000,000	15,000,000	10,000,000	60,000,000	DF
TOTAL EDUCATION	2,242,998	5,400,000	2,100,000	35,000,000	15,000,000	10,000,000	69,742,998	
TOTAL GENERAL FUND	8,683,867	16,801,245	10,893,707	54,571,258	21,805,901	16,991,638	129,747,616	
SPECIAL REVENUE FUNDS								
Downtown Parking Facility				10,000,000			10,000,000	DF
Pay and Display Implementation	750,000						750,000	DF
Parking Deck - School St.				300,000	2,100,000		2,400,000	DF
TOTAL SPECIAL REVENUE FUNDS	750,000	0	0	10,300,000	2,100,000	0	13,150,000	
COMMUNITY SERVICES - WATER FUND								
Transfer to Capital Reserve	450,000	450,000	450,000	450,000	450,000	450,000	2,700,000	OB
Water Meter Replacement	50,000	50,000	50,000	50,000	50,000	50,000	300,000	OB
Water Exploration	100,000	100,000	100,000	100,000	100,000	100,000	600,000	RF
Wellhead Protection	100,000	100,000	100,000	100,000	100,000	100,000	600,000	RF
Water Main Repl - Main St./Washington St.					100,000	1,000,000	1,100,000	DF
Water Main Repl - Silver St				750,000			750,000	DF
Water Pressure Improvements - North End	2,000,000	2,000,000					4,000,000	DF/RF
Water Main Loop - Pearson/Pineview	150,000						150,000	DF
General Water Main Replacement Design	100,000						100,000	DF
Water Main Repl - Oak/Ham		750,000					750,000	DF
Water Main Repl - Ela/Rose/Coolidge Area		875,000					875,000	DF
Water Main Repl - Nelson Street					200,000		200,000	DF
Water Main Repl - Applevale Area	150,000						150,000	DF
Ireland Well Generator	100,000						100,000	DF
Water Main Repl - Broadway			500,000				500,000	DF
TOTAL WATER FUND	3,200,000	4,325,000	1,200,000	1,450,000	1,000,000	1,700,000	12,875,000	
COMMUNITY SERVICES - SEWER FUND								
Transfer to Capital Reserve	400,000	400,000	400,000	400,000	400,000	400,000	2,400,000	OB
Pump Station Equipment Replace-Maint.	75,000	75,000	75,000	75,000	75,000	75,000	450,000	OB
Inflow/Infiltration Study/Mitigation	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000	RF
Sewer Main - Henry Law Ave				200,000			200,000	DF
WWTP - Evaluation NPDES Permit	200,000						200,000	DF
Pump Station Upgrade - Varney Brook						50,000	50,000	DF
Sewer Main - Applevale Area	250,000						250,000	DF
Sewer Main - Ela Area		250,000					250,000	DF
Sewer Main - Nelson Street					100,000		100,000	DF
Sewer Main - North End		2,000,000	1,000,000	1,000,000			4,000,000	DF
Sewer Main Replacement Design	100,000						100,000	DF
General Sewer Replacements					500,000		500,000	DF
Sludge Processing Pilot Study	160,000	2,000,000					2,160,000	DF
Sewer Main - Floral Ave						50,000	50,000	RF
Leighton Way Pump Station Replacement						325,000	325,000	DF
Force Main Charles St. Pump Station						75,000	75,000	DF
TOTAL SEWER FUND	1,435,000	4,975,000	1,725,000	1,925,000	1,325,000	1,225,000	12,610,000	
TOTAL OTHER FUNDS	4,635,000	9,300,000	2,925,000	3,375,000	2,325,000	2,925,000	25,485,000	
TOTAL ALL PROJECTS	14,068,867	26,101,245	13,818,707	68,246,258	26,230,901	19,916,638	168,382,616	



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2009.12.09 – 8**
Resolution Re: **Appropriation For FY2011 Capital Improvements Program and Authorization for Bonding**

WHEREAS: The City Council desires to make public improvements and to finance these improvements with the sale of general obligation bonds.

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

The following capital projects are appropriated with estimated useful lives in excess of the length indicated:

Item #	Description	Proposed Appropriations	Life/Yrs	Department	Fund
1	Street Improvements - Tolend/Watson Road	2,000,000	20	Comm Serv - PW	General
2	Street Reconstruction - Broadway	200,000	20	Comm Serv - PW	General
3	Street Reconstruction - Applevale Area	1,000,000	20	Comm Serv - PW	General
4	Street Imprv & Sidewalk - Mast Rd/Spruce Ln	100,000	20	Comm Serv - PW	General
5	Horne Street Elementary School Improvements	2,242,998	20	Education	General
6	Pay and Display Implementation	750,000	20	Parking	Special Revenue
7	Water Pressure Improvements - North End	2,000,000	20	CS - Water	Water
8	Water Main Loop - Pearson/Pineview	150,000	15	CS - Water	Water
9	General Water Main Replacement Design	100,000	15	CS - Water	Water
10	Water Main Replacement - Applevale Area	150,000	15	CS - Water	Water
11	Ireland Well Generator	100,000	15	CS - Water	Water
12	WWTP - Evaluation NPDES Permit	200,000	15	CS - Sewer	Sewer
13	Sewer Main - Applevale Area	250,000	15	CS - Sewer	Sewer
14	Sewer Main Replacement Design	100,000	15	CS - Sewer	Sewer
15	Sludge Processing Pilot Study	160,000	20	CS - Sewer	Sewer
	Total	<u>\$9,502,998</u>			

AND FURTHER BE IT RESOLVED THAT:

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount equal to the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the Finance Director/City Treasurer, with the Finance Director/City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three days after public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2009.12.09 – 8**
Resolution Re: **Appropriation For FY2011 Capital Improvements Program and Authorization for Bonding**

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.C.2.

Resolution Number: **R – 2009.12.09 – 8**
 Resolution Re: **Appropriation For FY2011 Capital Improvements Program and Authorization for Bonding**

RESOLUTION BACKGROUND MATERIAL:

This resolution makes appropriations for the projects of the FY2011 Capital Improvements Program financed by debt and authorizes the sale of bonds.

This resolution makes appropriations for projects that are scheduled to be completed over multiple years. The Finance Department requests from all departments with projects to submit cash flow requirements for projects. These cash flow projections are completed to determine the amount by project for the coming bond issuance. Those projects that are not financed or are only partially financed remain as authorized unissued debt and bonded (financed) when the cash need arises.

Debt Authorization versus Debt Retirement

The following table compares the tentative authorization amount to the amount of debt being retired: The Net Sewer reflects the amount retired by user fees (total debt retirement less State aid for principal).

Description	City	School	General			Spec Rev	Total
			Fund	Water	Net Sewer		
FY2011 Authorization	3,300,000	2,242,998	5,542,998	2,500,000	710,000	750,000	9,502,998
FY2011 Retirement	3,936,247	2,242,998	6,179,245	905,000	795,747	230,000	8,351,482
Net Change	-636,247	0	-636,247	1,595,000	(85,747)	520,000	1,151,516

Authorization for Special Revenue Fund is for Parking Activity Fund
 Retirement for Special Revenue Fund is for McConnell Center Fund

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2009 and this authorization, against the legal debt limits.

Description	City	School	Water	DBIDA-IP	DBIDA-IB	Exempt	Total
Debt Outstanding	40,012,470	27,408,664	10,763,000	595,000	1,823,435	19,409,786	100,012,355
Authorized - Unissued	3,626,258	3,850,000	1,050,000	0	0	3,100,000	11,626,258
Total Issued & Unissued	43,638,728	31,258,664	11,813,000	595,000	1,823,435	22,509,786	111,638,613
This Authorization	3,300,000	2,242,998	2,500,000	0	0	1,460,000	9,502,998
Grand Total	46,938,728	33,501,662	14,313,000	595,000	1,823,435	23,969,786	121,141,611
Legal Debt Limit	91,218,523	212,843,221	304,061,744	4,000,000	NA	NA	
Unused Capacity	44,279,795	179,341,559	289,748,744	3,405,000			
Percent Unused	48.5%	84.3%	95.3%	85.1%			

Notes: Legal debt limits are based on a percent of equalized assessed value. City 3%, School 7%, Water 10%.
 DBIDA limits are set by special legislation.
 IP = Industrial Park projects
 IB = Industrial Building projects
 Exempt includes Sewer, Special Revenue Funds and Tolend Road Landfill debt.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2009.12.09 – 8**
 Resolution Re: **Appropriation For FY2011 Capital Improvements Program and Authorization for Bonding**

Rate Impacts

The following tables summarize the change from year to year on the Property Tax Rate and the Utility Rates, net of existing debt service and aid, related to this FY11 authorization. The top table reflects the impact of the new CIP projects only; the second set reflects the combined impact of the new CIP projects and anticipated debt related to prior year authorizations. The rate changes have been adjusted for any amendments to projects from the proposed CIP.

CIP Only

Net Change in Property Tax Rates

	<u>2011</u>	<u>2012</u>	<u>2013</u>
City	0.06	0.12	0.12
School	0.04	0.08	0.08
Total Change	0.10	0.20	0.20
Est Tax Rate	<u>23.43</u>	<u>23.63</u>	<u>23.83</u>
% Change City	0.70%	1.39%	1.38%
% Change School	0.42%	0.84%	0.83%
% Change Total	0.43%	0.85%	0.85%

Including Prior Year Authorizations

Net Change in Property Tax Rates

	<u>2011</u>	<u>2012</u>	<u>2013</u>
City	0.02	0.08	0.07
School	0.09	0.11	0.07
Total Change	0.11	0.19	0.14
Est Tax Rate	<u>23.44</u>	<u>23.63</u>	<u>23.77</u>
% Change City	0.23%	0.93%	0.81%
% Change School	0.94%	1.14%	0.73%
% Change Total	0.47%	0.81%	0.60%

Rate per \$1,000 of Assessed Value

CIP Only

Net Change in Utility Rates

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Water	0.11	0.24	0.23
Sewer	0.03	0.08	0.08
Total Change	0.14	0.32	0.31
Est Utility Rate	<u>8.66</u>	<u>8.98</u>	<u>9.29</u>
% Change Water	2.91%	6.17%	5.72%
% Change Sewer	0.63%	1.68%	1.66%
% Change Total	1.64%	3.70%	3.51%

Including Prior Year Authorizations

Net Change in Utility Rates

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Water	0.08	0.23	0.28
Sewer	0.01	(0.03)	(0.88)
Total Change	0.09	0.20	(0.60)
Est Utility Rate	<u>8.61</u>	<u>8.81</u>	<u>8.21</u>
% Change Water	2.12%	5.96%	6.98%
% Change Sewer	0.21%	-0.63%	-18.68%
% Change Total	1.06%	2.32%	-6.88%

Rate per 100 Cubic Feet of Water Consumption



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2009.12.09 – 8**

Resolution Re: **Appropriation For FY2011 Capital Improvements Program and Authorization for Bonding**

The table below reflects the net change from year to year, and the total change after 3 years, for an average single family home for taxes and user fees, based on the FY10 assessed value at \$252,454 with 75 HCF of average water usage.

Impact to Average Single Family Home

Description	Yr1	Yr2	Yr3	Change After 3 Years
CIP Only				
Property Tax	25	50	51	126
Water Fees	8	18	17	43
Sewer Fees	3	6	6	15
Total Avg SFH Impact	36	74	74	184
Including PY Authorizations				
Property Tax	28	48	35	111
Water Fees	6	18	21	45
Sewer Fees	1	9	(66)	(56)
Total Avg SFH Impact	35	75	(10)	100



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R – 2009.12.09 – 9**
Resolution Re: **Appropriation For FY2011 Capital Improvements Program – Non-Debt Financed Projects**

WHEREAS: The City Council desires to make public improvements as listed in the Capital Improvements Program for Year 1 and to finance these improvements with transfers from Reserve Trust Funds and appropriation of existing funds.

