



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, February 22, 2012**
Meeting Time: **7:00 pm**

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. **ADVANCED REFUNDING FOR CITY OF DOVER JUNE 15, 2003 AND JUNE 15, 2004 GENERAL OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING BONDS (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (THE COUNCIL VOTE TO BE HELD ON MARCH 14, 2012.)**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
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 28, 2012 – Goal Setting Session**
 - B. **February 8, 2012 – Regular Session**
 - C. **February 8, 2012 – Workshop**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING – None**
 - B. **ORDINANCES IN THE 3rd READING**
 1. **UPDATING THE DOVER ZONING ORDINANCE**
SPONSORED BY MAYOR TREFETHEN AS PLANNING BOARD REPRESENTATIVE



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C. RESOLUTIONS

- 1. AUTHENTICATION OF THE CITY CHARTER
(TO BE REMOVED FROM THE TABLE.)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – American Legion Auxiliary**
- 2. BLOCK PARTY – Greater Dover Chamber of Commerce – Apple Harvest Day**
- 3. ROAD RACE – Greater Dover Chamber of Commerce – Apple Harvest Day 5K**
- 4. RESOLUTION: PURCHASE OF FOUR 2012 FORD POLICE INTERCEPTORS
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
- 5. RESOLUTION: PURCHASE OF A 2012 FORD FUSION S
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
- 6. RESOLUTION: B11041 – PLUMBING SERVICES AS NEEDED
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
- 7. OPERATING RULES FOR ZONING BOARD OF ADJUSTMENT, ARTS
COMMISSION, AND TRUSTEES OF THE TRUST FUND
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 8. Transportation Advisory Commission |
| 2. Planning Board | 9. Joint Building Committee – Horne Street |
| 3. Appointments Committee | 10. Joint Building Committee – Media Access |
| 4. Recreation Advisory Board | 11. Legislative Liaison |
| 5. McConnell Center Advisory Committee | 12. Pool Advisory Committee |
| 6. Arts Commission | 13. Parking Commission |
| 7. Solid Waste Advisory Commission | |

B. RESOLUTIONS

- 1. ADOPTION OF 2012-2013 CITY COUNCIL GOALS AND OBJECTIVES WITH
TIMELINE
SPONSORED BY MAYOR TREFETHEN**



CITY OF DOVER

CITY COUNCIL - AGENDA

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2. CITY COUNCIL FY2013 BUDGET GUIDANCE

SPONSORED BY MAYOR TREFETHEN

3. APPEAL TO REGULATOR FOR INSURANCE PREMIUM REFUND

SPONSORED BY COUNCILORS CHENEY AND WESTON

4. MCCONNELL CENTER LEASE WITH NEW HAMPSHIRE ASSOCIATION FOR THE BLIND, INC.

SPONSORED BY MAYOR TREFETHEN BY REQUEST

5. 2012-2013 CITY COUNCIL RULES AMENDMENT – COUNCIL MATTERS OF INTEREST (COUNCIL VOTE TO BE HELD ON MARCH 14, 2012)

SPONSORED BY COUNCILOR CRAGO

6. AMENDMENT OF FY2012 FEE SCHEDULE TO ESTABLISH VALET PARKING SERVICE FEES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)

SPONSORED BY MAYOR TREFETHEN BY REQUEST

C. ORDINANCES IN 1ST READING

1. CHAPTER 9 – BUDGET

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)

SPONSORED BY MAYOR TREFETHEN BY REQUEST

2. CHAPTER 35-5, LICENSING BOARD – AUTHORITY TO REGULATE TAXICAB OPERATIONS

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)

SPONSORED BY MAYOR TREFETHEN BY REQUEST

3. CHAPTER 161-2, 161-3 – TAXICABS

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)

SPONSORED BY MAYOR TREFETHEN BY REQUEST

4. CHAPTER 166, VEHICLES AND TRAFFIC – BOYLE STREET PARKING RESTRICTION

(TO BE REFERRED TO A PUBLIC HEARING ON MARCH 14, 2012)

SPONSORED BY COUNCILOR WESTON

14. COUNCIL CORRESPONDENCE - None

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT

CITY MANAGER'S REPORT



February 22, 2012

SUBMITTED BY:

J. MICHAEL JOYAL, JR.
CITY MANAGER

**CITY OF
DOVER, NH**

AVAILABLE ONLINE:

WWW.DOVER.NH.GOV

JANUARY 2012

**Dover Business & Industrial Development Authority
Economic Development Overview**

Dan Barufaldi

Overview

Most business contacts report modest revenue growth from a year earlier. Retailers are somewhat more positive than in preceding months, with 2011 sales projected to come in higher than 2010. Manufacturers' reports are similar to the last round; most firms cite somewhat slower sales growth than earlier this year. Commercial and residential real estate markets remain weak, but are not expected to decline further. Advertising and consulting firms, by contrast experienced noticeably improved business between the third and fourth quarters, closing 2011 strong. Those firms hiring are doing so modestly; wage increases when occurring are also moderate. Price pressures continue to ease. Most contacts expect a continuation of current restrained growth trends related to European sovereign debt and U.S. budget deliberations.

Retail & Tourism

As in the pre-holiday period, retail contacts for this period report a slight improvement in business conditions from earlier in the year. Comparable store sales in the fourth quarter for most contacts range from flat to up 2% from a year earlier. One contact saw a drop in in-store traffic in December but a tripling of on-line sales. One is projecting 2011 annual sales at a 5% decline, but this represents an improvement compared with 10% sales declines in the first half of the year. Web-based retailers contacted are reporting on-line sales strength and some are investing in additional equipment and staff to better service on-line customers. Salary increase estimates for 2012 range from 2-3% with no cost-of-living increases anticipated.

The travel and tourism sector continued to project a 5-8% improvement for 2011 over 2010. Early December stats are strong. The industry was looking toward a strong 2012 performance, but now at least the cruise sector has been rattled by the Costa Concordia sinking and loss of life. 2012 hotel revenue per room is projected to increase 10-12% over 2011. Restaurant sales are much harder to project, but are estimated to grow 3% in 2012 over 2011, in contrast to the 1.5% growth for 2011 over 2010.

Manufacturing and Related Services

Not much has changed in this sector since the last report. Most contacts report growing sales with some small job creation. Overall, the mood is cautious.

Most manufacturers contacted report higher sales with the exception of electronics related components being sold to China. This segment has had a recent year run of quarter to quarter sales growth so this decline is significant.

Contacts reporting higher sales, growth recently is moderate compared to the rapid growth experienced in the last few years. Europe is cited as a problem, but it appears to be regional. The European health sector appears to have been unaffected by the debt problems. Diversified manufacturers in Europe are being adversely affected by the credit crunch.

Complaints about rising input prices have faded with even food prices halted in their ascent. This is a sea change as a year ago, commodity price hikes and even shortages were extant.

About half of the contacts in this category report hiring activity and half are flat with no significant staff reductions anticipated. Some are having difficulty finding qualified staff or staff with the requisite skill sets. Capital expenditures are still being made, often through retained earnings alone. The outlook is “guarded”. Macroeconomic concerns remain with us with firms depending on exporting to Europe at most risk presently.

Selected Business Services

Consulting and advertising continue to report strong growth through the fourth quarter after a weaker third quarter. 2011 growth in this sector had an annual rate between 8-9% principally from large orders by large clients. Strategy and business consulting firms report 10-12% annual growth driven by mergers, acquisitions, private equity firms. Large corporations experiencing high profits have a lot of cash, adding to their confidence to spend and their confidence in the U.S. economy. Bottom line enhancement projects tended to dominate this sector growth. Hiring activity continues mixed.

All respondents are now more optimistic than they were in the third quarter of 2011 as the fourth quarter came back strong.

Commercial Real Estate

Commercial leasing activity in Dover was surprisingly robust for the usually flat seasonal pattern. New England in general didn't fare as well. Improvement is expected in the first quarter of 2012. A very small improvement in the office vacancy rate was experienced year-over-year, but remains in the 15% range.

Construction activity remains limited regionally, but Dover has several commercial projects underway including the F.W. Webb building on Knox-Marsh Rd., The J.D. Howard Dental Group on Sixth St., and the dialysis center on Indian Brook Rd. As Dover industrial leased space gets filled up, more construction is anticipated.

The outlook among contacts is unchanged since the last report with forecasts calling for modest improvements in office fundamentals in 2012, roughly on par with 2011. Office rents remain low.

Residential Real estate

Sales figures increased slightly for single family housing and condominiums over a year ago, but the comparison is with the previous year timing after the expiration of the tax credit in mid-2010. Weak demand, unsettled job markets, and stricter lending requirements impinged on regional markets, but Dover did somewhat better due to its 4.1% unemployment rate, overall above average educational level and proximity to Liberty Mutual, Pease, Portsmouth Shipyard, UNH and Wentworth Douglass Hospital. Median sale prices of homes and condos bounced slightly in Dover while regional prices fell year over year in the region. Contacts expect sales activity to remain slow in the next few months, but expect regional prices to stabilize in the region. Neither further weakening nor significant recovery is expected in the near term.

Non-local content excerpted from the Federal Reserve Beige Book-Boston

Office of General Legal Counsel Summary of Matters Allan Krans

GENERAL SUMMARY OF MATTERS OF THE OFFICE OF GENERAL LEGAL COUNSEL

The Office of General Legal Counsel provides legal support to City Council, City Manager, city staff and volunteers on the boards, commissions and committees of the City of Dover to assist efforts to provide services to constituents/customers. In addition, legal support is provided to the Dover School Board, the Superintendent of Schools and school staff.

Legal support levels are tracked. The tracking of legal support efforts revolves around legal services called “Matters” (legal questions and issues raised by staff and all other sources), litigation, legal documents (contracts, deeds etc.), resolutions, and responses to Right to Know requests.

REVIEW OF LEGAL SUPPORT SERVICES FOR THE MONTH:

- Legal Matters / Questions Handled: 43
- Document Creation & Review: 8
- Right to Know Requests Processed: 3
- Resolutions & Ordinances Produced: 7

SIGNIFICANT DEVELOPMENTS, TRENDS AND MATTERS:

- Assistance to the City Council: drafting/review of resolutions, and ordinance revisions; attendance at meetings;
- Assistance to School: NHRS Audit, bullying, disciplinary matter, City Council/School Board collaboration, sealed minutes, appointments to JBC, sexual assault, memorandum, school retirement, HUB.DALC pension, non-public sessions, Right to Know Law
- Assistance to the Community Services Department: road acceptance, EPA Waste Permit, Tidewater Letter of Credit
- Assistance to Recreation: Dover Youth Football, Green Bean, Sports Coach Volunteer Selection, HUB Collection
- Assistance to the Planning Department: Open Space Subdivision, site review, Zoning violations, Conditional Use Application, resolution, conservation easement, enforcing City ordinances, warranty deed, fines and penalties, members serving on other boards, discontinuance of road, lease
- Assistance to Fire Department: Health hazard

- Assistance to Finance Department: Contracts, Revenue Sense, vendor application, insurance claim
- Assistance to Library: Estate trust bequest, political activities in City buildings
- Assistance to Police: Retention of personnel records, parking zone/fees, civil claim, professional conduct issue, subpoena, reckless conduct complaint
- Assistance to the City Manager: Review of documents for signature; review of litigation; 91-A requests; conflict of interest, CIP Impact fees, new Robert's Rules, City Council Procedural Rules & Decorum Guidelines, appointments Planning Board/general, Budget FY 2013, Code of Ordinances Codification; Council Rules 2012.2013

The role of the Office of General Legal Counsel is to represent the municipal corporation known as the "City of Dover" as a whole. The goal is to save money for the taxpayers and the City of Dover by addressing potential legal problems proactively. A further role of General Legal Counsel is to respond to matters involving litigation.

The use of outside counsel to handle specialty matters continues and consists of legal counsel involved in environmental matters (Attorney Peltonen), schools (Attorney Matt Upton) and labor negotiations (Attorney Broth). There are a small number of other attorneys hired on a variety of smaller matters.

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilors Cheney, Crago, Garrison, Hooper, Spuler, Weeden, and Weston.