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

The following capital outlays are appropriated as part of the FY11 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item	Description	Appropriation	Funding	Fund
1	Fire Apparatus Replacement	\$400,000	General Fund Capital Reserve	Trust
2	Local Share Transportation Impr Pgm	130,000	Transportation Res	Trust
3	Water Exploration	100,000	Water Capital Reserve	Trust
4	Water Wellhead Protection	100,000	Water Capital Reserve	Trust
5	Sewer Inflow Infiltration Mitigation	250,000	Sewer Capital Reserve	Trust
	Total	<u>\$980,000</u>		

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

Note: This resolution requires a public hearing and a 2/3 majority vote according to C6-6 of the charter.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R – 2009.12.09 – 9**

Resolution Re: **Appropriation For FY2011 Capital Improvements Program – Non-Debt Financed Projects**

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.C.3.

Resolution Number: **R – 2009.12.09 – 9**
Resolution Re: **Appropriation For FY2011 Capital Improvements Program – Non-Debt Financed Projects**

RESOLUTION BACKGROUND MATERIAL:

This resolution appropriates reserve trust funds and special revenue funds to finance a portion of the FY11 Capital Improvements Program. In addition, it authorizes the transfer of Reserve Trust Fund moneys.

The following table reflects the amount to be appropriated from the various funds and their projected balances as of 6/30/2010

Description	Proposed Appropriation	Balance 6/30/2010
Trust Reserve Funds CIP		
General Fund Capital Reserve *	400,000	356,956
Transportation Improvements	130,000	253,228
Water Capital Reserve	200,000	1,952,749
Sewer Capital Reserve**	250,000	246,121
<hr/>		
Totals	<u>\$980,000</u>	

* The General Fund Capital Reserve will have sufficient funds for the appropriation as a transfer from the General Fund of \$300,000 into the trust is budgeted during FY2011.

** The Sewer Capital Reserve will have sufficient funds for the appropriation as a transfer from the Sewer Fund of \$400,000 into the trust is budgeted during FY2011 and the trust also receives funding from Investment Fees.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.4.

Resolution Number: **R – 2010.01.06 – 10**
Resolution Re: Reauthorization General Fund CIP Appropriation for Energy Efficiency Projects and Authorization for Bonding

WHEREAS: On June 10, 2009 the Dover City Council held a public hearing on Resolution 2009.05.27-75 for Supplemental General Fund CIP Appropriation for Energy Efficiency Projects and Authorization for Bonding; and

WHEREAS: The City Council approved Resolution 2009.05.27-75 on June 24, 2009 authorizing the appropriation for the project and authority for financing the project with the sale of general obligation bonds; and

WHEREAS: The City is unable to demonstrate to Bond Legal Counsel, that as required by RSA 33:8-a that the June 10, 2009 public hearing was advertised in a newspaper of general circulation and therefore Bond Legal Counsel recommended reauthorization of appropriation and authorization for bonding as required by RSA 33:8-a.; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital project is appropriated with estimated useful lives in excess of the length indicated:

Description	Appropriation	Life/Years	Department	Fund
Energy Efficiency Projects	\$1,836,765	10	General Government	General Fund
Total	<u>1,836,765</u>			

AND, FURTHER BE IT RESOLVED;

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount equal to the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the Finance Director/City Treasurer, with the Finance Director/ City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing. Resolution to be referred to public hearing for January 13, 2009.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.4.

Resolution Number: **R – 2010.01.06 – 10**
Resolution Re: Reauthorization General Fund CIP Appropriation for
Energy Efficiency Projects and Authorization for Bonding

RESOLUTION BACKGROUND MATERIAL:

On June 10, 2009 the Dover City Council held a public hearing on Resolution 2009.05.27-75 for Supplemental General Fund CIP Appropriation for Energy Efficiency Projects and Authorization for Bonding.

The City Council approved Resolution 2009.05.27-75 on June 24, 2009 authorizing the appropriation of \$1,836,765 for the project and authority for financing the project with the sale of general obligation bonds.

The City Treasurer initiated the process for issuance (sale) of General Obligation Bonds, which includes the \$1,836,765 for the Energy Efficiency Projects, and compiled the Bond Legal Counsel authorization (legal) documents packet to obtain Counsel's approval for the validity of the sale of the bonds. In the process on compiling the legal documents packet it was determined there was no tangible record of a legal ad being placed in Foster's Daily Democrat for the June 10, 2009 public hearing.

The City is unable to demonstrate to Bond Legal Counsel, that as required by RSA 33:8-a, that the June 10, 2009 public hearing was advertised in a newspaper of general circulation. Therefore Bond Legal Counsel recommended reauthorization of appropriation and authorization for bonding in accordance with the procedure required by RSA 33:8-a and City Charter.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2010.01.27 – 11**

Resolution Re: Authorization to Enter into Agreement for Department of Justice Grant

WHEREAS: The City of Dover has the opportunity to receive \$25,000 of Department of Justice funds (DOJ) from the New Hampshire Department of Safety, Division of State Police; and

WHEREAS: The funds are to be used for plain clothes patrols in the downtown area of the city and other areas as the need is determined for the purpose of detecting and enforcing street level crimes and incidents; and

WHEREAS: There is no matching fund obligation required of the City of Dover

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

The City Manager is hereby authorized to enter into an agreement with the New Hampshire Department of Safety, Division of State Police to receive \$25,000 in funding for the purpose of conducting various enforcement patrols within the City of Dover.

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#: 13.A.1.

Resolution Number: **R – 2010.01.27 – 11**

Resolution Re: Authorization to Enter into Agreement for Department of Justice Grant

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		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2010.01.27 – 11**

Resolution Re: Authorization to Enter into Agreement for Department of Justice Grant

RESOLUTION BACKGROUND MATERIAL:

The Dover Police Department has the opportunity to receive \$25,000 in funding from the New Hampshire Department of Safety Division of State Police. The State Police obtained the federal funding through the Department of Justice and is willing to allocate a portion of the funds to Dover to collaborate and combine efforts in order to reduce crime within the City of Dover.

There is no matching fund obligation. The funds would pay for overtime salaries for Dover Police officers to conduct plain clothes patrols within the City of Dover both independent and in conjunction with officers from the New Hampshire State Police.

The purpose of the patrols is to detect and enforce street level crimes and incidents such as drug sales, assaults, gang activity, disturbances, alcohol related incidents, and vandalism. Some of the patrols will take place in the downtown area of the city during the weekend nights. The days of the week, times, and locations for other patrols will be determined by analysis of the frequency of criminal and adverse quality of life activity.

The funds for these patrols are available immediately pending approval of the State of New Hampshire Fiscal Committee and the State of New Hampshire's Governor and Council. The funding will expire on September 30, 2011.

MEMORANDUM OF UNDERSTANDING (MOU)

With The State of New Hampshire, Department of Safety,
Division of State Police, and the City of Dover
Police Department

REGARDING THE USE OF THE FFY 2009 FEDERAL STREETSWEeper GRANT FOR LAW ENFORCEMENT OVERTIME

1. **PARTIES.** The parties to this agreement are the City of Dover Police Department and the State of New Hampshire, Department of Safety, Division of State Police.
2. **AUTHORITY.** This Agreement is authorized under the provisions of the United States Department of Justice.
3. **OVERVIEW.** The New Hampshire Department of Safety, Division of State Police, at its sole discretion, has allocated from its current grant budget an amount of \$25,000, for the period of November 14, 2009 through September 30, 2011 to the Dover Police Department. These funds are to be used by the Dover Police Department for the enforcement activities relating to Gang, Undercover Drug Investigations and related search warrant executions (SWAT). Although these funds represent a portion of a larger Grant, issued to the New Hampshire Department of Safety, Division of State Police, by the U.S. Department of Justice – BJA, it should be noted that the Dover Police Department is not a sub-grantee of this awarded Grant, nor is the Dover Police Department named by the U.S. Department of Justice - BJA in this Grant Award in any manner or fashion. However, as a party to and participant with the NH Department of Safety grant and the stated objectives, the Dover Police Department is responsible for compliance with all Federal Terms and Conditions as attached. This includes being available in person and with appropriate documentation to participate in any audits from Federal or State authorities that may result from the award of this grant.
4. This award is funded for the period noted on this MOU. No guarantee is given or implied of subsequent funding in future year. The \$25,000 allotment, which requires no matching funds, is a discretionary amount that the Division of State Police has voluntarily made available to the Dover Police Department for the specific purpose of funding the afore mentioned functions. The use of these funds is limited to the payment of overtime salaries that are being paid to Dover Police Officers working the streets, in the performance of joint patrols, undercover drug investigations and search warrant executions with the State Police, as referenced above, and does not include benefits or other miscellaneous expenses incurred by the Dover Police Department as a consequence of their personnel working these gang, drug investigations or search warrant executions (SWAT). The funds will be distributed after approval of the State of New Hampshire Fiscal Committee and New Hampshire's Governor and Council, on a reimbursement basis as defined in #7 of this agreement. The grant will expire September 30, 2011.
5. **PURPOSE.** The purpose of this Agreement is to identify the affiliation among the Department of Safety, Division of State Police and the City of Dover to combat crime within the city and monitor Gang activity and illegal drug sales.
6. **AGREEMENT.** Monthly invoices and activity reports (summarizing activities on a weekly basis) should be submitted to the attention of:

Captain John G. LeLacheur
NH State Police – Operations Bureau, Room 200
33 Hazen Drive
Concord, NH 03305 – 0001
JOHN.LELACHEUR@DOS.NH.GOV

via e-mail attachment. Captain LeLacheur will be responsible for making all invoices and activity reports available to the Colonel of the State Police and the Commissioner of Safety upon receipt. The activity reports are to include such items as:

- Number and itemization of motor vehicle activity generated; both warning, summons and arrests.
- Number of DWI arrests specifically made by these patrols.
- Number of City ordinance violations; both warning and summons.
- Number of Criminal Arrests in total.
- Number of drug related arrests specifically made by these patrols.
- Number of "Field Reporting Cards" generated.
- Number of overall calls responded to on any given night by these patrols.
- Number of fights responded to on any given night by these patrols.
- Number and types of seizures made as a consequence of these patrols.
- Number of Gang Members Identified.
- Number of New Informants generated.

Information that the Department of Safety obtains from these weekly reports and other summary reports that the Department of Safety may request from time to time, is to be incorporated into the progress reports that the Department of Safety is required to file with the Granting Agency. At a minimum a formal quarterly report in conjunction with our federal reporting periods will be required for submission from the Dover Police Department. It is important that these reports are completed and submitted in a timely fashion, so as to avoid any reimbursement funding delays. Accuracy of the information submitted is also important as it helps the Department of Safety to support future requests for funding of this kind and to maintain minimum current grant compliance.

7. **TERMS OF REIMBURSEMENT:** As per the budget plan approved by the U.S. DOJ reimbursement will be made to the City of Dover at a rate not to exceed **\$55 per hour per sworn law enforcement personnel**, which provides a 10% variance above the approved grant rate. This is the maximum allowable rate per person. If an officer is charged at a lower rate on the municipal payroll then the lower rate must be reported to NH State Police and will be reimbursed at that lower rate. Overtime expenses are the result of personnel who worked over and above their normal scheduled daily or weekly work time in the performance of pre-approved activities related specifically to the objectives of this grant. Payment of overtime expenses will be for work performed by Dover Police Department employees in excess of the established work week (usually 40 hours or by contract) related to approved objectives of this grant. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities. Documentation will be retained at the Municipal/Agency level and be available for State/Federal audit. All documented expenses will be further certified as an accurate record of time and wage of those incurred by the listed individual for this specific grant approved activities and that the individuals have been paid by the municipality. This signed certification will be submitted in a summarized spreadsheet format and will include payroll verification, signed by a payroll supervisor and the Chief of the Department verifying the time worked. The spreadsheet **must** include employees name, hours worked, dates worked, and salary paid for that period.

As requested in previous years, the billing by your Agency is to be done on a monthly basis and is to be submitted within 10 business days following the month being requisitioned. The invoice will accompany the monthly activity reports. These invoices should be directed to the attention of Captain John LeLacheur, at 33 Hazen Drive in Concord, NH. Captain LeLacheur will review these invoices and subject to our receipt of the requested weekly reporting for the given month, will forward your invoices to our Administrator within the Division of State Police for authorization for payment.

Please refer any question that you may have concerning the reporting requirements to Captain LeLacheur, at 603-271-7373, or Lt. Liebl at 603-271-2518, and any concerning payment discrepancies to Mrs. Tammy Holso, at 603-271-1005.

8. **OTHER PROVISIONS.** Nothing in this Agreement is intended to conflict with current laws or regulations of the State of NH or Federal Grant Terms and Conditions or other stipulations as specified by the grant award issued by the U.S. DOJ. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but remaining terms and conditions of this agreement shall remain in full force and effect.

9. **Non-Supplanting of local and state costs with Federal Funds:** per OMB 1121-0323: "Non-Supplanting: Federal funds must be used to supplement existing state and local funds for the program activities and must not replace those funds that have been appropriated for the same purpose." Non-Supplanting Agreement: The sub-grantee shall not use grantor (DOS via US DOJ) funds to supplant state or local funds or other resources that would otherwise have been made available for this program. Non-Supplanting Certification: This certification, which is a required component of the New Hampshire application, affirms that federal grant funds will be used to supplement (add to) existing funds, and will not supplant (replace) funds that have been locally appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post award monitoring, and the audit. Applicants and/or grantees will be/may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons OTHER than the receipt or expected receipt of federal Homeland Security grant funds.

Supplanting funds is loosely defined (for these purposes) as using federal grant money to "replace" or "take the place of" existing local funding for equipment or programs. The funds are intended to provide local entities with increased capabilities or to build capacity to address the direct objectives of this grant as outlined in this agreement. DOS/US DOJ grant funds cannot be used to replace aged, local equipment; instead they are intended to help increase capabilities. The funds are not to be used to replace items that are worn out/broken or for replacing (supplanting) routine local budget expenses.

10. **EFFECTIVE DATE.** The terms of this agreement will become effective upon approval of the State of New Hampshire Fiscal Committee and the State of New Hampshire's Governor and Council. As per the U.S. DOJ Financial Guide, (Part III – Ch. 16) any costs that are incurred either before the start of the project period or after the expiration of the project period are not allowable for reimbursement.
11. **MODIFICATION.** This agreement may be modified upon the mutual written consent of the parties and upon appropriate approval of the State of New Hampshire Fiscal Committee and the State of New Hampshire's Governor and Council, as needed.
12. **TERMINATION.** The terms of this agreement, as modified with the consent of both parties, will remain in effect until September 30, 2011. Either party upon 30 days written notice to the other party may terminate this agreement.

APPROVED BY:

State of New Hampshire, Department of Safety, Division of State Police

_____ Signature	<u>Frederick H.Booth, Director of State Police</u>	_____ Date
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City of Dover

_____ Signature	_____ Print Name, Title	_____ Date
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_____ Signature	_____ Print Name, Title	_____ Date
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_____ Signature	_____ Print Name, Title	_____ Date
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_____ Signature	_____ Print Name, Title	_____ Date
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State of New Hampshire, Department of Safety

_____ Signature	<u>John J Barthelmes, Commissioner</u>	_____ Date
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State of New Hampshire, NH Department of Justice

_____ Signature	_____ Print Name, Attorney General	_____ Date
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**CHAPTER 31
POWERS AND DUTIES OF TOWNS**

Miscellaneous

Section 31:95-b

31:95-b Appropriation for Funds Made Available During Year. –

I. Notwithstanding any other provision of law, any town or village district at an annual meeting may adopt an article authorizing, indefinitely until specific rescission of such authority, the board of selectmen or board of commissioners to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year. The following shall apply:

(a) Such warrant article to be voted on shall read: ""Shall the town (or village district) accept the provisions of RSA 31:95-b providing that any town (or village district) at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen (or commissioners) to apply for, accept and expend, without further action by the town (or village district) meeting, unanticipated money from a state, federal, or other governmental unit or a private source which becomes available during the fiscal year?"

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the town or village district meeting votes to rescind its vote.

II. Such money shall be used only for legal purposes for which a town or village district may appropriate money.

III. (a) For unanticipated moneys in the amount of \$5,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

(b) The board of selectmen may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated moneys in an amount less than \$5,000, the board of selectmen shall post notice of the funds in the agenda and shall include notice in the minutes of the board of selectmen meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular board of selectmen meeting.

IV. Action to be taken under this section shall:

(a) Not require the expenditure of other town or village district funds except those funds lawfully appropriated for the same purpose; and

(b) Be exempt from all provisions of RSA 32 relative to limitation and expenditure of town or village district moneys.

Source. 1979, 42:1. 1991, 25:1. 1993, 176:3, eff. Aug. 8, 1993. 1997, 105:1, eff. Aug. 8, 1997. 2005, 188:2, eff. Aug. 29, 2005.

2010-2011 Streetsweeper Tracking Sheet

Pay Period	Date	Date	Date	Date	Date	Date	Date	
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Calls For Service								
Motor Vehicle Stops								
Warnings								
Field Cards								
Arrests								
Warrant Arrests								
Search Warrants								
Weapons Seized								
Illegal Drugs Seized								
Vehicle Searches								
New Imformants								
<u>Comments or unusual events:</u>								

Return to: New Hampshire State Police Operations
 33 Hazen Drive Room 200
 Concord, NH 03305



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**

Resolution Re: B10023 Custodial Services @ McConnell Center

WHEREAS: A sealed Request for Proposal (RFP) B10023 was issued and received for a 16 month agreement for year one with the option to renew 2 additional 12 month terms for Custodial Services at the McConnell Center on December 22, 2009 at 2:00 PM. This will allow the city to get on a fiscal year instead of a calendar year agreement. Seven vendors replied with varying base and hourly rates; and

WHEREAS: On February December 3, 2009 a walk through of the McConnell Center building was conducted with (12) twelve vendors attending, These vendors submitted responses that were reviewed for necessary experience, organization, technical and professional qualifications, skills, project understanding, approach, ability to comply with proposed scope of services and required time of completion or performance, and possession of a satisfactory record of performance. Vendors were asked to submit a base price for tasks listed in the bid as well as an hourly rate for weekend cleaning during the winter months for the recreation offices.

WHEREAS: It is the recommendation of the evaluating committee to award to Cochecho Falls Janitorial Services LLC of Dover NH at the base rate and hourly rate provided December 22, 2009.

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 Cochecho Falls Janitorial Services given the base bid amount and corresponding rates provided December 22, 2009 for custodial services at the McConnell Center. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance	Charge
3381-41941-4431-0000-00-35	Maint. Chrg. Bldg FY10	59,500.00	35,159.00	14,000.00
1000-45121-4431-0000-00-35	Maint Chrg Bldg FY 10	3,000.00	3,000.00	1,000.00
3381-41941-4431-0000-00-35	Maint. Chrg. Bldg FY11	46,000.00	anticipated	42,773.00
1000-45121-4431-0000-00-35	Maint Chrg Bldg FY 11	4,500.00	anticipated	4,500.00
				62,273.00

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

Contingent upon funding availability and vendor satisfaction, the Purchasing Agent is hereby authorized to issue a Purchase Order for custodial services at the McConnell Center for years two and three, as needed, at rates provided on 12/22/09. The amount of this authorization shall be limited so as not to exceed available funding.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**

Resolution Re: B10023 Custodial Services @ McConnell Center

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**
 Resolution Re: B10023 Custodial Services @ McConnell Center

RESOLUTION BACKGROUND MATERIAL:

A sealed Request for Proposal (RFP) B10023 was issued and received for Custodial Services at the Dover McConnell Center on December 22, 2009 at 2:00 PM. with the (7) seven vendors responding. These vendors submitted responses that were reviewed for necessary experience, organization, technical and professional qualifications, skills, project understanding, approach, ability to comply with proposed scope of services and required time of completion or performance, and possession of a satisfactory record of performance. Vendors were asked to submit a base price for tasks listed in the bid as well as an hourly rate for weekend cleaning during the winter months for the recreation offices. At this time the City is offering a one year contract with option to renew for each two subsequent years. The current contract for cleaning services with Busy Bee Cleaning is at a base rate of \$50,964.00 for 12 months annually and hourly of \$15.65 or approximately \$5,000 for weekend work.

Vendors are required to perform background checks on all employees as well as allowing Dover police to review and approve or disapprove potential cleaning personnel entering the McConnell center.

The apparent low bid came from Jani King Cleaning Services of Burlington Mass. They did submit a base but not the hourly rate as requested therefore they are deemed "Non-responsive".

The next apparent low bid came from M&M Cleaning of Malden Mass with a lower base rate but higher hourly rate, and next from Cocheco Falls Janitorial Services of Dover NH with a higher base rate but lower hourly rate. An estimated hours for weekend work was developed by the recreation director based on past usage and when these two vendors were compared for the base rate and the hourly rate for year one (1), the difference was \$493.00 with Cocheco Falls being the .008% higher. The rates were then compared for years two and three should the city opt to renew the subsequent years with Cocheco Falls being .03% higher in year two and .059% higher in year three.

	Yr 1 base	Year 1 hrly 369 hrs	total contract based on 16 months	Yr 2 base	Yr2 hrly 316 hrs	total contract based on 12 months	Yr 3 base	Yr3 hrly 300 hrs	total contract based on 12 months
M & M	54400	7380	61780	40800	6320	47120	40800	5000	45800
Cocheco	56000	6273	62273	43200	5372	48572	44400	4250	48650
differences			-493			-1452			-2850
			-0.008			-0.030			-0.059

The evaluating committee is recommending award for year one to Cocheco Falls Janitorial as the difference for year one is so minute and the year two and three are not out of line, that having a local vendor that is in the community every day and can respond within minutes to any issues



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**
 Resolution Re: B10023 Custodial Services @ McConnell Center

that arise, out weighs the pricing difference. Contingent upon vendor satisfaction and funding availability the option to renew for subsequent years would be reviewed at the end of year one.