Also present: Facilitator William O'Brien, City Manager Joyal, City Clerk Lavertu, and Department Representatives

City of Dover Council Goal-Setting Workshop January 28, 2012

Meeting Notes

Opening remarks, overview of agenda and meeting orientation

To begin, the facilitator distributed several handouts to council members, one of which was the following:

As an elected official, you play a fundamental role in the evolution of the goals, purposes and direction of your community... Your job as an elected official is to put in place policies, programs and facilities that will help make your mission statement come true.

... Remember, if each person has his or her own version of the mission statement, it is going to be very difficult to agree on next steps. You and your colleagues must start your administration together; the mission statement is the critical first step.

...If you and your fellow elected officials are not making decisions that support the mission statement, your community will never reach its objectives.

International City/County Management Association (ICMA)
Elected Officials Handbook, Setting Goals for Action

To further reinforce the workshop's purpose, councilors were also provided with another passage from the same ICMA Elected Officials Handbook:

Elected officials are also called on to make decisions about more narrow issues raised by constituents... fixing potholes in certain neighborhoods, the protection and replacement of old trees and the problem of minors hanging out in video arcades during school hours. These kinds of little issues can quickly eat up most of your time.

However, it is the big issues that deserve most of your time and attention.

For this workshop, the facilitator suggested the terminology and definitions below to assure that all participants were using commonly-understood terms:

Goals

These are *qualitative statements* of what the business intends to accomplish over a period of years. These are "big-picture" items vital to organizational success.

Objectives

These consist of short and long-term *quantitative results* that directly support the goals. They should be achievable, related to the key factors for success in the business, and consistent with the goals. Objectives describe specifically *what* we want to happen.

Tactics

These encompass a number of separate, but related and reinforcing, steps for accomplishing the selected business goals and objectives. Tactics address the *how* element of the process.

Vital Issues Discussion Groups

To begin the process of identifying the council's primary goals for the next two years, council members were divided into three groups to discuss the following question:

What do you feel are the most vital issues that this council should address over the next two years?

Each group then reported back to the whole, listing their identified vital issues. Discussion group results are shown below.

Group #1

- More revenue for the city
- Define and identify core deliverables.
- Establish a management framework and best-practices management system.
- Increase community communication.
- Better define our customers (stakeholders) and their needs.
- Improve/expand transportation infrastructure. (roads, inter/intra-city busses, etc.)

Group #2

1. Build cohesion with boards and committees.
2. Continue to reduce/reuse/recycle.
3. Realistic, measurable goals
4. Big-picture, including all citizens' needs – affordable
5. Use technology to increase efficiencies and reduce costs.
6. Infrastructure improvement: roads, facilities, maintenance; waiting costs more
7. Build trust within the community for government; focused, concise.
8. Industrial/residential balance; economic development continuance; waterfront development
9. Parking
10. Financial policies
11. More public outreach
12. Regular City Council/School Board interaction and cooperation
13. Regionalization/privatization initiatives
14. Maintain cooperation/interaction with education and other resources.
15. Maintain connection with CC and NH legislature and Strafford County.
16. Benchmark performance vs. other communities.
17. Use media for transparency.
18. Water quality issue in Great Bay
19. Seek grants and alternative revenues.
20. Health welfare safety

*City of Dover 2012 Goal-Setting Workshop
Meeting Notes
Page Three*

Group #3

- Waterfront
 - › Shovel hit the ground
 - › raise property taxes
- Fiscal responsibility
 - › Balance the budget
 - › Paying off staying in front of the debt service
- Social capital responsibility
 - › concerts
 - › quality of life
 - › discussion: *Bowling Alone* and *Better Together*
 - › Top 100 Places to Live
 - › education
- Background on-line tool
 - › demonstrate over time
 - › Power-Point
 - › communications
- More detailed minutes
 - › communications
- Assign project/issue topic to a councilor
- Councilor-to-councilor
 - › workshops
 - › IT procedures... information retrieval
- Procedural tasks
 - › in-place processes
 - › orientation
- Core values
 - › 5-to-10 years
 - › recognizing who we are
 - › Department... Sewer, Fire, Recreation
 - › Budget
- Review C.M. goals presentation
- Review revenue charges

Goals

With the most vital issues having been identified, councilors next consolidated these issues into four major goals. These goals were not listed in any order of perceived priority or importance.

1. Obtain a financially-and-environmentally-reasonable permit for the W.W.T.P.
2. Increase non-property-tax revenue sources and control expenses.
3. Enhance communication to all stakeholders to engender public trust.
4. Foster economic development.

Objectives

In order to support the four major goals, objectives were then identified for each goal.

Goal #1:

Obtain a financially-and-environmentally-reasonable permit for the wastewater treatment plant.

Objectives:

- Support and fund the Great Bay Community Coalition.
- Advocate for 8 mg/liter, based on scientific evidence.
- Aggressively utilize all means available to convey the importance of this issue to the public.

Goal #2:

Increase non-property-tax revenue sources and control expenses.

Objectives:

- Review all existing revenue sources.
- Actively pursue grants.
- Expand efforts to reduce, reuse and recycle.
- Identify opportunities for collaborative efforts regarding cost-saving measures with schools.

Goal #3:

Enhance communication to all stakeholders to engender public trust.

Objectives:

- Advance and promote a management framework and best-practices system.
- Conduct regular "Speak Out" sessions
- Use technology to streamline communication on critical issues.
- Enhance councilor education and knowledge.

Goal #4:

Foster economic development.

Objectives:

- Support the development of the waterfront.
- Retain existing Dover businesses.
- Improve the industrial/residential balance.
- Support and fund the activities of D.B.I.D.A.
- Improve downtown parking availability

Concluding Thoughts

In the waning moments of the workshop, several concluding suggestions were offered:

- Mayor Trefethen explained that each objective should be accompanied by an “achieved by” date, and that councilors will establish these in the near future.
- It was also suggested that the council consider appointing a council member who will be “responsible for” each objective. That councilor’s role will not necessarily be to do the work of the objective, but will be responsible for assuring that the objective continues to receive attention and that progress is made toward its completion.
- The council was also reminded that progress toward the major goals and their supporting objectives should be reviewed routinely, no less than quarterly, in order to keep these important matters fresh in the minds of councilors.
- As explained in the terminology on the first page of these notes, *objectives* are *what* we want to happen, while *tactics* are the *how*, the specific steps to be implemented in order to achieve the objectives. The purpose of this workshop was not to get down to the tactical level, but these will need to be established in the near future.

Which leads us to one very important final thought to keep in mind as you go forward...

Your job as an elected official is to put in place policies...

In very simple terms, policy making means deciding what you are going to do, not how you are going to do it. Once you have established a policy, it is the job of your chief of staff, the professional administrator or city manager, to administer or execute that policy.

There may be times when you have reason to believe that council policies are not being properly administered, and in such cases it is your responsibility to find out if your suspicions are valid. That is part of your oversight role with regard to the administration of policy.

But do your checking through the normal chain of command. Sometimes it might seem easier to check things out informally by contacting individual employees of the government whom you know socially. But that can undermine the authority you have delegated to the chief administrator...

International City/County Management Association (ICMA)
Elected Officials Handbook, Setting Goals for Action



CITY OF DOVER

CITY COUNCIL - MINUTES

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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Garrison led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

Also Present: City Manager Joyal, General Legal Counsel Krans, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report; seconded by Councilor Weston.

Vote: 9/0.

Deputy Mayor Carrier moved to add the Master Plan Steering Committee Report; seconded by Councilor Garrison.

Vote: 9/0.

Mayor Trefethen moved to add the Appointments Committee Report; seconded by Councilor Garrison.

Vote: 9/0.

Mayor Trefethen referred to Item 13.B.2., and said the Public Hearing date will be held on March 14, 2012.

Deputy Mayor Carrier moved to accept agenda as amended; seconded by Councilor Garrison.

Vote: 9/0.

7. PUBLIC HEARINGS

A. UPDATING THE DOVER ZONING ORDINANCE

SPONSORED BY MAYOR TREFETHEN AS PLANNING BOARD REPRESENTATIVE

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



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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.

Ronald Huml, 199 Mast Road: He spoke about the condition of Tolend Road. He said he totaled his car because the road hadn't been plowed. He referred to the mild winter and recommended that the extra funds for plowing and salt be put into a separate fund to be saved for next year. He referred to the Joint Fiscal Committee meeting and spoke about not being able to get books for the Schools next year, and teacher's salaries. He spoke about the results of the Dover Census, and how Dover isn't attractive to senior citizens.

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

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing, and referred the Council's attention to a few items. He referred to Page 20/28, Storm Management summary, and explained the \$137,000 expense. He referred to report on the IPark meter system and discussed the convenience of this device, which was similar to IPass. The City has held off on purchasing these devices, because the multi-city capability unit has been delayed. He said tokens were still available to the public. He recognized two employees on the City's staff. Ray Vermette, Wastewater Treatment Operator, was recognized by the New England Wastewater Treatment Council as Operator of the Year. Chris Parker, Planning Department Director, has been selected to participate in the Leadership in New Hampshire program. He reminded the citizens and Council about the public hearing with the EPA to be held on Thursday, February 9, 2012.

Deputy Mayor Carrier referred to the IPark devices and asked if they were going to be sold to the public at a reduced cost.

City Manager Joyal agreed that they would be sold at a reduced cost.

Councilor Spuler asked the City Manager to break down the difference in costs for the two different EPA mandates, 8% the City would prefer, and the 3% the EPA is mandating.

City Manager Joyal said the 3% EPA mandate would require a \$25 million investment in the City's wastewater treatment plant and \$1 million in additional operating costs per year. He said the net impact would be a 50% increase to the water/sewer bill. If the City instead follows through on the adaptive management plan that the City has proposed, 8%, it would require \$12 million in changes to the existing operations of the wastewater treatment plant. He said that would be a 19% increase to the water/sewer bill.

Councilor Weston started a discussion about tree cutting happening on Tolend Road, which was in preparation for the reconstruction of Tolend Road, and the need to move telephone poles. The City does have to pay the utility company for moving the poles.

Councilor Garrison referred to Mr. Huml's comments regarding the storm management budget, and asked what the normal procedure was if there was a surplus.

City Manager Joyal said if the money isn't used it falls back into Fund Balance, making it available for other future needs.



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Councilor Cheney asked about the status of Mr. Medbery's 91-A request, to receive a copy of an email dated December 30, 2009.

City Manager Joyal discussed the situation with the Council, and why it hasn't been completed. He said it was considered a courtesy and ethical consideration to ask the person to pull the document that is being requested from their email account.

Councilor Cheney said she offered to show it to the General Legal Counsel so he could retrieve it. She said it was just a document and not the email, and that the email had more information in it. City Manager Joyal asked for Councilor Cheney's permission to look in her mailbox for the email. Councilor Cheney gave permission.

City Manager Joyal said this was the first time she has given him explicit permission.

Mayor Trefethen asked Councilor Cheney if she was giving the IT department permission to receive this email.

Councilor Cheney said they can retrieve her emails.

Deputy Mayor Carrier moved to accept the City Manager's Report; seconded by Councilor Spuler.
Vote: 9/0.

10. APPROVAL OF MINUTES

A. January 25, 2012 – Workshop Session

B. January 25, 2012 – Regular Meeting

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor Garrison.

Councilor Weeden referred to the January 25, 2012, Regular Meeting, Page 4/7, 12.C.1., it says "Councilors Cheney and Crago were opposed," and it should say Councilors Cheney and Weeden were opposed.

Councilor Cheney referred to the January 25, 2012, Regular Meeting, Page 5/7, it says "she wanted the original Charter showing the change with the amendments," and she said she wanted the changes and the final version of the Charter that they would be authenticating.

Deputy Mayor Carrier moved to approve the Minutes as amended; seconded by Councilor Hooper.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen said on January 30, 2012 he attended the Tri-City Chamber Legislative Reception. He said on February 7, 2012 he attended the Children's Museum event recognizing Dover being named one of the 100 Best Communities for Young People. He read the proclamation from Governor Lynch. He listed the five organizations that were recognized: Dover Youth-to-Youth, Dover Teen Center, Strafford Head Start Program, Seymour Ozman Center, and the Afterschool Program at the Middle School.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Hooper.
Vote: 9/0.