Bid Information:

The City of Dover solicited sealed Request for Proposals #B10023 for a Custodial Service at the McConnell Center.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes,
Invitations Mailed:	18	Number of Responses:	7
Warranty:	Na	Terms:	16 mo. W-option for 2 additional 12 mos
Work Bonded:	No	Contract:	yes
Prices will hold for:	Until Completion	Estimated Delivery:	weekly
Recommended Award to:	Cocheco Falls Janitorial Services	Fund:	McConnell Center 3381-
Other Approvals Required:	No	References Checked:	Highly Recommended
Previously Worked for City:	No	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

B10023 - ATTACHMENT A

Task Schedule

The following is a minimum of services requested

Regular Services

General-Private Offices -Lobby-Lounge

	daily	3x wk	2x wk	1x wk	1x mo	1x qtr	1x 6 mos	1x yr
--	-------	-------	-------	-------	-------	--------	----------	-------

	daily	3x wk	2x wk	1x wk	1x mo	1x qtr	1x 6 mos	1x yr
1 empty waste basket - dispose trash	x							
2 dust all furniture				x				
3 dust exposed file cabinets,bookcases,shelves				x				
4 clean and sanitize drinking fountains	x							
5 remove fingerprints: doors, knobs, frames, switches	x							
6 dust horizontal surfaces to hand height				x				
7 high dust above hand height: moldings - corners						x		
8 clean counter tops	x							
9 recycling	x							
10 other services								



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**

Resolution Re: B10023 Custodial Services @ McConnell Center

Regular Services - Restrooms		daily	3x wk	2x wk	1x wk	1x mo	1x qtr	1x 6 mos	1x yr
1	clean and sanitize all fixtures	x							
2	remove stains adjacent to fixtures	x							
3	clean and polish chrome fittings	x							
4	clean and sanitize toilet seats-bowls-sinks-showers	x							
5	clean all glass & mirrors	x							
6	empty all containers, replace liners	x							
7	wash & sanitize containers	x							
8	spot clean partitions	x							
9	dust partitions	x							
10	completely clean partitions				x				
11	dust all diffusers					x			
12	remove fingerprints: doors, knobs, frams, switches	x							
13	refill all dispensers: soap, tissue, towels etc	x							
14	dust horizontal surfaces to hand height	x							
15	clean counter tops	x							
16	sweep tile floors	x							
17	wet mop and disinfect tile floors	x							
18	machine scrub tile floors						x		
19	other services								

Regular Services

Carpet - tile - furniture		daily	3x wk	2x wk	1x wk	1x mo	1x qtr	1x 6 mos	1x yr
1	carpet: preventive care vacuum	x							
2	carpet: spot clean				x				
3	Carpet: Steam clean as needed - Price per Sq. Ft.	as requested							
4	carpet: One Full steam cleaning								x
5	tile: dry mop	x							
6	tile: damp mop	x							
7	tile: spray buff high traffic areas				x				
8	Tile: strip and recoat							x	
9	strip and recoat Lobbies					x			
10	General: note any breakage or malfunctions	x							
11	General: note any irregularities	x							
12	General: Turn off Lights as directed	x							



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**
 Resolution Re: B10023 Custodial Services @ McConnell Center

13	General: Secure areas	x							
14	Furniture, fabric: Shampoo price per sq ft	as requested							
15	other services								

Vendor Solicitation List:

108 Maintenance & Fence Co
 Inc
 14 Route 125
 Barrington, NH 03825

Busy Bee Janitorial Services
 24 Crosby Rd
 Dover, NH 03820

Four Seasons Janitorial
 5 Industrial Park Dr
 Dover, NH 03820

Spongee
 678 Alfred Rd
 Arundel, ME 04046

CC Cleaners
 15 Maple St
 Somersworth, NH 03878

Cocheco Falls Janitorial Service
 82 Broadway
 Dover, NH 03820

Four Corners Clean
 Pigtail Ln
 Berwick ME

Capital Contractors, Inc
 15 Constitution Drive
 Bedford, NH 03110

Shaws Cleaning Service
 PO Box 226
 Milton NH 03851

24/7 Janitorial Services
 40 Maple Ave
 Dover, NH 03820

Squee-G-Clean LLC
 207 Blackwater Rd
 Somersworth NH 03878

Wilson Five Services Co, Inc
 6 Page St
 PO box 810
 Kittery ME 03904

Jan-Pro Cleaning Systems
 Northeast
 2 Wellman Avenue, Suite 210
 Nashua, NH 03064

Professional Commercial
 Cleaning
pccleaning@comcast.net

DS Sabine LLC
dsabine33@yahoo.com

UGL Unicco Tim Knowles
 c/o Dover High School
 25 Alumni Dr
 Dover NH 03820

Phillip Stevens
 Jani-King of Boston Inc
 6 Lincoln Knoll Ln Ste 104
 Burlington MA 01803

Adam Reeves
 58 Estes Rd
 Rochester NH 03839



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**

Resolution Re: B10023 Custodial Services @ McConnell Center

RFP Results

Custodial Services McConnell Center

#B10023

<i>Vendor</i>	<i>Base Monthly Price</i>	<i>Rates for as requested services</i>
Busy Bee Janitorial Service LLC 24 Crosby Rd Unit #3 Dover, NH 03820	\$4,330.00 yr 1 \$4,415.00 yr 2 \$4,500.00 yr 3	Steam & full Steam carpet \$.20 sq ft Floor stripping/recoat \$.35 sq ft Labor \$18.00hr /emergency \$35.00 per hr
Express Janitorial Svs Group Po Box 80376 Stoneham MA 02180	\$4,005.00 Per month 3% increase for 2 nd & 3 rd years	Strip wax 2x yr \$.29 sq ft Carpet extraction 1x yr \$.19 sq ft Extra & weekend \$23.00 hr per man
Ray Ladebush Professional Commercial Cleaning PO box 1966 Dover NH 03820	5 visits per week @ \$175.00 ea Billed monthly @ \$3,762.00 No increase 2 nd & 3 rd yrs	Carpet cleaning \$.25 sq ft Weekend work @ \$20.00 per man per hr
Cochecho Falls Janitorial svs 82 Broadway Dover NH 03820	\$3,500.00 yr 1 \$3,600.00 yr 2 \$3,700.00 yr 3	Additional \$17.00 per hr Carpet steam as needed \$.20 sq ft Furniture cleaning \$.35 sq ft
M & M Cleaning Inc 452 Pleasant St Ste B Malden MA 02148	\$3,400.00 per month No increase For yr 2-3	Carpet \$.11 sq ft (min \$150.00) Tile floors \$.21 sq ft (min \$200.00) Laborer \$20.00 per hr Windows interior \$.20 / exterior \$.25 sq ft
UGL Unicco 25 Alumni Dr Dover NH 03820	\$5,753.06 yr 1 \$5,954.42 yr 2 \$6,162.83 yr 3	Carpet scrub/finish \$.20 sq ft Strip / finish \$.28 sq ft Labor rate \$24.96 per hr
JaniKing Cleaning 6 Lincoln Knoll Ln Ste104 Burlington MA 01803	\$3,195.00 per month Five x per week	Carpet shampoo \$.14 sq ft Vct floor strip & wax \$.25 sq ft Hrly Rate None Listed



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.01.27 - 11**

Resolution Re: B10023 Custodial Services @ McConnell Center

Year 1 is 16 month term

Year 2 & 3 are 12 month terms.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R - 2010.01.27 – 13**

Resolution Re: Computer Equipment State of NH Contract with Dell

WHEREAS: In September 2006, the State of NH joined the Western States Contracting Alliance in a bid request for PC Systems, notebook-laptop, networking products, servers, printers and other related hardware (Manufacture Direct); and

WHEREAS: An award went to Dell Computers. The state has renewed agreements with Dell until July 31, 2012. The pricing and terms and conditions are extended to non-profits, counties, cities, towns, schools, colleges and universities but does not lock them into buying with Dell. Should the city determine an alternate manufacturer should be used in specific scenarios, the City of Dover Purchasing Procedure applies; and

WHEREAS: The city has, in the past, bid out various PC and related items and have found the state NH pricing through the WSCA contract has been lower than other prices the city had received. In an effort to obtain standardization, reliability, best costs, best return policies and ongoing support after maintenance expiration, the city wishes piggy back off this State of NH agreement with Dell Computers.

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

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

The Purchasing Agent is hereby authorized to issue a blanket Purchase Order to Dell Computers for computers, equipment and peripherals. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
xxxx-xxxxx-4745-xxxx-xx-xx	Computers - Communication	\$520,439.00	\$490,268.00

AUTHORIZATION

Approved as to Funding: Daniel R Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R - 2010.01.27 – 13**

Resolution Re: Computer Equipment State of NH Contract with Dell

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, at large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R - 2010.01.27 – 13**

Resolution Re: Computer Equipment State of NH Contract with Dell

RESOLUTION BACKGROUND MATERIAL:

In September 2006, the State of NH joined the Western States Contracting Alliance in a bid request for PC Systems, notebook-laptop, networking products, servers, printers and other related hardware (Manufacture Direct). Award went to Dell Computers. The state has renewed agreements with Dell until July 31, 2012. The pricing and terms and conditions are extended to non-profits, counties, cities, towns, schools, colleges and universities but does not lock them into only purchasing from Dell.

The city has, in the past, bid out various PC and related items and have found the state NH pricing through the WSCA contract has been lower than other prices the city had received. In an effort to obtain standardization, reliability, best costs, best return policies and ongoing support after maintenance expiration, the city wishes piggy back off this agreement with Dell Computers.

The city currently spends approximately \$58,000 annually for computer related items with Dell computers.

Under Dover City Ordinance, Article III Purchasing Procedures, Optional Purchasing #3-36B, the Purchasing Agent may, with approval of the city manager, waive bidding procedures when purchasing through the state of New Hampshire or at state bid prices. Since the estimated expense may exceed the \$25,000 threshold, Council approval is required.

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	None	Number of Responses:	0
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	na	Contract:	Yes
Prices will hold for:	August 31, 2012	Estimated Delivery:	As needed
Recommended Award to:	Dell Computers	Fund:	Various
Other Approvals Required:	State NH	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waived bid – Cost exceeds \$10,000.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2010.01.27 – 14**

Resolution Re: Establishment of Parks Improvement Capital Reserve Fund

WHEREAS: The City Council annually adopts the City’s Capital Improvements Program (CIP); and

WHEREAS: The City Council adopts the City’s Annual Operating Budget, which may include appropriations for capital outlay; and

WHEREAS: The City Council desires to establish a capital reserve trust fund to hold and invest amounts designated for certain park related capital needs until such time as the funds are required;

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

In accordance with NH RSA 34, a capital reserve fund is established titled Parks Improvement Capital Reserve for the deposit of any funds appropriated through the City’s annual operating budget or other funding sources or contributions, with said funds to be held in custody by the Board of Trustees of the Trust Funds. The funds are to be used for the purpose of improvements and repairs to existing park facilities and equipment.

AND, FURTHER BE IT RESOLVED;

The City Manager is designated as the agent to carry out the purposes of the reserves, only after a vote by the City Council to expend such funds for each project as previously identified within the City’s Capital Improvements Program and/or annual operating budget.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Jan Nedelka
Ward 3
Councilor Robert Carrier
Ward 1

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

Recorded by: Karen Lavertu
City Clerk

NOTE: This resolution requires a majority favorable vote for passage after a public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2010.01.27 – 14**

Resolution Re: Establishment of Parks Improvement Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

In accordance with NH RSA 34, a City may establish a Capital Reserve Fund once a public hearing has been held on the proposal and the City Council votes to approve creating the Reserve.

The intent of a Capital Reserve Fund is to allow the community to set aside funds on an annual basis and allow them to accumulate for a designated purpose related to future capital projects. When adequate funding has been accumulated and the timing is appropriate, projects may be identified in the CIP and authorized by vote of the City Council to be funded from this fund.

The Parks Improvement Capital Reserve Fund is to be established for projects related to making capital improvements to existing park facilities. The reserve fund is explicitly for making facility improvements within existing parks and not to purchase land or create new parks. The reserve fund is NOT intended to take the place of budgeting funds for ongoing routine grounds maintenance (mowing, wood chips, etc), and occasional mechanical repairs. The funds may be used for the replacement of equipment (play sets, swing sets, etc.) which has met or exceeded its expected useful lifetime, or been irreparably damaged.

The Parks Improvement Capital Reserve Fund purpose is consistent with the recent master plan update in which the public identified the two greatest needs for Dover's parks and facilities as 'Improve what Dover has' (53.1% of respondents) and 'Maintenance' (39.3%). Only 4.0% of the public identified 'More parks' as a need. (p.14, Recreation Chapter, Dover Master Plan). In addition, the Parks Improvement Capital Reserve Fund responds to the 2009 Citizen Survey results that indicated a need for improving park facilities due to the "below benchmark" rating for City parks.

The Parks Improvement Capital Reserve fund will be financed from annual appropriations made by the City Council in adopting the operating budget; not debt. Other funding sources to be voted by the Council at a future date may include annual transfer from the gravel fund, and the addition of \$1.00 to the current \$5.00 per user fee charged to leagues and organizations that use public park facilities.

Following is an estimate of the relationship between annual appropriations for the Parks Improvement Capital Reserve and the time to make improvements to existing parks. The estimates are intended to help current and future councils understand the impact of such appropriations from a long-term planning perspective.

Chapter 4 of the 2009 Recreation Chapter of the Dover Master Plan divides the parks and facilities within Dover into ten categories. For the purposes of the Parks Improvement Capital Reserve, four are given consideration: pocket parks, tot-lots, neighborhood parks, and community parks, for a total of 25 parks. The remaining categories include items not as relevant to city funding, such as private facilities and state parks, or partnered facilities where maintenance funding is handled under different arrangements, such as city-owned ballfields and school parks. This does not exclude these other facilities from being improved with such funds, but merely simplifies the exercise of estimating the relationship between funding and a 'refresh cycle' on parks.

In this projection, an average approximation is used to represent each of the four categories of parks; this approximation is intended to represent the cost of replacing equipment or adding new equipment appropriate for the park. The following approximations were used (number of qualifying parks is noted parenthetically):



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2010.01.27 – 14**

Resolution Re: Establishment of Parks Improvement Capital Reserve Fund

Pocket Park (4): \$4,000
 Tot-lots (2): \$20,000
 Neighborhood Park (6): \$25,000
 Community Parks (13): \$25,000

These numbers are average approximations because not all parks serve the same needs or have the same costs; a direct comparison of the Dover Skate Park to Garrison Hill Park shows different user demographics, different equipment needs, and a different total cost.

The total cost to improve all included parks based on the respective approximations comes to \$531,000. The average lifetime of most playground equipment is 15-20 years. This lifetime can vary based on build quality, quality of maintenance, frequency of use and other factors - there are some pieces of playground equipment in Dover now which well exceed this lifetime, and are still quite serviceable. Others experience higher rates of appropriate use (or – unfortunately – vandalism) and require more frequent repair or replacement.

Annual contribution of Parks Improvement Capital Reserve	Cycle time to improve all parks (in years)
5000	106
10000	53
15000	35
20000	26
25000	21
30000	17

The funding for the Parks Improvement Capital Reserve will be appropriated annually by the City Council and will realistically vary from year to year; the above table is intended to provide a sense of the funding impact to the frequency of improvements to parks; not to set a bar for 'required' annual funding. These approximations will need to be adjusted over time for inflation or other factors.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R-2010.01.27- 15**
Resolution Re: Infiltration and Inflow Reduction Design Project
Silver St, under Spaulding Trpk and under Rt 155

WHEREAS: Sealed bid B00008 for city wide Inflow and Infiltration studies was received in September 2000 and was awarded via council approval to Wright Pierce as the qualified Engineering firm to perform a comprehensive Inflow and Infiltration (I & I) study for the City of Dover .

WHEREAS: The study identified defective areas of the sewer system, prioritized the areas where unwanted ground water was entering the system, and listed corrective measures to be implemented. Wright Pierce was then chosen to design corrective measures where water inflow/infiltration was identified as the problem, and

WHEREAS: EPA has ordered the City to remove inflow and infiltration from its sewer collection system through a Compliance Order. NHDES has reviewed and approved the design phase for Silver St, Spaulding Turnpike, and Rte 155, and

WHEREAS: The next phase is 700 feet of sewer line on Silver Street, and the sewer lines under the Spaulding Turnpike and under Route 155 are a significant source of I&I into the sewer collection system. Wright Pierce Engineers of Topsham Maine will design a replacement sewer, prepare bid specifications, and provide construction oversight services to rehabilitate the sewer lines for these locations.

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

The Purchasing Agent is hereby authorized to issue a Purchase order in the amount of \$20,600.00 to Wright Pierce Engineers. The amount of this authorization shall be limited so as not to exceed the available funding.

Financing

Account	Description	Appropriation	Balance
5320-43250-4757-4570-10-30	Inflow & Infiltration Utility Sys	\$250,000.00	\$211,642.75

AUTHORIZATION

Approved as to Funding: Daniel R Lync
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#: 13.B.2.

Resolution Number: **R-2010.01.27- 15**
Resolution Re: Infiltration and Inflow Reduction Design Project
Silver St, under Spaulding Trpk and under Rt 155

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R-2010.01.27- 15**

Resolution Re: Infiltration and Inflow Reduction Design Project
Silver St, under Spaulding Trpk and under Rt 155

RESOLUTION BACKGROUND MATERIAL:

Requests for proposal (RFP) B00008 were issued and received in September 2000 to identify a qualified engineering firm to perform a comprehensive Inflow and Infiltration Study for the City of Dover. The firm of Wright Pierce from Topsham, ME was selected to undertake this important first phase of identifying various defective areas of the sewer system, in order of priority, where unwanted ground water was entering and corrective measures should be implemented. As a follow up to the study phase of this on-going project, Wright Pierce has been utilized in the past several years to design corrective measures for at least two (3) separate locations where water inflow / infiltration was identified as a problem.

Award Information:

A purchase order will be issued to vendor approved by the State of NHDES to authorize this expenditure.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	NA	Number of Responses:	na
Warranty:	Meet Professional Standards	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Project Completion	Estimated Delivery:	Immediate ARO
Recommended Award to:	Wright Pierce	Fund:	Sewer CIP
Other Approvals Required:	State of NH Department of Environmental Services	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Continuing Project phases over \$25,000



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

WHEREAS: Subject to approval of the Dover City Council, the City of Dover has an agreement to assist The Nature Conservancy, a non-profit, tax-exempt charitable organization, in the purchase of three parcels consisting of 27.96 acres located on Back Road, known as Tax Map M, Lots 1-2, 1-3 and 2, owned by the Olde Forest LLC; and

WHEREAS: The purchase price for this property is One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00); and

WHEREAS: The City has partnered with The Nature Conservancy to purchase the properties for conservation purposes. The Nature Conservancy has asked the City to contribute Two Hundred Fifty Thousand dollars (\$250,000.00) to match their One Million dollars (\$1,000,000.00); and

WHEREAS: RSA 36-A:4 authorizes the Conservation Commission to use funds from the Conservation Fund to acquire, in the name of the City, by purchase the fee simple or lesser interest in land within the boundaries of the municipality, subject to the approval of the City Council.

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

- A. The purchase of an interest in three parcels totaling 27.96 acres on Back Road as identified above is approved. The Dover City Manager and the Conservation Commission are authorized to assist in the purchase by The Nature Conservancy of land from Olde Forest LLC, known as Tax Map M, Lots 1-2, 1-3 and 2. The Conservation Commission voted to spend Conservation Fund monies in the amount of Two Hundred Fifty thousand dollars (\$250,000.00) for the purchase. The authority is conditioned upon the Nature Conservancy contributing One Million dollars (\$1,000,000.00) plus closing costs toward the total purchase price of One Million Two Hundred Fifty Thousand dollars (\$1,250,000.00). The authority is also conditioned upon the City receiving a Deed of Conservation Restrictions in a form substantially as attached. The Nature Conservancy will acquire a fee simple interest in the property subject to the deed restrictions.
- B. The Dover City Manager is authorized to sign an Agreement with The Nature Conservancy in a form substantially as attached.
- C. The Dover City Manager is authorized to sign all closing documents pertaining to the above-described transfers.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**
Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen
Councilor Jan Nedelka

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		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**
Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

RESOLUTION BACKGROUND MATERIAL:

The City of Dover has partnered with The Nature Conservancy, a non-profit, tax-exempt charitable organization, to purchase the properties for conservation purposes. The Nature Conservancy has an agreement to purchase the property for the cost of \$1,250,000. The Nature Conservancy has asked the City to contribute \$250,000 to match their \$1,000,000. The City's share is 20% of the total purchase price and comes from the City's Conservation Fund. This expenditure would have no impact on taxpayers. The Conservation Fund is funded by the Land Use Penalty Tax paid by landowner's that develop land that had been in the Current Use Program. The Open Lands Committee (OLC) always attempts and usually succeeds in leveraging City dollars with state and federal monies. This purchase is a bargain sale, as the appraised value of the property is \$1,605,000.

The Dover Conservation Commission held a public hearing on December 7, 2009 (see abutter letter and map attached) in accordance with RSA 36-A:5 and voted to authorize the expenditure of \$250,000 from the Conservation Fund. The Open Lands Committee has voted to support the expenditure and recommend that the City Council approve the purchase. As of December 31, 2009, the Conservation Fund had a balance of \$631,394.97.

The Open Lands Committee uses an objective rating system for helping to prioritize the committee's efforts in protecting open land. Each property that is considered by the OLC is walked by committee members and a rating sheet is used to determine how well the property meets the OLC criteria. The Olde Forest LLC property received a score of 22 out of a possible score of 30, one of the highest scores to date (see rating sheet attached).

Upon approval of this resolution, the City and The Nature Conservancy will sign an Agreement (see proposed agreement attached). The City's legal interest in the property will be secured by The Nature Conservancy granting to the City a Deed of Conservation Restriction, which outlines the conservation restrictions placed on the property (see proposed deed attached). The Nature Conservancy will turn over the stewardship of the property to the NH Fish and Game Department. Public access will be allowed on the entire property.

The property to be preserved has over 500 feet of frontage on Back Road and is directly across Back Road from Hickory Hill Farm, which is a 59-acre property that the City obtained a conservation easement on from the Hunt Family in 2007. The property includes approximately 1,880 feet of frontage on the Cochecho River and is located within the Great Bay Partnership's "Cochecho River" conservation project area. It is just down river from an 85-acre block of land with 3,900 feet of shorefront previously conserved by the Partnership (Martineau and Ayer projects). That land further connects to another 81 acres of park land along the river. The river frontage along the Olde Forest tract includes a New Hampshire Natural Heritage Bureau designated exemplary low brackish tidal riverbank marsh natural community. As part of the "Ecological Inventory of the Cochecho River Watershed and the Follet's Brook Watershed" (December, 2004) 66 bird species were documented to use this section of river. Just down river from the site is the only known bald eagle nesting site in the Great Bay region. The large trees along the property's shoreline are likely to provide good perching sites for the eagles. The property is predominantly forested with a mature hemlock-beech-oak-white pine forest, but also includes a small area of field habitat, all of which provide excellent buffer to



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

the sensitive shoreline community. The property is designated as both core and supporting landscape in the “Lower Cochecho River” conservation focus area of “The Land Conservation Plan for New Hampshire’s Coastal Watersheds” (August, 2006).

The purchase price is supported by a December 14, 2009 appraisal performed by Peter A. Knight, Certified General Appraiser, of The Stanhope Group. This appraiser was hired by The Nature Conservancy to prepare the appraisal to meet the *2008-2009 Edition of the Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Uniform Appraisal Standards of Federal Land Acquisitions (UASFLA)*.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

AN AGREEMENT BETWEEN CITY OF DOVER, NH AND THE NATURE CONSERVANCY FOR GREAT BAY (PHILBRICK) PROJECT

The City of Dover, a municipality with its principal place of business at 288 Central Avenue, Dover, NH 03820, and The Nature Conservancy, a non-profit corporation organized under the laws of the District of Columbia, and having its principal office at 4245 North Fairfax Street, Arlington, Virginia 22203, and maintaining a New Hampshire Chapter Office at 22 Bridge Street, 4th Floor, Concord, NH, 03301, agree to the following:

1. **General Description:** The Nature Conservancy (“TNC”) and the City of Dover (the “City”) have previously agreed to work cooperatively to protect biological diversity, unique natural communities, unfragmented forest systems, critical estuarine shore frontage and outstanding wetland resources in the Piscataqua River watershed in Dover, NH.