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. UPDATING THE DOVER ZONING ORDINANCE

SPONSORED BY MAYOR TREFETHEN AS PLANNING BOARD REPRESENTATIVE

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison. Mayor Trefethen said they will be having a workshop regarding this after this meeting. He said he wasn't looking to vote on this Ordinance tonight.

Deputy Mayor Carrier moved to refer to a third reading on February 22, 2012; seconded by Councilor Weston.

Vote: 9/0.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS - None

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE/RACE – Rochester Runners Club**
2. **RAFFLE/AUCTION – Susan G. Komen 3-Day for the Cure**
3. **RESOLUTION: CHANGING OF WARD 4 POLLING FACILITY**
SPONSORED BY MAYOR TREFETHEN BY REQUEST
4. **RESOLUTION: SENIOR CENTER TRIP TO DAYTONA BEACH**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 8. Transportation Advisory Commission |
| 2. Planning Board | 9. Joint Building Committee – Horne Street |
| 3. Appointments Committee | 10. Joint Building Committee – Media Access |
| 4. Recreation Advisory Board | 11. Legislative Liaison |
| 5. McConnell Center Advisory Committee | 12. Pool Advisory Committee |
| 6. Arts Commission | 13. Parking Commission |
| 7. Solid Waste Advisory Commission | 14. Master Plan Steering Committee |

Mayor Trefethen asked the Council if they had items they would like pulled for further discussion. Councilor Hooper asked to pull the School Board Report.

Mayor Trefethen pulled the Appointments Committee Report.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **7:00 pm**

Deputy Mayor Carrier pulled the Master Plan Steering Committee Report.
Mayor Trefethen pulled Item #13.A.3.
Mayor Trefethen asked for a roll call vote on the remaining items of the Consent Calendar.
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item #13.A.3.; seconded by Councilor Weston.
City Councilor Lavertu explained the reason for changing the Ward 4 polling place to the Elks Lodge on Durham Road.
Mayor Trefethen discussed the resolution with the Council.
Vote: 9/0.

Councilor Hooper gave an overview on the School Board Report to the Council.
Deputy Mayor Carrier moved to accept the School Board Report; seconded by Councilor Cheney.
Vote: 9/0.

Mayor Trefethen gave an overview of the Appointments Committee Report to the Council. He listed the appointments that needed Council approval.

Planning Board:

- Kirt Schuman, moved from Alternate to Regular Member.
- Dennis Ciotti, Alternate Member.

Energy Advisory Commission:

- Three year positions
Jessica Skinner
Eric Steltzer
Jan Nedelka
- Two year positions
Carmen Buford-Paige
Elizabeth Goldman
- One year positions
Shannon Rogers-Keegan
Mary Gilbertson

Reappointments:

Recreation Advisory Board:

- Jerry Newcomb, Regular Member
- Lynn Antone, Alternate Member

Mayor Trefethen moved for the approval of the Appointments Committee recommendations; seconded by Councilor Cheney.
Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **7:00 pm**

Deputy Mayor Carrier gave an overview of the Master Plan Steering Committee Report to the Council.

Deputy Mayor Carrier moved to accept the Master Plan Steering Committee Report; seconded by Councilor Weeden.

Vote: 9/0.

B. RESOLUTIONS

1. EMERGENCY MANAGEMENT PERFORMANCE GRANT SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison.

Mayor Trefethen discussed the provision of the grant with the Council.

Roll Call Vote: 9/0.

2. ADVANCED REFUNDING FOR CITY OF DOVER JUNE 15, 2003 AND JUNE 15, 2004 GENERAL OBLIGATION BONDS AND AUTHORIZATION TO ISSUE REFUNDING BONDS (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 22, 2012, WITH THE COUNCIL VOTE TO BE HELD ON MARCH 14, 2012.) SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved to substitute as a whole; seconded by Councilor Hooper.

Vote: 9/0.

Mayor Trefethen asked for a vote to refer to a Public Hearing.

Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Cheney discussed errors in the City Charter. She said she would like to work with someone to correct the errors, show the changes, and have the final version that the Council is going to authenticate.

City Manager Joyal said Councilor Cheney can work with the General Legal Counsel. He said the final version is completed.

Councilor Cheney said the format was changed and editor's notes removed.

City Manager Joyal said they just changed the format and not the language of the document. He said the editor's notes were removed because they were notes by the editors and not by the Charter Commission, and not voted on by the Council.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **7:00 pm**

Councilor Weeden invited the public to the Speak Out Session that Councilors Spuler, Crago, Weston and him will be hosting on February 23, 2012, Langdon Place, 7:00 to 8:30 pm. He said the City Manager and Department Heads will also be present.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn to Workshop Session; seconded by Councilor Weeden. Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **To follow Regular Session**

1. CALL TO ORDER

~~2. MOMENT OF SILENCE (held during Regular Session)~~

~~3. PLEDGE OF ALLEGIANCE (held during Regular Session)~~

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

Also Present: City Manager Joyal, General Legal Counsel Krans, and City Clerk Lavertu.

5. ZONING AMENDMENTS

Planning Department Director Parker gave an overview of the Zoning Amendments to the Council.

6. COUNCIL GOALS AND OBJECTIVES

Mayor Trefethen referred to the results of the January 28, 2012 Goal Setting meetings. He recommended that they go through the goals and set a timeline for completing it.

1. Obtain a financially-and-environmentally-reasonable permit for Wastewater Treatment Plant.
 - Support and fund the Great Bay Community Coalition.
 - Advocate for 8mg/liter, based on scientific evidence.
 - Aggressively utilize all means available to convey the importance of this issue to the public.

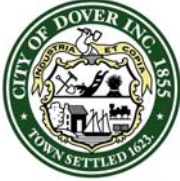
Mayor Trefethen discussed the objectives and said this will be an ongoing issue that the Council will watch.

2. Increase non-property-tax revenue sources and control expenses.
 - Review all existing revenue sources.
 - Actively pursue grants.
 - Expand efforts to reduce, reuse and recycle.
 - Identify opportunities for collaborative efforts regarding cost-saving measures with schools.

City Manager Joyal said the City staff review all existing revenue sources and recommended a Workshop just on this topic sometime after the end of April.

Mayor Trefethen referred to actively pursue grants as an ongoing goal, because they were always looking for grants.

Councilor Weston started a discussion on how the City finds out about grants.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **To follow Regular Session**

City Manager Joyal said all Department Heads and staff are constantly looking out for potential grants. He said they could give quarterly updates on the status of grants, with the first one as of April 30, 2012.

Mayor Trefethen said the objective to expand efforts to reduce, reuse and recycle should be an ongoing issue.

Mayor Trefethen said the objective to identify opportunities for collaborative efforts regarding cost-saving measures with the schools should also be discussed at the end of April workshop, and then ongoing after that.

Councilor Garrison asked if this can be discussed at the Joint Fiscal Committee meeting on February 15, 2012.

Mayor Trefethen said that could be done, but it needs to continue after that.

3. Enhance communication to all stakeholders to engender public trust.
 - Advance and promote a management framework and best-practices system.
 - Conduct regular "Speak Out" sessions.
 - Use technology to streamline communication on critical issues.
 - Enhance councilor education and knowledge.

Mayor Trefethen said the first one should be ongoing, but needs some sort of kick-off.

Councilor Crago said he would be happy to champion that objective.

Mayor Trefethen said the Council can have a Council workshop on February 29, 2012 regarding this topic.

Mayor Trefethen said some Councilors have already scheduled a "Speak Out" session for February 23, 2012, and sessions will continue quarterly with Councilors' attendance rotating. Discussion ensued on how to schedule dates.

Mayor Trefethen referred to the next objective, using technology to streamline issues, and recommended that it should be an ongoing goal.

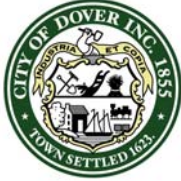
Discussion ensued regarding what this goal meant.

Councilor Weeden said he wanted technology to let him, as a new Councilor, find out the background on resolutions and issues that the Council is working on.

Councilor Spuler said it was also discussed that the Council meeting minutes be more thorough.

Mayor Trefethen suggested the Council have some type of Workshop in late summer or early fall to go over orientation materials, and then ongoing as needed.

4. Foster economic development.
 - Support the development of the waterfront.
 - Retain existing Dover businesses.
 - Improve the industrial/residential balance.
 - Support and fund the activities of D.B.I.D.A.
 - Improve downtown parking availability.
- Mayor Trefethen said all these issues are ongoing.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, February 8, 2012**
Meeting Time: **To follow Regular Session**

Mayor Trefethen then went over the goals again asking the Council if they had any changes.

Goal #1. No changes.

Goal #2. Councilor Weston recommended that they add: include the County and other public/private entities.

Goal #3. No changes.

Goal #4. No changes.

Mayor Trefethen said this will be updated and put into a Resolution for the February 22, 2012 Council Meeting. He said Councilor Crago would champion Goal #3: Enhance communication to all stakeholders to engender public trust. Councilor Cheney would champion Goal #3, the last two objectives: Use technology to streamline communication on critical issues, and enhance councilor education and knowledge.

7. CITIZEN'S FORUM

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

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

8. ADJOURNMENT

Councilor Weston moved to adjourn; seconded by Councilor Weeden.

Mayor Trefethen closed the workshop.

Planning Department Director Parker presentation has been archived with the Minutes.

The City Council Goals and Objectives Meeting Minutes from January 28, 2012 have been archived with these Workshop Minutes.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the code to reflect changes in the community, and in land use regulations.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add new definitions and revise existing definitions to read as follows:

“ABANDONED SIGN means any sign that does not display a well-maintained message for a consecutive one-hundred eighty (180) day period, and/or the owner of said sign cannot be located after reasonable efforts have been made, and/or said sign is no longer fully supported by the structure designed to support the sign for a consecutive one-hundred eighty (180) day period, and/or the sign no longer advertises bona fide business and/or products sold for a consecutive one-hundred eighty (180) day period. The Zoning Administrator shall direct the removal of any sign which meets this definition.”

AND

“ABUTTER means:

- 1) ~~Any person whose property is located in New Hampshire and adjoins or is directly across the STREET or stream from the land under consideration.~~ **means the owner of record of a parcel of land located in New Hampshire and adjoins or is directly within two hundred (200) feet (including land across the street or waterway) of the proposed site under consideration by the Board.**
- 2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- 3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail. **[Amended 12-08-10 by Ord. No. 2010-10.27-13]**
- 4) For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Board.
- 5) For purposes of notification, abutter ownership information for LOTS located in Dover, shall be obtained through the City’s Tax Assessment Office. **[Amended 12-08-10 by Ord. No. 2010-10.27-13]”**

AND

“ADULT DAY CARE means a facility used for the care of **three (3) or more** adults for less than twenty four (24) hours per day who are in need of supervision or assistance **with daily living activities**. The facility may provide for dining, recreation activities, education and counseling



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

services, and ACCESSORY USEs related to the care of adults in need. [Added 09-15-93 by Ord. No. 19-93]”

AND

“**ASSISTED LIVING FACILITY** means a facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than twelve (12) elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a nursing home. ~~Such a facility shall be developed and maintained in compliance with RSA 354-A:15, Housing for Older Persons.~~ Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and twenty-four (24) hours per day staffing. An assisted living facility includes a community dining room in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility’s staff, only assisted living units are permitted as part of an assisted living facility. ~~For twelve (12) or less elderly residents, see ELDERLY ASSISTED CARE HOME.”~~

AND

ASSEMBLY HALL means a **BUILDING** or a portion of a **BUILDING**, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly Halls include but are not limited to **SERVICE CLUB**, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

AND

AUTO SERVICE means a place of business which offers as a service the repair of automobiles. Such “**AUTO SERVICE**” place shall not be construed to be a ~~GASOLINE STATION-VEHICLE REFUELING /RECHARGING STATION.~~

AND

“**CONGREGATE CARE FACILITIES** means a residential facility for elderly persons containing ~~efficiency units,~~ **individual** one (1) and two (2) bedroom units. ~~and units without kitchen facilities.~~ Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. ~~ACCESSORY USEs typically needed by elderly housing facilities. This facility may be combined with a NURSING HOME.~~ This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law. [Added 09-15-93 by Ord. No. 19-93]”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

AND

“CONTINUING CARE COMMUNITY FACILITY means a residential development that provides multiple elements of adult living, including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care, programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.”