2. **Scope of Services:** TNC will acquire the fee interest in the approximately 27.96 acre Philbrick tract which is currently owned by Olde Forest LLC and the Lydia V. Scott 2002 Trust for a purchase price of \$1,250,000. The Philbrick tract fronts on Back Road and includes frontage on the Cocheco River. The City will provide a grant of \$250,000 to the Conservancy to be used toward the tract purchase price and associated acquisition costs. TNC will grant to the City at or after closing a Deed of Conservation Restrictions substantially in the form attached hereto as Attachment A (the “Conservation Restrictions”). At a later date, the Conservancy intends to transfer the fee interest of the Philbrick tract to the New Hampshire Fish and Game Department, subject to the Conservation Restrictions.

3. **Payment Terms:** Funds from the City will be paid to TNC prior to or at closing with Philbrick, currently scheduled on or before March 2, 2010 (the “Closing Date”). If TNC doesn’t acquire this property, these funds will promptly be returned to the City. These are local government funds provided by the City of Dover.

4. **Term:** This agreement will commence on _____, 2010 and be completed when the City is granted the Conservation Restrictions (or the date on the funds provided by the City hereunder are returned by TNC, in the event closing does not occur).

This agreement shall become binding when signed by the parties. This agreement indicates the entire agreement of the parties and no amendment shall be effective except in writing signed by both parties,

City of Dover, NH

The Nature Conservancy

By _____
Authorized Signature

By _____
State Director



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

Date: _____

Date _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

ATTACHMENT A

DEED OF CONSERVATION RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that THE NATURE CONSERVANCY, a nonprofit corporation organized under the laws of the District of Columbia and having its principal office at 4245 North Fairfax Drive, Arlington, County of Arlington, Commonwealth of Virginia 22203, and having a New Hampshire Field Office at 22 Bridge Street, 4th Floor, Concord, New Hampshire 03301 (“**Grantor**”), for consideration paid, grants to THE CITY OF DOVER, a municipality with its principal place of business at 288 Central Avenue, Dover, NH 03820 (“**Grantee**”), the CONSERVATION RESTRICTIONS described herein with respect to a certain parcel of land situated in the City of Dover, County of Strafford, State of New Hampshire containing 27.96 acres, more or less, more particularly described in Exhibit A attached hereto and made a part hereof (the “**Property**”). Otherwise meaning and intending to describe the same premises conveyed to Grantor by Warranty Deed from Olde Forest, LLC recorded in Book _____, Page _____ of the Strafford County Registry of Deeds.

The conservation restrictions conveyed hereby are as follows, which restrictions shall run with the land and be enforceable as permanent conservation restrictions, as defined in NH RSA 477:45-47, for the benefit of The City of Dover and its successors and assigns:

The following activities shall be prohibited:

1. the manipulation of water levels and filling or dredging of wetlands, except to restore the Property to its natural condition, to construct permitted roads and trails, and for conservation and wildlife habitat management purposes;
2. (i) the placement or construction of new structures, unless such structures are used solely for conservation, wildlife habitat management and/or outdoor education purposes and are consistent with the purposes stated below (specifically including the right to construct a new gravel or other pervious substrate parking area adjacent to Back Road), and (ii) the use of any existing structures other than for wildlife habitat management, outdoor recreation and education purposes;
3. the placement or construction of docks or boat launches;
4. the building of trails, except for conservation, wildlife habitat management, outdoor recreation and education purposes; and
5. the building of roads, except for conservation, wildlife habitat management or outdoor education purposes.

The restrictions set forth herein serve the following purposes:

1. Assuring that the Property will be retained in perpetuity in its scenic, forested, wetland and open space condition;



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

2. Protecting and conserving the native biological diversity of the Great Bay and Piscataqua River watershed, including any rare plants and animals, exemplary natural communities, wetlands, waterfowl and migratory bird habitat, and other significant wildlife habitats on the Property; and
3. Protecting and conserving the wetlands, shoreland, and forest lands of which the Property consists and of the wildlife habitat thereon.

By conveying this Deed of Conservation Restrictions the Grantor agrees to maintain the Property in its open and undeveloped state and to protect all threatened, rare or endangered species or natural communities found on the Property. The conservation restrictions set forth herein shall burden the Property in perpetuity and shall be binding upon the Grantor and its successors and assigns.

This conveyance is subject to all easements, restrictions, rights, and encumbrances of record and to any facts, rights, interests, or claims that are not shown by the public records.

Executed this ____ day of _____, 2010.

THE NATURE CONSERVANCY

By: _____
Duane Hyde, Director of Protection
New Hampshire Chapter

STATE OF NEW HAMPSHIRE)
COUNTY OF STRAFFORD)

On this ____ day of _____, 2010, before me, the undersigned notary public, personally appeared Duane Hyde, Director of Protection for the New Hampshire Chapter of The Nature Conservancy (a corporation), to me personally known or otherwise proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that he signed such document voluntarily for its stated purpose.

Notary Public
My Commission Expires:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**
Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN INTEREST IN PROPERTY USING CONSERVATION FUND BY THE CITY OF DOVER CONSERVATION COMMISSION**

ACCEPTED BY THE CITY OF DOVER:

By: _____

Name: J. Michael Joyal, Jr.
Title: Dover City Manager
Duly Authorized

Date: _____

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD, ss.

On this _____ day of _____, 2010, before me personally appeared J. Michael Joyal, Jr., City Manager of the City of Dover, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

ACCEPTED BY THE CITY OF DOVER CONSERVATION COMMISSION:

By: _____

Name: William McCann
Title: Chair, Dover Conservation Commission
Duly Authorized

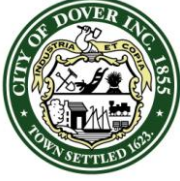
Date: _____

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD, ss.

On this _____ day of _____, 2010, before me personally appeared William McCann, Chair of the Dover Conservation Commission, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Before me,

Notary Public/Justice of the Peace
Name:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2010.01.27 – 16**

Resolution Re: **AUTHORIZATION FOR THE PURCHASE OF AN
INTEREST IN PROPERTY USING CONSERVATION
FUND BY THE CITY OF DOVER CONSERVATION
COMMISSION**

My Commission Expires:



**CITY OF DOVER, NEW HAMPSHIRE
CONSERVATION COMMISSION**

**288 Central Avenue
Dover, NH 03820**

Date: November 25, 2009
To: Property Owners Abutting the Olde Forest LLC Properties on Back Road
From: Bill McCann, Conservation Commission Chair
RE: Invitation to Attend December 7, 2009 Public Hearing

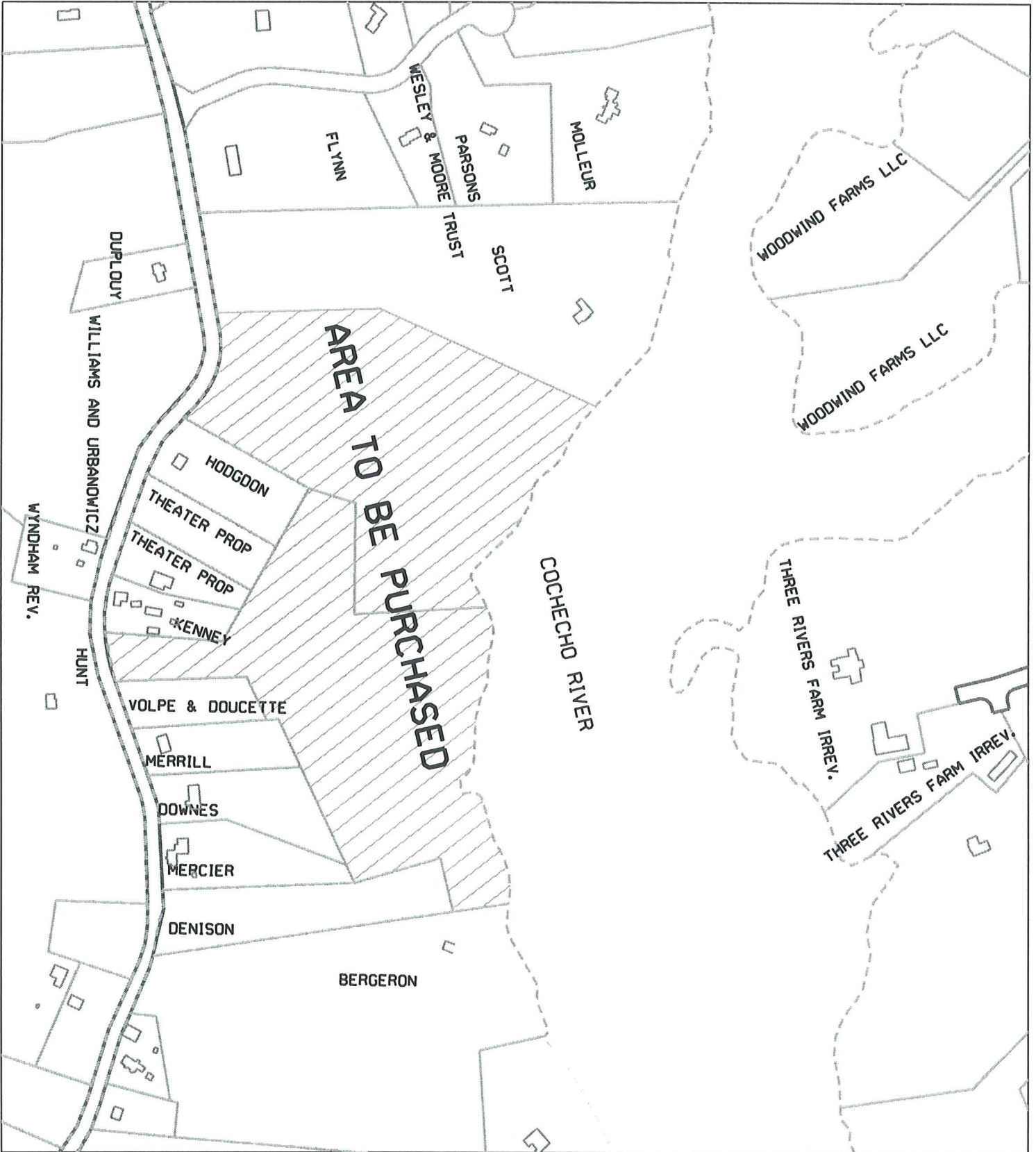
The Dover Conservation Commission will hold a **Public Hearing at 5:30 PM on Monday, December 7, 2009, in the City Council Conference Room of Dover City Hall**, for the purpose of receiving public input on a proposal to utilize the Conservation Fund to purchase two parcels of land totaling 27.96 acres. The parcels are located on Back Road and are either owned or under contract to Olde Forest LLC. The parcels are known as Map M, Lots 1 and 2 on the Dover tax maps. Map M, Lot 1 is currently owned by the Lydia V. Scott 2002 Trust, but a 14.18-acre portion is under contract to Olde Forest LLC. As an abutter to the property, you are invited to attend the public hearing.

The City of Dover has partnered with The Nature Conservancy, a non-profit, tax-exempt charitable organization, to purchase the properties for conservation purposes. The Nature Conservancy has an agreement to purchase the property for the cost of \$1,250,000. The Nature Conservancy has asked the City to contribute \$250,000 to match their \$1,000,000. The City's share is 20% of the total purchase price. If the Conservation Commission approves the expenditure, the funding request will be sent to the Dover City Council for approval.