AND

CUSTOMARY HOME OCCUPATION - An occupation carried on a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit. For the use of a dwelling or accessory BUILDING in any Residential District for a "home occupation," the following conditions shall apply:

- 1) "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, **HOME BASED AGRICULTURAL ACTIVITIES**, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
- 2) No more than one (1) nonresident shall be employed therein.
- 3) The use is carried on strictly by the occupant of the PRINCIPAL BUILDING. **[Amended 08-01-90 by Ord. No. 8-90]**
- 4) No more than twenty-five percent (25%) of the existing net FLOOR AREA of the principal and any accessory BUILDINGS not to exceed six hundred (600) square feet is devoted to such use.
- 5) There shall be no display of goods or wares visible from the STREET.
- 6) No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
- 7) The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTI-FAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.
- 8) Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

or KENNEL and others of a similar nature shall not be considered as home occupations.
[Amended 12-08-10 by Ord. No. 2010-10.27-13]

- 9) A minimum of two (2) off-STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance*.
- 10) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- 11) A certificate of use for the proposed use is issued by the Zoning Administrator verifying conformance with the preceding standards. Said certificate shall be renewed annually.
[Amended 12-08-10 by Ord. No. 2010-10.27-13]

AND

~~GASOLINE STATION~~ **VEHICLE REFUELING /RECHARGING STATION** means an establishment ~~automobile service station~~, the principle use of which is to provide for the sale of ~~gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil~~ to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, ~~tires~~, batteries, windshield wiper fluid, cleaning fluids and similar items ~~routine automobile maintenance~~. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and ~~DRIVE-IN~~ **THRU SERVICE** may also be allowed.

AND

HEIGHT when referring to a **telecommunications TOWER** or other **STRUCTURE** means the distance measured from ground level to the highest point on the **TOWER** or other **STRUCTURE** or appurtenance, even if said highest point is an **ANTENNA** or other appurtenance.

AND

HEIGHT OF BUILDING means the vertical distance measured from the grade level to the highest level of the roof surface or front **PARAPET**, whichever is greater. **Television and radio receiver ANTENNAS and photovoltaic systems as well as church steeples** shall not be included in this calculation.

AND

HOME BASED AGRICULTRUAL ACTIVITIES means the sale of products associated with raising poultry/bees/or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on-site and may be sold in either in raw or value added forms.

AND

OFFICE means a place of business which may fall under the following categories:

Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

* **Editor's Note: See Ch. 92, Driveways.**



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

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Chapter: 170

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes:

accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment, stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars, psychologist, telecommunications facility design and management, telemarketing, writers and artists offices;

Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical. An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatral, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

AND

TEMPORARY PORTABLE SIGN means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board, **inflatable** and other SIGNS not permanently affixed, directly or indirectly, upon a BUILDING, STRUCTURE or land and not otherwise referenced under the definitions of "FREE STANDING SIGN," "PROJECTING SIGN" or "WALL SIGN", shall also be considered as "TEMPORARY PORTABLE SIGNS".

AND

METEOROLOGICAL TOWER (MET TOWER) means the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

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Chapter: 170

characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a **SMALL WIND ENERGY SYSTEM**.

MODIFICATION in relation to a **SMALL WIND ENERGY SYSTEM** means any change to the system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

NET METERING means the difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer’s small wind energy system that is fed back into the electric distribution system over a billing period.

POWER GRID means the transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

SHADOW FLICKER means the visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

SYSTEM HEIGHT means the vertical distance from ground level to the tip of the **WIND GENERATOR** blade when it is at its highest point.

TOWER means the monopole, guyed monopole or lattice structure that supports a **WIND GENERATOR**.

TOWER HEIGHT means the height above grade of the fixed portion of the **TOWER**, excluding the **WIND GENERATOR**.

WIND GENERATOR means the blades and associated mechanical and electrical conversion components mounted on top of the **TOWER** whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-residential (RM-U) to Neighborhood Business (B-1) an area of approximately 1 acre along Central Avenue consisting of the following parcel: 15-105.”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Thoroughfare Business (B-3) to Office (O) an area of approximately 1 acre along Hall Street consisting of the following parcels: 37-17, 37-17A, 37-18 and 37-19”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Rural Residential (R-40) to Medium Density Residential (R-12) an area of approximately 37 acres along Spruce Lane consisting of the following parcels: I-27B, I-27C, I-27D, I-27E, I-27F, I-27G, I-27H, I-27I, I-27J, I-27K, I-27L, I-27M, I-27N, I-27P, I-27Q, I-27R, I-27S, I-27T, I-27U, I-27V, I-27W, I-27X, I-27Y, I-27Z, I-28A, I-28B, I-28C, I-28D, I-28E, I-28F, I-28G, I-28H, I-28I, I-27B, I-27C, I-27D, I-27E, I-27F, I-27G, I-27H, I-27I, I-27J, I-27K, I-27L, I-27M, I-27N, I-27P, I-27Q, I-27R, I-27S, I-27T, I-27U, I-27V, I-27W, I-27X, I-27Y, I-27Z, I-81C, I-81F, I-81G, I-81H, I-81J, I-81L, I-81Q, I-81R, I-81T, I-81U, I-81V, I-81W, I-81X, I-81Y, I-81Z, I-84, I-85A, I-85B, I-85C, I-85D, I-85E, I-85F, I-86, I-87, I-87A, I-87B, I-87C, I-87D, I-87E, I-88, I-88A, I-89, I-89A, I-99, I-99A, I-99B, I-99C, I-99D, I-99D, I-99E, I-99F, I-99G, I-99H, I-99I, I-99J, I-99K, I-99L, I-99M, I-99N, I-99P, I-99Q, I-99R, I-99S, I-99T, I-99U, I-99V, I-99W, I-99X, I-99Y, I-99Z, I-100A, I-100B, I-100C, and I-100D”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Front Setback Dimensions for the R-12 District as follows:

“~~[5] For new subdivisions, the applicant~~ ~~The front and abut a street setback shall calculate be calculated by determining the average setbacks of all lots within the same zone located within five hundred (500) feet from the exterior lot lines of the original lot to be subdivided. For new construction This dimension shall be considered to be a build to line for the new lots. For expansions, it will remain a setback..~~ Regardless of the average, in no case shall the build to line be closer than five (5) feet to the front LOT line. **Expansions to, or renovations of, structures on existing lots have a twenty five (25) foot setback. Vacant lots created prior to December 2009, have a build to line no closer than five (5) feet and no greater than twenty five (25) feet to the front LOT line.**”

AND



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use to remove the term Church and/or Service Club in any district where allowed.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use to add the use Assembly Hall in the following districts: R-40, R-20, R-12, RM-SU, RM-U, B-1 and O.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Front Setback Dimensions for the R-20 District as follows:

“[5] The front setback and abut a street shall be ~~calculated by determining the setbacks of all lots within the same zone located with five hundred (500) feet from the exterior lot lines of the original lot to be subdivided. For new construction, this dimension shall be considered to be a build to line, as opposed to a setback. For expansions, it will remain a setback. Regardless of the average, in no case shall the a build to line be closer than~~ **no closer than twenty (20) feet and no greater than thirty five (35) feet to the front LOT line. Expansions to, or renovations of, existing structures have a thirty five (35) foot setback.**”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Uses Via Special Exception Table for the B-3 District by revising as followings:

Permitted Uses*
AUTO SERVICE STATION

* Permitted Uses not shown to remain.

Uses Via Special Exception (see 170-52)*
GASOLINE and VEHICLE REFUELING /RECHARGING STATION STATION (SEE OVER)



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* Uses via Special Exception not shown to remain.

~~Gasoline and~~ **VEHICLE REFUELING /RECHARGING STATION** Stations.

- A. The use of land for a ~~gasoline and~~ vehicle refueling/recharging station ~~station~~ may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any ~~gasoline and~~ vehicle refueling/recharging station ~~station~~ which discontinues operations for a period in excess of **one hundred eighty (180)** ~~ninety (90)~~ days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
- B. The minimum lot size shall be ~~sixty~~ **eighty** thousand (~~60,000~~ **80,000**) square feet; the minimum lot width shall be one hundred fifty (150) feet. **Thirty** ~~twenty-five~~ percent (~~25~~ **30**%) of the subject parcel shall be open/green space. The total permitted sign area shall not exceed one-hundred (100) square feet.”
- C. **If a DRIVE-IN THRU SERVICE is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9: 00 p.m.**
- D. **No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District.**

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding the following uses and criteria to the Uses Via Special Exception Table for the R-40, R-20, RM-U, and Office Districts:

Uses Via Special Exception (see 170-52)
ASSISTED LIVING FACILITY (SEE OVER)
CONTINUING CARE COMMUNITY FACILITY(SEE OVER)

ASSISTED LIVING FACILITY is allowed by Special Exception in accordance with the densities and provisions stated below:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District; 5,000 square feet of lot area in the R-20 District; 2,500 square feet of lot area in RM-U District; and 2,000 square feet of lot area in the Office District.
- C. Parking lots and service areas are screened from abutting residential uses.



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D. The facility shall obtain a license from the State of New Hampshire.

CONTINUING CARE COMMUNITY FACILITY is allowed by Special Exception in accordance with the densities and provisions stated below:

- A. The facility shall be serviced by municipal sewer.
- B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District; 5,000 square feet of lot area in the R-20 District; 2,500 square feet of lot area in RM-U District; and 2,000 square feet of lot area in the Office District.
- C. Parking lots and service areas are screened from abutting residential uses.
- D. The facility shall obtain a license from the State of New Hampshire.

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by amending the following uses and criteria in the CBD Districts:

Uses	Commercial	Mixed Use	Residential
Residential	Permitted, but not on ground floor, except as an existing use	Permitted, but not on ground floor except in existing structures	Permitted
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted, up to 12 rooms w/stays up to 14 days
Professional Services/Offices/ Commercial/ Assembly Hall	Permitted	Permitted	Home Occupation, Neighborhood Store , others via CUP (170-10.1 B)
Eating and Drinking (without drive-thru)	Permitted	Not Permitted	Not Permitted
Retail/ Personal Services (without drive-thru)	Permitted	Permitted	Permitted
Civic	Permitted	Permitted	Permitted



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Other	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)	Via CUP (170-10.1 B)

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding the following use in the R-20 Districts:

“Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site”

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-27.2 “Transfer of Development Rights”, by revising Section D “Districts Defined” as follows:

- 2) “The Residential TDR DISTRICT is hereby determined to be Residential districts ~~as shown~~ **noted or displayed** on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-27.2 “Transfer of Development Rights”, by revising Section G “Residential Performance Standards” as follows:

- 2) “Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per ~~three~~ **tenth (10th)** of an acre preserved. A minimum of three (3) acres shall be purchased.

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding Article VII “Overriding Districts” by adding new Chapter 170-27.3 “Small Wind Energy Systems”, as follows:

“170-27.3 SMALL WIND ENERGY SYSTEM



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Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
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Chapter: 170

A) Authority/Purpose:

This **SMALL WIND ENERGY SYSTEMS** ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate **SMALL WIND ENERGY SYSTEMS** in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for **SMALL WIND ENERGY SYSTEMS** to ensure compliance with the provisions of the requirements and standards established herein.

B) Procedure for Review:

1) **BUILDING Permit:** **SMALL WIND ENERGY SYSTEMS** and met **TOWERs** are an accessory use permitted in all zoning districts where **STRUCTUREs** of any sort are allowed. No **SMALL WIND ENERGY SYSTEM** shall be erected, constructed, or installed without first receiving a **BUILDING** permit from the **BUILDING** inspector. A **BUILDING** permit shall be required for any physical modification to an existing **SMALL WIND ENERGY SYSTEM**. Met **TOWERs** that receive a **BUILDING** permit shall be permitted on a temporary basis not to exceed 3 years from the date the **BUILDING** permit was issued.

2) **Application:** Applications submitted to the **BUILDING** inspector shall contain a site plan with the following information:

- a) Property lines and physical dimensions of the applicant's property.
- b) Location, dimensions, and types of existing major **STRUCTUREs** on the property.
- c) Location of the proposed **SMALL WIND ENERGY SYSTEM**, foundations, guy anchors and associated equipment.
- d) **TOWER** foundation blueprints or drawings.
- e) **TOWER** blueprints or drawings.
- f) Setback requirements as outlined in this ordinance.
- g) The **RIGHT-OF-WAY** of any public road that is contiguous with the property.
- h) Any overhead utility lines.
- i) **SMALL WIND ENERGY SYSTEM** specifications, including manufacturer, model, rotor diameter, **TOWER** height, **TOWER** type, nameplate generation capacity.
- j) **SMALL WIND ENERGY SYSTEMS** that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
- k) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
- l) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State **BUILDING** Code.
- m) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- n) List of abutters to the applicant's property.



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3) **ABUTTER and Regional Notification:** In accordance with RSA 674:66, the **BUILDING** inspector shall notify all abutters and the local governing body by certified mail upon application for a **BUILDING** permit to construct a **SMALL WIND ENERGY SYSTEM**. The public will be afforded 30 days to submit comments to the **BUILDING** inspector prior to the issuance of the **BUILDING** permit. The **BUILDING** inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the **BUILDING** inspector shall follow the procedures set forth in RSA 36:57, IV.

C) Standards:

1. The **BUILDING** inspector shall evaluate the application for compliance with the following standards;

a) **SETBACK:** The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the **TOWER** base to property line, public roads, or nearest point on the foundation of an occupied **BUILDING**.

Minimum Setback Requirements			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- i) **SMALL WIND ENERGY SYSTEMs** must meet all setbacks for principal **STRUCTUREs** for the zoning district in which the system is located.
- ii) Guy wires used to support the **TOWER** are exempt from the **SMALL WIND ENERGY SYSTEM** setback requirements.

b) **TOWER:** The maximum **TOWER** height shall be restricted to 35 feet above the tree canopy within 300 feet of the **SMALL WIND ENERGY SYSTEM**. In no situation shall the **TOWER** height exceed 150 feet.

c) **Sound Level:** The **SMALL WIND ENERGY SYSTEM** shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

d) **SHADOW FLICKER:** **SMALL WIND ENERGY SYSTEMs** shall be sited in a manner that does not result in significant **SHADOW FLICKER** impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied **BUILDINGs**. The applicant has the burden of proving that the **SHADOW FLICKER** will not have significant adverse impact on neighboring or adjacent uses.



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Potential **SHADOW FLICKER** will be addressed either through siting or mitigation measures.

- e) **SIGNs:** All **SIGNs** including flags streamers and decorative items, both temporary and permanent, are prohibited on the **SMALL WIND ENERGY SYSTEM**, except for manufacturer identification or appropriate warning signs.
- f) **Code Compliance:** The **SMALL WIND ENERGY SYSTEM** shall comply with all applicable sections of the New Hampshire State **BUILDING Code**.
- g) **Aviation:** The **SMALL WIND ENERGY SYSTEM** shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- h) **Visual Impacts:** It is inherent that **SMALL WIND ENERGY SYSTEMs** may pose some visual impacts due to the **TOWER** height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
 - i) The applicant shall demonstrate through project site planning and proposed mitigation that the **SMALL WIND ENERGY SYSTEM's** visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
 - ii) The color of the **SMALL WIND ENERGY SYSTEM** shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.
 - iii) A **SMALL WIND ENERGY SYSTEM** shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the **SMALL WIND ENERGY SYSTEM**.
- i) **Approved Wind Generators:** The manufacturer and model of the wind generator to be used in the proposed **SMALL WIND ENERGY SYSTEM** must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- j) **Utility Connection:** If the proposed **SMALL WIND ENERGY SYSTEM** is to be connected to the power grid through **NET METERing**, it shall adhere to **RSA 362-A:9**.
- k) **Access:** The **TOWER** shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.



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Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
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- 1) **Clearing:** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the **SMALL WIND ENERGY SYSTEM** and as otherwise prescribed by applicable laws, regulations, and ordinances.

- D) **Abandonment:**
 - 1) At such time that a **SMALL WIND ENERGY SYSTEM** is scheduled to be abandoned or discontinued, the applicant will notify the **BUILDING** inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
 - 2) Upon abandonment or discontinuation of use, the owner shall physically remove the **SMALL WIND ENERGY SYSTEM** within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the **BUILDING** inspector. “Physically remove” shall include, but not be limited to:
 - a) Removal of the **WIND GENERATOR** and **TOWER** and related above-grade **STRUCTURES**.
 - b) Restoration of the location of the **SMALL WIND ENERGY SYSTEM** to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
 - 3) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the **BUILDING** inspector may issue a Notice of Abandonment to the owner of the **SMALL WIND ENERGY SYSTEM**. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the **BUILDING** inspector shall determine if the **SMALL WIND ENERGY SYSTEM** has been abandoned. If it is determined that the **SMALL WIND ENERGY SYSTEM** has not been abandoned, the **BUILDING** inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
 - 4) If the owner fails to respond to the Notice of Abandonment or if, after review by the **BUILDING** inspector, it is determined that the **SMALL WIND ENERGY SYSTEM** has been abandoned or discontinued, the owner of the **SMALL WIND ENERGY SYSTEM** shall remove the wind generator and **TOWER** at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the **SMALL WIND ENERGY SYSTEM** after the Notice of Abandonment procedure, the **BUILDING** inspector may pursue legal action to have the **SMALL WIND ENERGY SYSTEM** removed at the owner’s expense.

- E) **Violation:**



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Agenda Item#: 12.B.1.

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Chapter: 170

It is unlawful for any person to construct, install, or operate a **SMALL WIND ENERGY SYSTEM** that is not in compliance with this ordinance. **SMALL WIND ENERGY SYSTEMS** installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the **SMALL WIND ENERGY SYSTEM**.

F) Penalties:

Any person who fails to comply with any provision of this ordinance or a **BUILDING** permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.”

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District”, by revising Section E “Procedural Concepts” as follows:

“The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTS must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential **and/or mixed use** uses must exceed forty percent (40%) of the original tract, residential uses must not exceed thirty-five percent (35%) of the original tract, and a minimum of twenty percent (20%) of the original tract shall be OPEN SPACE. Fifty percent (50%) of the required OPEN SPACE (as defined in Chapter 155-60) must be usable uplands and reasonably accessible to all property owners in the project. Any OPEN SPACE provided above twenty percent (20%) may be mixed wetlands and upland.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-32 “Sign Review and Regulations”, by revising Section L “Election Signs” as follows:

- L) ~~“Elections~~ **Political advertising SIGNS.** ~~Elections~~ **Political advertising SIGNS** are permitted as follows: **[Amended 12-09-09 by Ord. No. 2009-09.09-15]**
- 1) The provisions of this section are in addition to the political **advertising SIGN controls** established under Chapter 70 of the New Hampshire Revised Statutes Annotated, as ~~amended:~~ **provisions of state law.**
 - ~~2) Elections SIGNS are permitted no sooner than thirty (30) days prior to a primary or regular election and must be removed within ten (10) days of the closing of the polls.~~



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Agenda Item#: 12.B.1.

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- 3) Elections SIGNS shall not be affixed in any manner to public property (City-owned), nor to utility poles and fixtures, nor painted, pasted or affixed in any manner that prohibits quick and complete removal.
 - (a) As per RSA 664:17, election SIGNS are permitted within the public RIGHT OF WAY but not within the edge of pavement, with the consent of the owner of the land over which the RIGHT OF WAY passes. Signage shall not obstruct the safe flow of traffic, vehicular or otherwise. ~~[Amended 12-08-10 by Ord. No. 2010-10-27-13]~~
- 4) ~~The person whose name appears on each political SIGN as required by Chapter 70 of the New Hampshire Revised Statutes Annotated, as amended, is responsible for the placement, distribution and removal of political SIGNS in conformance with the requirements of this Zoning Ordinance. The person whose name appears on political advertising sign, or the person providing consent to placement, is responsible for the placement of and removal of the sign.~~
- 5) No SIGN in any district shall be larger than sixteen (16) square feet.
- 6) Any candidate failing to comply with the above requirements shall be subject to a fine not to exceed fifty dollars (\$50.00) per SIGN violation. **Removal of a political advertizing sign not placed or removed in accordance with state law or local ordinance shall be subject to an administrative fine as contained in the local fee schedule.”**

12. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Dean Trefethen, Mayor
Planning Board Representative

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

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

First Reading Date: 01/25/2012	Public Hearing Date: 02/08/2012
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEA	NAY
Mayor Dean Trefethen		
Deputy Mayor Robert Carrier		
Councilor Edward Spueler, Ward 1		

Document Created by: Planning Department
Document Posted on: January 12, 2012

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Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.B.1.

Ordinance Number: **O – 2012.01.25 – 1**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

ORDINANCE BACKGROUND MATERIAL:

The amendments, which the Planning Board posted on October 25, 2011, were drafted by staff and the Planning Board during the spring and summer of 2011. The amendments are the result of a comprehensive effort by the Planning Board to involve the public in the process. These amendments were suggested by the Zoning Board of Adjustment, the US Environmental Protection Agency, property owners and the Planning staff. Goals of the amendments include the protection of Dover's character, promotion of development that will have a positive tax impact, and protection of natural resources. Since some amendments affect all zoning districts in the City, a notice was sent to all property owners inviting them to a public hearing on November 29, 2011.

The Planning Board held a second public hearing on December 20, 2011. After the second public hearing, it unanimously voted to approve the zoning amendments and forwarded them to the City Council. The Council may overturn the amendments with a 2/3rds vote.

The following is a summary of the proposed zoning amendments:

2. Amend Chapter 170-6, "Definitions" by revising the definitions of Abutter, Adult Day Care, Auto Service, Congregate Care Facility, Customary Home Occupation, Gas Station, Height, Height of a Building, Temporary Portable Sign, and by adding definitions for Abandoned Sign, Assisted Living Facility, Assembly Hall, Continuing Care Community Facility, Home Based Agricultural Activities, Office, Meteorological Tower, Modification, Net Metering, Power Grid, Shadow Flicker, Small Wind Energy System, System Height, Tower, Tower Height, and Wind Generator.
3. Amend Chapter 170-8 to rezone a 1 acre area of Central Avenue from Residential Multi-family Urban (RM-U) to Neighborhood Business (B-1), rezone a 1 acre area of Hall Street from Thoroughfare Business (B-3) to Office (O) and rezone a 37 acre area of Spruce Lane from Rural Residential (R-40) to Medium Density Residential (R-12).
4. Amend Chapter 170-12 by revising the front setback for the Medium Density Residential (R-12) and Low Density Residential (R-20) districts. Remove the uses "Church" and "Service Club", and replace them with "Assembly Hall" in the R-40, R-20, R-12, RM-SU, RM-U, B-1 and O districts. Revise the special exception criteria for a Gas Station in the B-3 district.
5. Amend Chapter 170-12 by adding "Assisted Living Facility" and "Continuing Care Community Facility" as uses allowed by special exception in the R-40, R-20, RM-U and O District Tables.
6. Amend Chapter 170-12 by adding "Assembly Hall" as a permitted use and adding "Without Drive-thru" to the permitted Retail/Personal Services uses in the CBD District Table.
7. Amend Chapter 170-12 by adding "Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site" to the permitted uses in the R-20 District Table.
8. Amend Chapter 170-27.2 by revising the location of the sending district for residential Transfer of Development Rights, and clarifying the density for a village themed project.
9. Amend Chapter 170 by adding section 27.3 "Small Wind Energy System" to allow properties to install wind energy generating systems.
10. Amend Chapter 170-28.2 by clarifying the use calculation for the RCM overlay district.
11. Amend Chapter 170-32 "Sign Review and Regulations" by amending the "Elections Signs" section to conform to state statute.