The property to be preserved has over 500 feet of frontage on Back Road and is directly across Back Road from Hickory Hill Farm, which is a 59-acre property that the City obtained a conservation easement on from the Hunt Family in 2007. The property includes approximately 1,880 feet of frontage on the Cochecho River and is located within the Great Bay Partnership's "Cochecho River" conservation project area. It is just down river from an 85-acre block of land with 3,900 feet of shoreline previously conserved by the Partnership (Martineau and Ayer projects). That land further connects to another 81 acres of park land along the river. The river frontage along the Olde Forest tract includes a New Hampshire Natural Heritage Bureau designated exemplary low brackish tidal riverbank marsh natural community. As part of the "Ecological Inventory of the Cochecho River Watershed and the Follet's Brook Watershed" (December, 2004) 66 bird species were documented to use this section of river. Just down river from the site is the only known bald eagle nesting site in the Great Bay region. The large trees along the property's shoreline are likely to provide good perching sites for the eagles. The property is predominantly forested with a mature hemlock-beech-oak-white pine forest, but also includes a small area of field habitat, all of which provide excellent buffer to the sensitive shoreline community. The property is designated as both core and supporting landscape in the "Lower Cochecho River" conservation focus area of "The Land Conservation Plan for New Hampshire's Coastal Watersheds" (August, 2006).

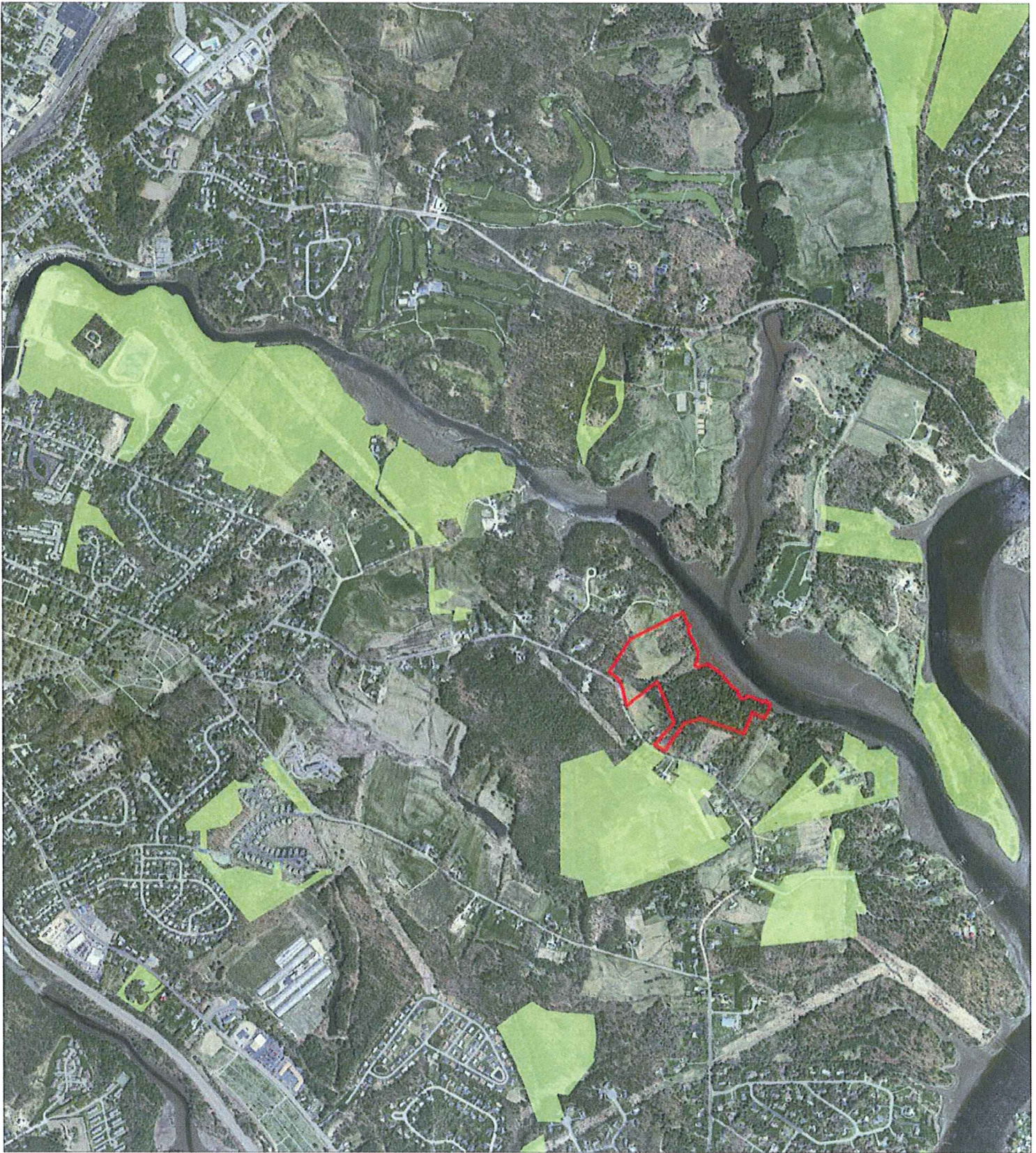
For additional information, please contact Bill McCann, Conservation Commission Chair, at 674-3649.

Attachment – Map of Olde Forest LLC properties and neighboring parcels



Feature	Definition	Scoring	Notes
Wildlife habitat co-occurrence	Refer to NH Fish & Game Maps: Wildlife Habitat Co-Occurrence Map, Unfragmented Habitat Blocks Map and Habitat Features Map (2004).	4 4 or more wildlife co-occurrences are mapped 2 1 to 3 wildlife co-occurrences are mapped 0 No wildlife co-occurrence mapped	NHF&G Wildlife Action Plan indicates that the property has some of the highest quality wildlife habitat in NH. The shoreline area supports a wide diversity of waterfowl, shorebirds, and wading birds.
Historic or cultural site, structure or features	Parcel has highly significant historical or cultural features such as a cemetery, archaeological site, farmstead, apple orchard, or other example of heritage that defines the essence of the state and/or community.	2 Several such features exist on the property 1 One such feature exists on the property 0 No such features exist on the property	No features observed
Public access allowed	Landowner is willing to allow public access on the property including but not limited to hiking, bicycling, X-country skiing, or educational pursuits. Recreational activities exclude use of motorized vehicles and developed sports fields.	2 Landowner will allow public access 1 Landowner will allow limited public access 0 Landowner will NOT allow public access	The Nature Conservancy allows public access to all properties that it owns.
Scenic viewshed	Parcel features scenic vistas visible from public roadways.	2 Parcel features scenic vistas and stone walls 1 Parcel features scenic vistas or stone walls 0 No scenic vistas or stone walls viewable from public roadways	Property has scenic vistas of the Cochecho River. The view from Back Road is of open fields and forest.
Agricultural features	Parcel is a farm, open field, or parcel contains soils classified as prime farmland or soils of statewide or local importance. Parcel currently or recently maintained as cropland, pasture or hayfields.	4 Parcel is open farmland/ fields and contains significant soils 2 Parcel is open farmland or fields with no significant soils 0 Parcel is not an open farmland or fields, nor does it contain significant soils	A small part of the property contains open farm fields, but there are significant farmland soils on a majority of the property.
Linkage / Tracts	Parcel is contiguous with or close to other protected parcels or large tracts of unfragmented open space; parcel falls within a prioritized conservation area.	5 Parcel is adjacent to other protected areas 2 Parcel is within an unfragmented open space area 0 Parcel is outside unfragmented open space area	The property is directly across Back Road from the Hickory Hill Farm that is protected by a conservation easement. It is just down river from an 85-acre block of land previously conserved by the Partnership (Martineau and Ayer projects).
Healthy Forests, Forested Wetlands and Vernal Pools	Parcel contains healthy forest (not full of non-native, invasive species); forested wetlands and their associated uplands and/or vernal pools.	2 Parcel contains healthy forest and vernal pool(s) 1 Parcel contains healthy forest 0 Parcel contains no forest or forest in poor health	The property is predominantly forested with a mature hemlock-beech-oak-white pine forest.
Shoreline	Parcel contains frontage on a water body.	5 Parcel fronts a Class 4 river or tidal waters 2 Parcel contains or fronts a pond or stream or falls within 300 feet of a Class 4 river or tidal waters 0 No water frontage on site	The property includes approximately 1,880 feet of frontage on the Cochecho River, a tidal river.
Wellhead Protection	Parcel contains primary or secondary drinking water supply protection areas.	4 Parcel contains primary water supply protection area 2 Parcel contains secondary water supply protection area 0 No water supply protection area on site	None
Total Score: 22			

Dover OLC Members Present: John Scruton, David Price, Marcia Gasses, Duane Hyde – The Nature Conservancy





Cochecho Projects Dover, New Hampshire

December, 2009

*Aerial photo captured in 2005 by NHDOT.
Conservation data distributed by NH GRANIT.*

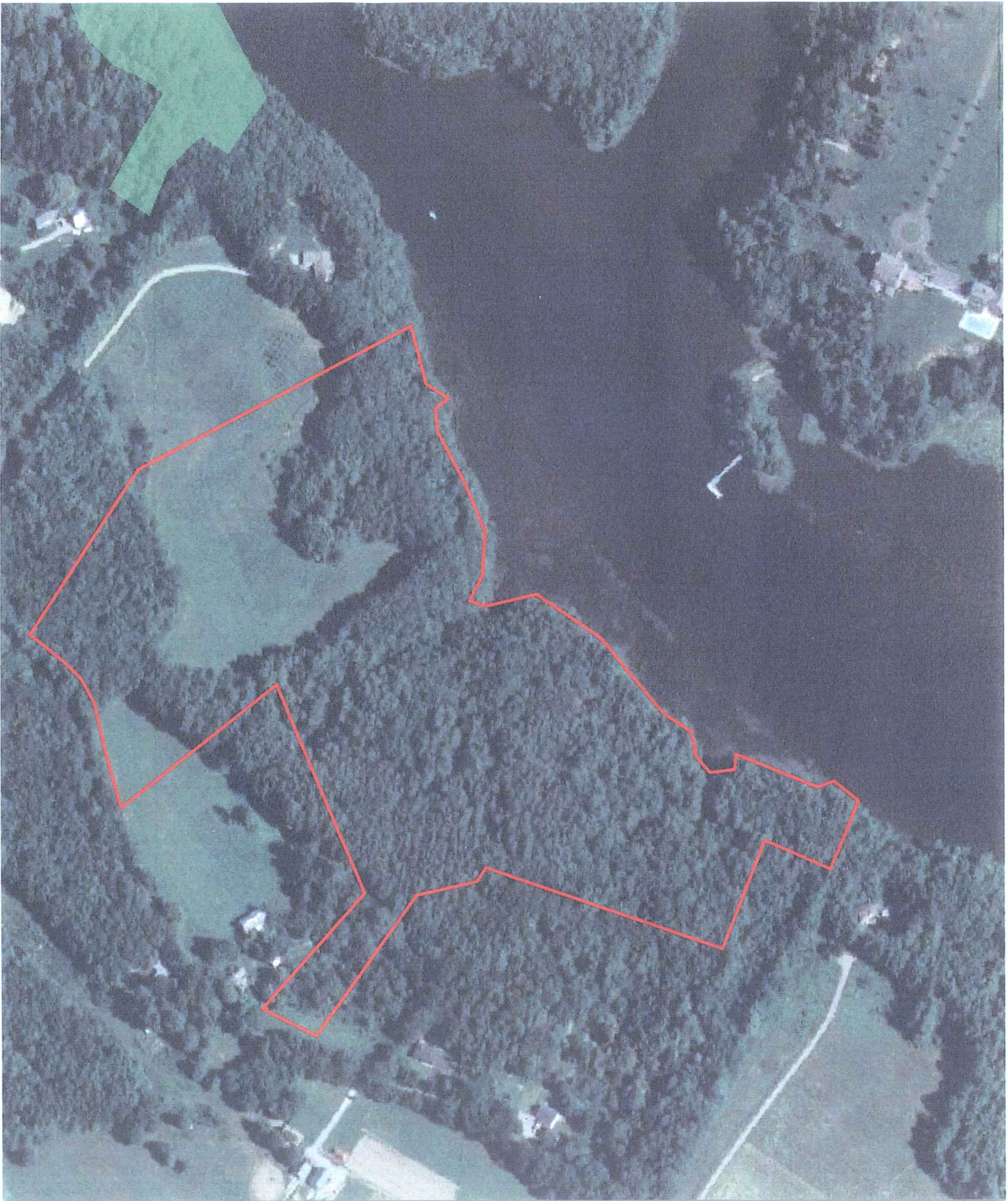
Legend

-  Philbrick Tract (~28 acres; 1,880' shoreline)
-  Conservation Land/Open Space/Park Land