Attached is report to the City Council from the Planning Director, as required by Chapter 170

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: January 18, 2011
Re: Zoning Amendments

ISSUE:

On December 20, 2011, the City of Dover Planning Board unanimously approved 10 amendments to the City' Zoning Ordinance, chapter 170.

INTENT:

This memo will briefly describe the findings of the Planning Board and ensure compliance with Chapter 170 section 53, subsection F of the City of Dover Code.

GOALS:

The proposed area of rezoning must meet certain criteria for the Planning Board to support its adoption. This memo will review the report criteria laid out in Chapter 170 to explain to the City Council the findings of the Planning Board.

PROCESS:

In January of 2011, staff presented the planning board with a list of suggested areas of the zoning code to review. This list was generated by public input, input from land use boards, and from staff. Additionally, in June the City received input from the US EPA, through a grant it received.

The Planning Board and staff developed the amendments during the spring and summer months, and posted them, after consideration on October 25, 2011. It held public hearings on November 29, and December 20, 2011. On December 20, 2011, the Board approved the amendment and forwarded it to the City Council for ratification.

ATTACHMENTS:

- Presentation to Planning Board with maps and comparison tables

As per section 170-53 F), the Planning Board shall provide to the City Council a report on each proposed amendment that has been proposed and endorsed by it. This report shall include the Board's findings and recommendations on the following:

The consistency of the proposed amendments with the Master Plan;

The 2007 update to the City's Land Use Chapter of its Master Plan is entitled "It's All About Context." This chapter emphasizes the need for new development to be in keeping with the existing conditions in a neighborhood. Amendments 2, 3, 5 and 9 all include elements of recommendations of the Master Plan. Additionally, most of the amendments presented were to clarify or define regulations so that the ordinance is clear and easier to understand and utilize.

The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;

This proposed amendment does not conflict with any other plans, studies or technical reports.

The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

This proposed amendment does not conflict with the Capital Improvements Program.

The effect of the proposed amendment on the natural, environment, and historical resources of the City;

Included in these amendments are ones which will clarify the role of the transfer of development rights regulations, which the City has utilized since the 1990s. This clarification will encourage the use of the TDR program for residential use. If this proves true, more use of the program will occur, and more land in Dover can be permanently conserved for future generations.

The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;

Amendment 3 seeks to rezone three areas of the City and was developed specifically to correct known nonconformities. These are areas where uses or dimensional regulations have created scenarios where property owners would require variances for reasonable use of their property.

The first area is to rezone a 1 acre area of Central Avenue from Residential Multi-family Urban (RM-U) to Neighborhood Business (B-1). This area is commercially used today, as a result of a series of variances in the 1980s and 1990s. The property is vacant and this amendment will make the property more appropriate for reuse by broadening the uses allowed to be compatible with the non-residential structure.

The second area is to rezone a 1 acre area of Hall Street from Thoroughfare Business (B-3) to Office (O). This is an area that transitions between the office district near Wentworth Douglas Hospital and the retail and shopping areas to the north. The amendment will move the zoning boundary to the back of four parcels, as opposed to the center of a street. The move will make the lot sizes conforming and allow for a residential re-use of the property, which is not practical under the B-3 zoning.

The final area is to rezone a 37 acre area of Spruce Lane from Rural Residential (R-40) to Medium Density Residential (R-12). This will rezone an area of Dover where the homes are predominantly on smaller lots, but zoned for one acre. This has created a hardship for homeowners who need relief from the setbacks required. The setbacks will now be more conforming with the structures in place. This area is currently built out, and it does not include vacant land which could be developed at a denser rate than previously.

The effect of the proposed amendment on the City's economy and fiscal resources; and

There does not appear to be a negative effect on the City's economy or fiscal resources based upon this proposal, as they clarify the City's regulations. They also look to create a fair and balanced growth pattern.

The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

The Planning Board unanimously approved the amendments and hereby submits them to the City Council for ratification.

Rezoning 2011



Planning Board
November 29, 2011

Amendment Type

Amendment	Non-Use	Use
2	X	X
3		X
4	X	X
5		X
6		X
7		X
8	X	
9		X
10	X	
11	X	

Non-Use Amendments

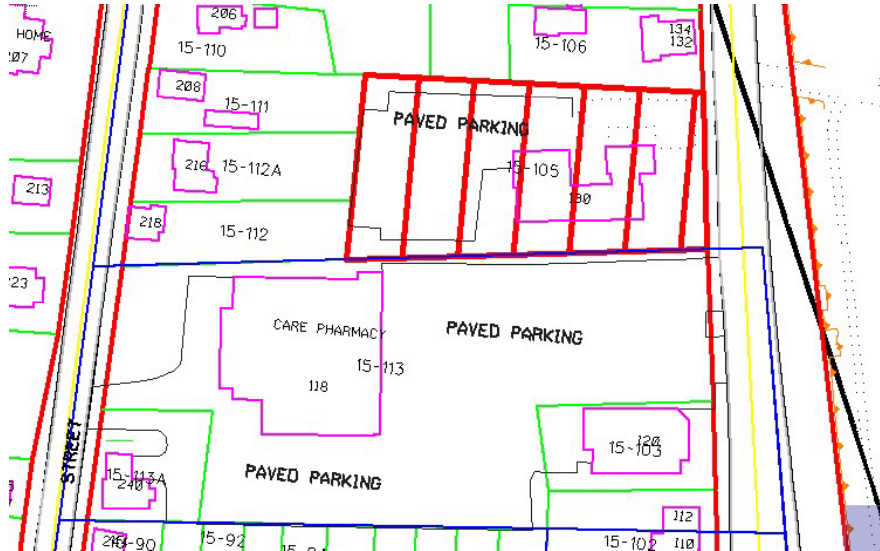
#	Intent
2	Revise the definitions of Abutter, Height, Height of a Building, and by add definitions for Modification, Net Metering, Power Grid, Shadow Flicker, System Height, and Tower Height
4	Revise the front setback for the Medium Density Residential (R-12) and Low Density Residential (R-20) districts.
8	Revising the location of the sending district for residential Transfer of Development Rights, and clarifying the density for a village themed project.
10	Clarify the use calculation for the RCM overlay district.
11	Amend the “Elections Signs” section to conform to state statute.

Use Amendments

#	Intent
2	Revise the definitions of Adult Day Care, Auto Service, Congregate Care Facility, Customary Home Occupation, Gas Station, Temporary Portable Sign, and by add definitions for Abandoned Sign, Assisted Living Facility, Assembly Hall, Continuing Care Community Facility, Home Based Agricultural Activities, Office, Meteorological Tower, Small Wind Energy System, Tower and Wind Generator.
4	Remove the uses “Church” and “Service Club”, and replace them with “Assembly Hall” in the R-40, R-20, R-12, RM-SU, RM-U, B-1 and O districts. Revise the special exception criteria for a Gas Station in the B-3 district.

Use Amendments

#	Intent
5	Allow “Assisted Living Facility” and “Continuing Care Community Facility” by special exception in the R-40, R-20, RM-U and O Districts.
6	Allow Assembly Hall” as a permitted use and adding “Without Drive-thru” to the permitted Retail/Personal Services uses in the CBD District Table.
7	Allow Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site” in the R-20 District
9	Allow Small Wind Energy Systems



Amendment 4 Central Avenue:

Rezone a 1 acre area of Central Avenue from Residential Multi-family Urban (RM-U) to Neighborhood Business (B-1).

Dimensional Requirements	Urban Density Multi-Residential (RM-U)	Neighborhood Business (B-1)
Minimum Lot Size	10,000 square feet	10,000 square feet
Minimum Frontage	80 feet	100 feet
Minimum Front Building Setback	Neighborhood Average	15 feet
Minimum Rear Building Setback	15 feet	10 feet
Minimum Side Building Setback	15 feet	15 feet
Maximum Coverage of a Lot	40 percent	50 percent
Maximum Height	40 feet	10 feet
Density	1 unit per 8,000 sf with SE	N/A



Amendment 4

Hall Street:

Changes e a 1 acre area of Hall Street from Thoroughfare Business (B-3) to Office (O)

Dimensional Requirements	Thoroughfare Business (B-3)	Office (O)
Minimum Lot Size	20,000 square feet	10,000 square feet
Minimum Frontage	125 feet	100 feet
Minimum Front Building Setback	50 feet	12 feet
Minimum Rear Building Setback	25 feet	10 feet
Minimum Side Building Setback	15 feet	10 feet
Maximum Coverage of a Lot	50 percent	50 percent
Maximum Height	40 feet	65 feet
Density	1 unit per 5,000 sf with SE	1 unit per 5,000 sf

Spruce Lane:

Amendment 4



Dimensional Requirements	Rural Residential District (R-40)	Medium Density Residential (R-12)
Minimum Lot Size	40,000 square feet	12,000 square feet
Minimum Frontage	150 feet	100 feet
Minimum Front Building Setback	40 feet	30 feet
Minimum Rear Building Setback	25 feet	15 feet
Minimum Side Building Setback	30 feet	15 feet
Maximum Coverage of a Lot	10 percent	30 percent
Maximum Height	35 feet	35 feet
Density	1 unit per 40,000 sf	1 unit per 12,000 sf

Changes a 37 acre area of Spruce Lane from Rural Residential (R-40) to Medium Density Residential (R-12).

For More Information....

- **The full text is available:**
 - **On the City’s Web Site:** www.dover.nh.gov under “Current Reports”
 - **In the Planning Department and City Clerk’s Office M-Th 8 am to 6 pm.**
 - **At the Public Library**
- **Please call 516-6008 with further questions.**
 - ◉ Blog: <http://dovernhplanning.blogspot.com/>
 - ◉ Facebook: www.facebook.com/DoverNHPLanning
 - ◉ Twitter: @DoverNHPlanning



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2012.01.25 – 8**

Resolution Re: **Authentication of the City Charter**

WHEREAS: The Charter of the City of Dover requires the authentication of the official version of the City Charter at least once every ten (10) years; and

WHEREAS: The official copy of the Charter of the City of Dover shall be maintained by and kept by the City Clerk.

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

The official version of the Charter of the City of Dover is authenticated by the members of the 2012-13 Dover City Council with the affixation of their signatures, the signature of the City Clerk, and the affixation of the City seal on the official version. The Official version shall be maintained and kept by the City Clerk pursuant to the provisions of C11-10 of the Charter.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Dean Trefethen By request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2012.01.25 – 8**
Resolution Re: **Authentication of the City Charter**

DOCUMENT HISTORY:

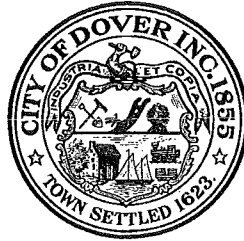
First Reading Date: 01/25/2012	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Karen Weston, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Robert Carrier, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The provisions of C11-10 of the Dover City Charter requires the authentication of the City Charter by the affixation of the signatures of the members of the Dover City Council, the City Clerk and the affixation of the City seal.