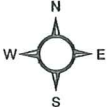
0 500 1,000 2,000 Feet





Philbrick Property
Dover, NH
September, 2009

 Philbrick (~27.96 ac, 1,880 shorefront)
 Conservation Land/Open Space



24 Steps for Protecting Land in Dover

- 1) OLC rep conducts background research on project: get tax card from city hall; review parcel's development potential with Planning Staff; check parcel's conservation features on big maps.
- 2) An Open Lands Committee (OLC) member meets with landowner to discuss conservation options; landowner indicates interest in protecting property.
 - a. OLC rep finds out whether landowner's primary interest is in donating or selling CE.
 - b. OLC rep asks landowner if any institutions hold a lien or mortgage on the property.
 - c. OLC rep describes 24 Steps (generally), explaining that an appraisal is an important step in the process. (NOTE: Appraisals must address a) the maximum build-out, and b) conservation value of the area to be protected.)
 - d. OLC rep requests landowner's permission for small group of OLC reps to walk, photograph and evaluate property.
- 3) OLC rep or OLC Land Action Committee chair schedules site walk.
- 4) At least 3 OLC members walk and score parcel, present results to full committee
- 5) OLC votes to move forward with protecting parcel, or to refer landowner to another resource.
- 6) If moving forward, OLC rep and landowner draw lines on map identifying proposed easement area.
- 7) OLC rep and landowner discuss restrictions and allowed uses.
- 8) If landowner to order appraisal, skip to step 14. If city to order appraisal, continue with step 9
- 9) OLC recommends expenditure from conservation fund to cover appraisal costs.
- 10) Conservation Commission votes to authorize expenditure for appraisal.
- 11) Conservation Commission chair and landowner sign Memorandum of Understanding.
- 12) OLC executive identifies and initiates contact with appropriate easement holder (land trust, city, state).
- 13) Conservation Commission chair or OLC chair asks Planning Staff to order appraisal.
- 14) Appraisal happens.
- 15) OLC rep & Planning Staff review appraisal; OLC votes to make specific offer based upon appraisal value.
- 16) OLC representative presents offer to landowner, gets "handshake" agreement pending Conservation Commission and Council approval.
- 17) City Attorney's office prepares P&S, which is signed by landowner and appropriate City officials.
- 18) Conservation Commission schedules/holds public hearing.
- 19) Conservation Commission votes to approve expenditure from conservation fund.
- 20) OLC chair, Conservation Commission chair and Planning Staff draft resolution for City Council.
- 21) City Council votes to approve expenditure.
- 22) Planning Staff &/or OLC volunteers &/or land trust representatives arrange(s) for due diligence to be completed: baseline documentation, survey, title search, hazardous waste review, mortgage subordination documentation and full appraisal (if necessary).
- 23) City Hall conservation/land use attorney prepares conservation easement document; review with easement holder & landowner.
- 24) Easement document/P&S signed by appropriate parties.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2010.01.27 – 17**
Resolution Re: **RELEASE OF ATTORNEY OPINIONS DATED 9/4, 12/21 and 12/24/09**

WHEREAS: RSA 91-A:5 has specific and direct instances where Governmental Documents should not be released to the public;

WHEREAS: Written opinions and communications of the City Attorney are not subject to disclosure under the Right to Know law, but may be released by the client if desired; and

WHEREAS: The City Attorney has produced three opinions dated 9/4/09, 12/21/09 and 12/24/09; and

WHEREAS: The NH Constitution Art. 8 provides for the public's right to know "...Government, therefore, should be open, accessible, accountable and responsive..."; and

WHEREAS: Said document is currently watermarked "CONFIDENTIAL",

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

The City Council will release and make public the documents dated September 4, 2009, December 21, 2009 and December 24, 2009 from the Legal Department to the Citizens of Dover,

AND:
It will become part of this resolution along with background material.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney

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

Recorded by: Karen Lavertu
City Clerk

R-2010.01.27 - RELEASE OF ATTORNEY OPINIONS

Document Created by: Executive
Document Posted on: January 22, 2010

Page 1 of 5



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2010.01.27 – 17**
Resolution Re: **RELEASE OF ATTORNEY OPINIONS DATED 9/4, 12/21 and 12/24/09**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

R-2010.01.27 - RELEASE OF ATTORNEY OPINIONS

Document Created by: Executive
Document Posted on: January 22, 2010

Page 2 of 5



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2010.01.27 – 17**
Resolution Re: **RELEASE OF ATTORNEY OPINIONS DATED 9/4,
12/21 and 12/24/09**

RESOLUTION BACKGROUND MATERIAL:

The City Council receives opinions that may or may not be used as data for setting policies.

The City Attorney has given opinions that except for being a legal opinion do not fall under 91-A. In the spirit of open and accountable government the Dover City Council may release to the public these opinions as a matter of Governmental Records.

The City Council receives opinions that may or may not be used as data for setting policies.

CONSTITUTION AND 91-A Section:

New Hampshire State Constitution:

[Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.] All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted.

Section 91-A:5

91-A:5 Exemptions. – The following records are exempted from the provisions of this chapter:

- I. Records of grand and petit juries.
- II. Records of parole and pardon boards.
- III. Personal school records of pupils.
- IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.
- V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.
- VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- VII. Unique pupil identification information collected in accordance with RSA 193-E:5.
- VIII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.
- IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.

Source. 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1, eff. June 22, 1993. 2002, 222:4, eff. Jan. 1, 2003. 2004, 147:5, eff. Aug. 1, 2004; 246:3, 4, eff. Aug. 14, 2004.

R-2010.01.27 - RELEASE OF ATTORNEY OPINIONS

Document Created by: Executive
Document Posted on: January 22, 2010

Page 3 of 5



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2010.01.27 – 17**

Resolution Re: **RELEASE OF ATTORNEY OPINIONS DATED 9/4,
12/21 and 12/24/09**

December 23, 2009

I have found several concerns with some of the proposed rules for the 2010-2011 City Council. These proposed rules contain substantial changes in them and would replace the existing rules that have been modified over time. I will present some data for the new Council to consider individually when acting as a group.

In this document I outline where I believe there are legal implications, inconsistencies and violations in our form of Government. It may be interesting to look at another City's Rules when reviewing our Current and Proposed Rules, though Rules do vary quite a bit. I do provide some excerpts from Rochester and Portsmouth for comparisons.

First, in the next 2 paragraphs, I will describe a couple of resolutions that the Council has passed over the last few years that show: 1. The Council's desire to maintain balance and 2. The Council's desire to eliminate redundancies and conflicts.

1. The City Manager updated the Merit Plan a few years back and balanced to some extent the distribution of rights, control and power more equitably between the Administration and the Council. The City Attorney described that the Administration would still have a bit bigger bubble than the Council, but that the proposed Merit Plan changes were a step in the right direction. Prior to this change some events took place with the Citizens and the Council unable to stop them, these still impact our City today and will for many years.

2. One of the main efforts of the administration in the last year was to eliminate redundancy and confusion. For example in the most recently adopted Chapter 170 Zoning the entire section on parking was removed because it was already in one place in Chapter 149 Site Review Regulations. Our rules should not be confusing or redundant and should be as simple as possible.

It is our position to set policy and not to shed any of that responsibility or to relinquish any of our instantiated rights. We are to have complete integrity and fidelity to the City of Dover and our Citizens. We must realize and preserve our **City Manager – Council** form of government and commit to deliberate and set a strong path to that representation.

Catherine Cheney – Dover City Councilor – Ward 5 - 2006-Current

R-2010.01.27 - RELEASE OF ATTORNEY OPINIONS

Document Created by: Executive
Document Posted on: January 22, 2010

Page 4 of 5



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2010.01.27 – 17**

Resolution Re: **RELEASE OF ATTORNEY OPINIONS DATED 9/4,
12/21 and 12/24/09**

The following pages detail some of my concerns on certain proposed rules for the next City Council Term.

Here is a Document Organization Key for text as it appears in it's source

Enclosure Highlighting:
New Proposed Rules

Enclosure Highlighting:
City Charter

Enclosure Highlighting:
City Council Current Rules

Enclosure Highlighting:
State Statute



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:
Ordinance Title: **O – 2010.01.27 – 2**
Chapter: Chapter 3, Administrative Code; 3-73 McConnell Center
Advisory Committee

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, by amending Section 3-73 entitled “McConnell Center Advisory Committee”

2. AMENDMENT

Chapter 3, Article IV entitled “Boards and Commissions” of the City of Dover, 1983, Section 3-73 is hereby amended as follows:

“3-73: McConnell Center Committee

A. MEMBERSHIP: The McConnell Center Committee shall consist of seven (7) regular members and two (2) alternates who shall sit in the absence of regular members.

(1). The membership shall include two (2) tenants, one (1) member of the Recreation Advisory Board, an ex-officio representative of the City Council and five (5) other members. The ex-officio member shall have voting rights.

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

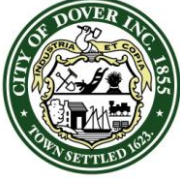
C. AUTHORITY AND DUTIES: The McConnell Center Committee shall serve in an advisory capacity to the City Council and City Manager for the following purposes:

1. Advocating the mission of the McConnell Community Center;
2. Reviewing the operations budget recommended to the City Manager;
3. Assisting in the creation and dissemination of publicity;
4. Fostering collaborative programming;
5. Reviewing and recommending policies; and
6. Reviewing the governance structure.

D. RULES: The Committee shall adopt operating rules subject to the approval of the City Council.

3. TAKES EFFECT

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:

Ordinance Title: **O – 2010.01.27 – 2**

Chapter:

Chapter 3, Administrative Code; 3-73 McConnell Center
Advisory Committee

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor 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 - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:
 Ordinance Title: **O – 2010.01.27 – 2**
 Chapter: Chapter 3, Administrative Code; 3-73 McConnell Center
 Advisory Committee

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen,		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number:
Ordinance Title: **O – 2010.01.27 – 2**
Chapter: Chapter 3, Administrative Code; 3-73 McConnell Center
Advisory Committee

ORDINANCE BACKGROUND MATERIAL:

The McConnell Center Advisory Committee was originally formed by the City Council with eleven (11) members. This was conceived as a way to adequately represent the various parties involved in the building's purpose and operation.

The original breakdown of positions was as follows:

- 5 Community Members
- 3 Representatives of the Buildings Tenants
- 1 City Council Representative
- 1 Recreation Advisory Board Member
- 1 Planning Board Member
- McConnell Center Administrator (Ex-Officio) Staff to Committee

After a year of operations it was determined that a Planning Board Member could no longer hold a seat as it was in conflict with their Planning Board duties as defined by law. That position was converted to a Community Member seat.

In the second year of meetings there were several situations that there was no quorum present as six (6) people were required to be in attendance and at the same time it was becoming more difficult to find people to fill vacant positions.

In the summer of 2009 it was suggested that the committee be reduced in number so it would be easier to have a quorum present and to have all of the same groups represented. The proposed change will allow for this to occur. The McConnell Center Advisory Committee voted to approve this change at their September 28, 2009 meeting.