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: American Legion Auxiliary
Federal Tax ID number for Organization: 02-6010289
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans Fraternal or Political

Contact Person: Bette Talon Day Time Telephone: 603-692-3677

Address: 640 Central Ave Email Address btalon2009@yahoo.com

Purpose of Permit: Fundraiser

Date of Event: 5/10/12 Specific Time: 5:00

Location of Event: American Legion - 640 Central Ave., Dover

(Raffle Permit only)
Prize (s) To Be Awarded: Fire Pit

Amount of Donation: \$150.00 Date of Drawing: 5/10/12 Specific Time: 5:00

Place of Drawing: American Legion, 640 Central Ave., Dover

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

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

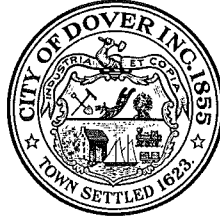
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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

Signature: Bette Talon Date: 1/6/12

Licensing Board approval: [Signature] Date: 1/19/12
Revised 03/17/08

Registered with Charitable Trusts Unit.
[Signature]



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: GREATER DOVER CHAMBER OF COMMERCE

Federal Tax ID number for Organization: 02-0127246

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

Contact Person: MICHAEL MENGERS Day Time Telephone: 603-742-2218

Address: 550 CENTRAL AVE. Email Address MICHAEL@DOVERNH.ORG

Purpose of Permit: APPLE HARVEST DAY 2012

Date of Event: OCT 6TH, 2012 Specific Time: 9AM - 4PM (ROAD CLOSURES FROM 6:30am - 5:00pm)

Location of Event: SEE ATTACHED MAP

(Raffle Permit only)

Prize (s) To Be Awarded: _____

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

Place of Drawing: _____

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

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

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

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

Signature Molly Hodgson Smith Date: 10/13/11

Licensing Board approval (APC) Date: 2/14/12
Revised 03/17/08

Registered with Charitable Trusts
DS

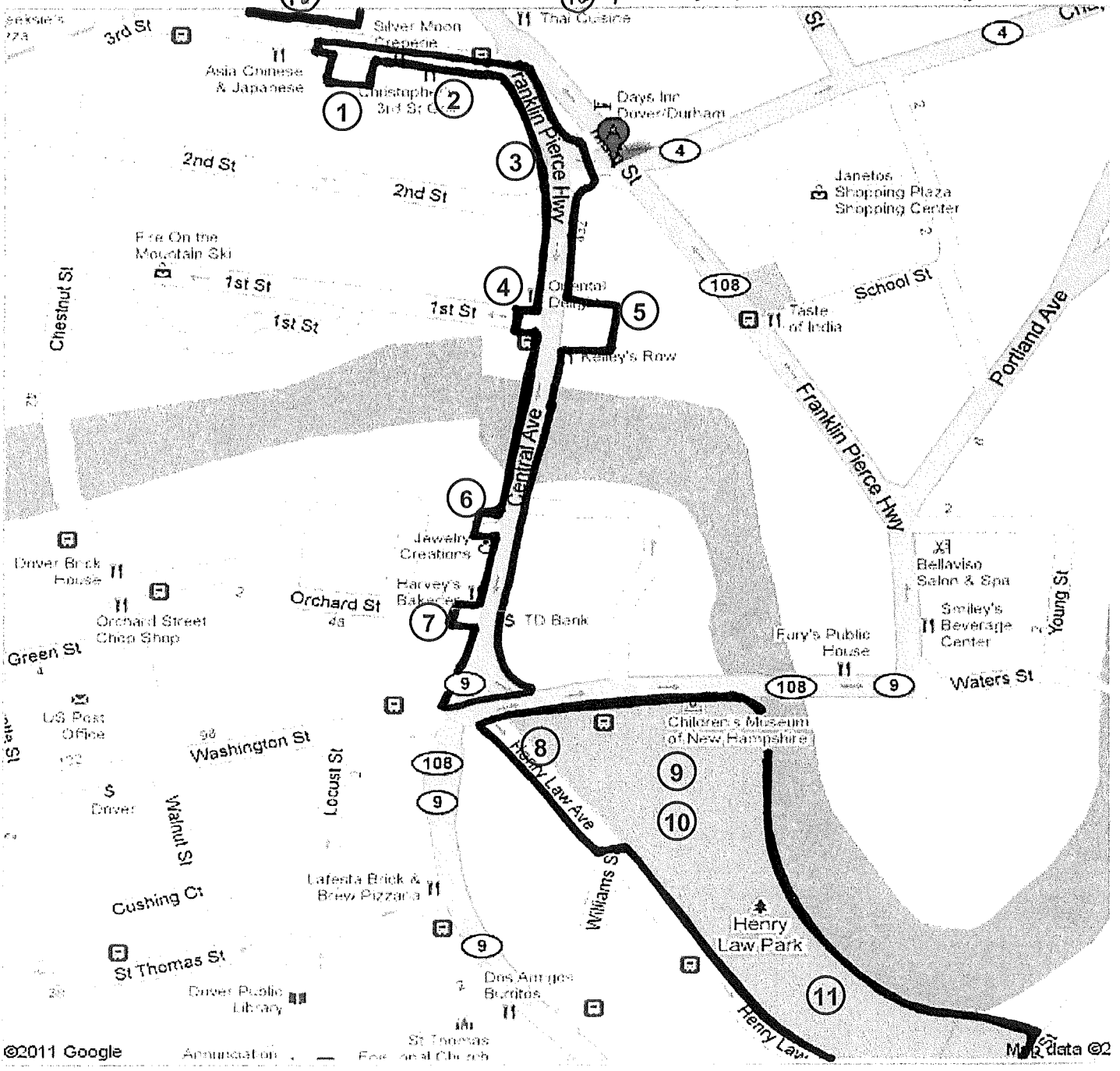


2012 Apple Harvest Day

Road Closure & Block Party Permit Information

- ① North End Stage – Lot between Ross Furniture & Strand Theater
- ② Third Street Closure – East-bound Lane Only – Ross Furniture to Central Avenue
- ③ Central Avenue Closure – Third Street to Washington Street
- ④ First Street – Entertainment at mouth of Central Ave
- ⑤ Cocheco Falls Courtyard Entertainment
- ⑥ Waldron Courtyard Entertainment (between Nicole's & Jewelry Creations)
- ⑦ Orchard Street – Entertainment at mouth of Central Ave
- ⑧ Henry Law Avenue Closure – Washington Street to Williams Street only
- ⑨ Henry Law Park – Entertainment at Rotary Arts Pavilion
- ⑩ Indoor Pool Parking Lot – Vendor Booths
- ⑪ Henry Law Park – Entertainment in main Park

⑫ PART OF 3RD ST LOT - FOOD VENDORS





RECEIVED
DOVER CITY CLERK
DOVER, NH

2011 OCT 17 A 11:54

ROAD RACE.

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: GREVILLE DOVER CHAMBER OF COMMERCE
Federal Tax ID number for Organization: 02-0127246
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: MICHAEL MENEGERS Day Time Telephone: 603-740-2218

Address: 550 CENTRAL AVE. Email Address MICHAEL@DOVERNH.ORG

Purpose of Permit: APPLE HARVEST DAY 2012 5K ROAD RACE

Date of Event: OCT 6TH, 2012 Specific Time: 8:30am - 9:30am

Location of Event: SEE ATTACHED MAP

(Raffle Permit only)
Prize (s) To Be Awarded: _____

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

Place of Drawing: _____

* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited. Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.
** NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

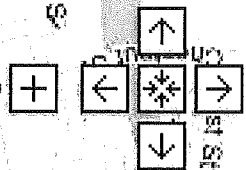
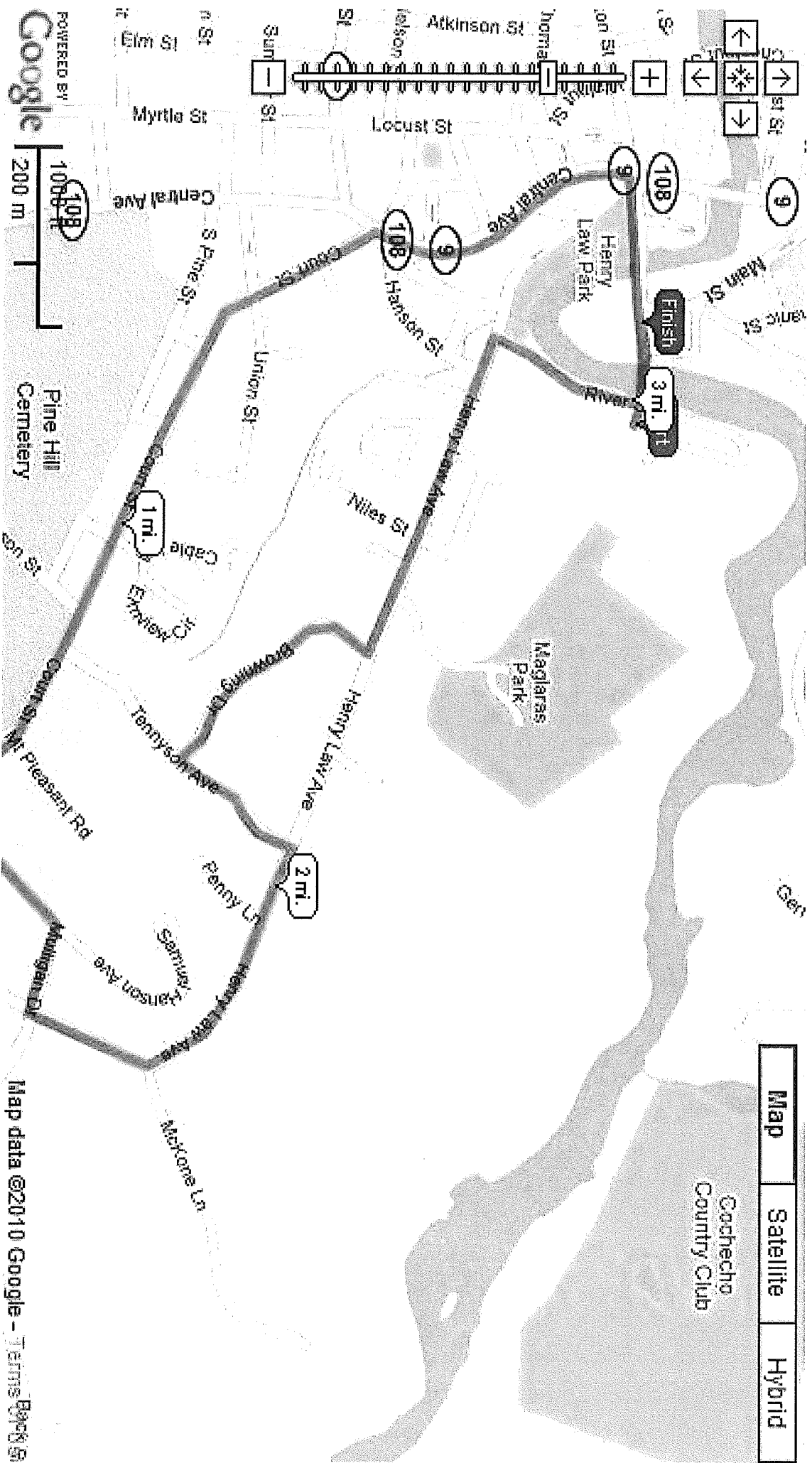
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

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

Signature: Molly Hodgson Date: 10/13/11

Licensing Board approval [Signature] Date: 2/14/12
Revised 03/17/08

Registered with Charitable Trusts.



- Map
- Satellite
- Hybrid

POWERED BY
Google



Map data ©2010 Google - Terms



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R - 2012.02.22 - 17**
Resolution Re: Purchase of Four 2012 Ford Police Interceptors

- WHEREAS: Sealed request for bid 2011-18 was solicited by the State of NH in November 2011 for pricing of 2012 Ford Police Interceptor Sedans; and
- WHEREAS: Low bid meeting specifications was submitted by and awarded to Irwin Motors of Laconia NH in the base amount of \$22,688.88. Various options were outlined in the bid request and the total price of optional items per vehicle is \$2,325.00 for a total price of \$25,013.88. The city will be purchasing (4) four vehicles for a total of \$100,055.52, and
- WHEREAS: 3.29 B Purchases made through the State of New Hampshire, other governmental agencies, or cooperative buying groups: The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing can be accomplished through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups.

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 Irwin Motors Inc in the amount of \$100,055.52 and corresponding rates provided in State of NH Contract 8001068. The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance
4012.1.210.42120.4742.00000.12-	Police light vehicle	112,500.00	112,500.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R - 2012.02.22 - 17**

Resolution Re: Purchase of Four 2012 Ford Police Interceptors

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, 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.4.

Resolution Number: **R - 2012.02.22 - 17**
 Resolution Re: Purchase of Four 2012 Ford Police Interceptors

RESOLUTION BACKGROUND MATERIAL:

2012 Ford police Interceptor sedan P2M all wheel drive with major standard equipment

Base Price	\$22,688.88
Option 854 trunk up fit package	\$915.00
Option 21 D driver side spot lamp Incandescent	\$280.00
Option 141 two tone vinyl package	\$950.00
Option 64L full wheel covers	\$80.00
Option 18g rear door handles/locks inoperable	\$55.00
Option 67D rear window power delete operable from front	\$45.00
Total per vehicle	\$25,013.88

Bid Information:

State of NH bid 2011-18 contract # 8001068.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:		Number of Responses:	5
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until received	Estimated Delivery:	As needed
Recommended Award to:	Irwin Motors	Fund:	CIP
Other Approvals Required:	Approved by State NH	References Checked:	Satisfactory
Previously Worked for City:	no	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

State of NH Bid results

Irwin Motors, Laconia NH	\$22,688.88
Hillsboro Ford Hillsboro NH	\$22,722.00
Grappone Ford Concord NH	\$22,857.00
Metro Ford Raynham MA	\$23,238.00
Van Bortel Ford Rochester NY	\$23,467.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R - 2012.02.22 – 18**
Resolution Re: Purchase of a 2012 Ford Fusion S

- WHEREAS: Sealed request for bid 2011-02 was solicited by the State of NH in November 2011 for pricing of a 2012 midsize, 5 passenger 4 door sedan; and
- WHEREAS: Low bid meeting specifications was submitted by and awarded to Grappone Auto Junction of Concord NH in the base amount of \$15,247 for a 2012 Ford Fusion S. In 2007 the City of Dover established a vehicle replacement program whereas revenue generated from the sales of city vehicles shall be used to replace with more fuel efficient and environmental friendly vehicles; and
- WHEREAS: The city purchased one vehicle off this state bid in November 2011 and will be purchasing another vehicle through the vehicle replacement program, thereby bringing the total spent to this vendor over the \$25,000 threshold and requiring council approval; and
- WHEREAS: 3.29 B Purchases made through the State of New Hampshire, other governmental agencies, or cooperative buying groups: The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing can be accomplished through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups

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 Grappone Auto Junction in the base bid amount of \$15,247.00 and \$45.00 for optional daytime running lights with corresponding rates provided in State of NH Contract 8001069. The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance
6310.1.550.49200.4742.00000	Fleet Internal Svs Light Vehic	21,483.00	21,483.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R - 2012.02.22 – 18**
Resolution Re: Purchase of a 2012 Ford Fusion S

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, 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.5.

Resolution Number: **R - 2012.02.22 – 18**
 Resolution Re: Purchase of a 2012 Ford Fusion S

RESOLUTION BACKGROUND MATERIAL:

Sealed request for bid 2011-02 was solicited by the State of NH in November 2011 for pricing of 2012 midsize, 5 passenger, 4 door sedan. Low bid meeting specifications was submitted by and awarded to Grappone Auto Junction of Concord NH in the base amount of \$15,247 for a 2012 Ford Fusion S.

In 2007 the City of Dover established a vehicle replacement program whereas revenue generated from the sales of city vehicles shall be used to replace with more fuel efficient and environmental friendly vehicles.

The city purchased one vehicle off this state bid in November 2011 and will be purchasing another vehicle through the vehicle replacement program, thereby bringing the total spent to this vendor over the \$25,000 threshold and requiring council approval.

Bid Information:

State of NH bid 2011-02 contract # 8001069.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:		Number of Responses:	12
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until received	Estimated Delivery:	As needed
Recommended Award to:	Grappone Auto Junction	Fund:	Fleet Service
Other Approvals Required:	Approved by State NH	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

State of NH Bid results

Grappone Auto	\$15,247.00		MacMulkin	\$16,322.00
Irwin Motors,	\$15,335.41		Liberty	\$16,971.00
Hillsboro Ford	\$15,755.00		Keene	\$15,943.00
Whiteside	\$17,200.00		A Mello	\$15,695.00
Metro Ford	\$15,628.00		Central	\$15,930.00
Van Bortel Ford	\$17,433.00		Honda	\$20,887.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R - 2012.02.22 - 19**
Resolution Re: B11041-Plumbing Services As Needed

WHEREAS: Sealed request for Bid B11041 was solicited and received on February 2, 2011 @ 2:00 pm for as needed plumbing services; and

WHEREAS: Six bid replies were received and evaluated. The vendor deemed most advantageous to the city was Dennis Munson Plumbing and Heating and an award was made to them for a one year term with the option to extend for two additional one year terms. Prior year expenses were continually less than the \$25,000 council threshold thereby not requiring council approval; and

WHEREAS: FY11 expenses were \$48,230 and FY12 expenses to date are \$15,164 indicating the probability of exceeding the council threshold of \$25,000 and requiring council approval.

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 Dennis Munson Plumbing & Heating given the rates provided in conjunction with B11041. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
xxxx.1.xxx.xxxxx.4431.xxxxx	Building Maintenance	278,271.00	112,679.00
xxxx.1.xxx.xxxxx.4433.xxxxx	Equipment Maintannce	189,699.00	55,988.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R - 2012.02.22 - 19**

Resolution Re: B11041-Plumbing Services As Needed

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, 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.6.

Resolution Number: **R - 2012.02.22 - 19**

Resolution Re: B11041-Plumbing Services As Needed

RESOLUTION BACKGROUND MATERIAL:

Sealed request for Bid B11041 was solicited and received on February 2, 2011 @ 2:00 pm for as needed plumbing services. Six bid replies were received and evaluated. The vendor deemed most advantageous to the city was Dennis Munson Plumbing and Heating. Due to the nature of this business approximately **25% of the calls are an emergency basis or after hour calls** and this vendor charges the same rate no matter what the hour. The city has enjoyed a mutually beneficial relationship with this vendor for years and therefore an award was made to Dennis Munson Plumbing and Heating for a one year term with option to extend for two additional one year terms. This vendor has agreed to hold the bid rates for an additional year.

Prior year expenses were continually less than the \$25,000 council threshold thereby not requiring council approval. FY11 expenses were \$48,230 and FY12 expenses to date are \$15,164 indicating the possibility of exceeding the council threshold and requiring council approval.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	27	Number of Responses:	6
Work Bonded:	na	Contract:	Yes
Prices will hold for:	One year	Estimated Delivery:	150 days
Recommended Award to:	Dennis Munson Plumbing and Heating	Fund:	various
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R - 2012.02.22 – 19**

Resolution Re: B11041-Plumbing Services As Needed

Bid Results

	Hrly Plumber 7am-3pm	Apprentice	Emg Rate After 3 Weekends - Holidays plumber	Apprentice	mark up on parts
B11041 Plumbing & Heating Svs					
Bud Kelsall Plumbing 128 Town Farm Rd Barrington NH 03825	50.00		75.00		15%
Echhardt & Johnson Inc 896 Goffs Falls Rd Manchester NH	64.50	54.50	96.75	81.75	15%
Dennis Munson Plumbing 20 Harmony Ln Dover NH	65.00	none used	65.00	none	20%
Hart Plumbing & Heating PO Box 687 Portsmouth NH	65.00	25.00	97.50	37.50	20%
Martel Plumbing Po box 606 Dover NH	80.00	n/a	120 after 4pm	n/a	none listed
Atlantic Comfort Systems 392 Hill St Biddeford ME	84.00	n/a	126.00	n/a	35%

Basis of Award:

Bud Kelsall Plumbing has no on call/as needed experience and had provide no references in his bid reply thereby resulting in a non conforming bid reply.

Estimated regular and overtime hours multiplied by the rates for Echhardt & Johnson & Dennis Munson Plumbing resulted in Dennis Munson Plumbing being next lowest bidder.

B11041 Vendor Solicitation List:

<https://online.ci.dover.nh.us/energie/financeRequests.php>



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2012.02.22 – 20**
Resolution Re: Operating Rules for Zoning Board of Adjustment, Arts Commission, and Trustees of the Trust Fund

WHEREAS: Operating Rules are being updated for all Boards, Committees and Commissions; and

WHEREAS: The Zoning Board of Adjustment, Arts Commission and Trustees of the Trust Fund have all reviewed and adopted the proposed Operating Rules.

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

The City Council approves the Operating Rules for the ZBA, Arts Commission and Trustees of the Trust Fund.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Dean Trefethen By request
Approved as to Legal Form:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2012.02.22 – 20**
Resolution Re: Operating Rules for Zoning Board of Adjustment, Arts Commission, and Trustees of the Trust Fund

DOCUMENT HISTORY:

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

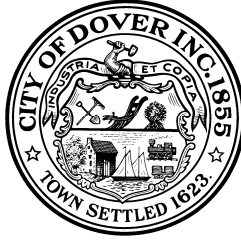
DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached Operating Rules for:

Zoning Board of Adjustment
Arts Commission
Trustees of Trust Funds



DOVER ARTS COMMISSION OPERATING RULES

Article I. Name

The name of the commission is the Dover Arts Commission.

Article II. Authority and Duties

- A. The Dover Arts Commission shall perform the following functions:
 - 1. Study, consider and recommend to the City Council and the City Manager or designee, general policies for the arts in the City of Dover.

Article III. Membership

- A. **Membership.** There shall be nine (9) voting members. Members shall be appointed to terms of three (3) years.
- B. **Attendance, Vacancies and Removal.** All appointments to the board shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board member is absent for four (4) consecutive meetings or four (4) regular meetings in a calendar year, whereby a vacancy shall be created in the position, and said vacancy shall be filled by the appointing authority. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute. Conditions for removal of any board member shall be defined by statute, ordinance or the Charter.

Article IV. Officers and Staffing

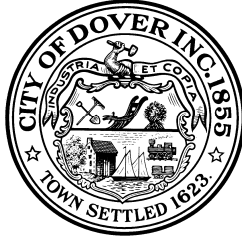
- A. **Officers.** The officers consist of a Chair and Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one-year terms. Officers may be re-elected.
- B. **Duties of the Chair.** The Chair shall have general supervisory and directional powers over the committee. The Chair shall preside at all committee meetings and set the committee's agenda. The Chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the committee, unless this responsibility is delegated in writing.
- C. **Vice Chair.** The Vice Chair shall execute all powers of the Chair in the absence of the Chair.
- D. **Staff.** The City of Dover may provide staff support to the committee for meeting notification, typing, copying, and information gathering to the extent permitted by the city budget. All staff shall remain under the direction of the employer.

Article V. Procedures

- A. **Meetings.** The committee shall hold regular meetings as necessary at a time and place designated by the Chair. The business of the public shall be conducted in public session unless otherwise permitted by state law. All meetings of the committee and subcommittees shall be posted to comply with state law. State law requires all meetings to be posted in two (2) places with a minimum of twenty-four (24) hours notice.
- B. **Quorum.** Fifty-one percent (51%) of the voting membership of the committee shall constitute a quorum.
- C. **Parliamentary Authority.** The parliamentary authority for the committee is *Robert's Rules of Order Revised, 11th edition, or updated subsequent edition*, except as provided by these rules or local, state or federal law.
- D. **Minutes.** Minutes shall be kept for all meetings of the committee. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- E. **Recording of Meetings.** The committee shall arrange for video recording of all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- F. **E-mail accounts.** Committee members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the committee. In addition, committee members shall refrain from conducting the official business of the committee outside the view of the public and the press unless permitted by state law.
- G. **Nonpublic meetings.** The Committee shall conduct only nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.
- H. **Amendment of Rules.** These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the committee.

ADOPTED AND RECOMMENDED BY THE BOARD ON FEBRUARY 13, 2012

APPROVED BY THE DOVER CITY COUNCIL ON _____



ZONING BOARD OF ADJUSTMENT OPERATING RULES

Article I. Name

The name of the board is the Dover Zoning Board of Adjustment.

Article II. Authority and Duties

- A. These Rules of Procedure are adopted under the authority of New Hampshire RSA 676:1 and the Zoning Ordinance of the City of Dover, New Hampshire.

Article III. Membership

- A. **Membership.** There shall be five (5) regular members and up to three (3) alternate members.
- B. Alternates should attend all meetings to familiarize themselves with the workings of the Board so that they are ready to serve whenever a regular member is unable to fulfill his or her responsibilities. Alternate members shall substitute for regular members on any case when a regular member is absent or disqualified pursuant to RSA 673:14 and the Chair designates them to do so.
- C. Members must reside in Dover, New Hampshire and are expected to attend each meeting of the Board to fulfill their duties and responsibilities. Any member unable to attend a meeting shall notify the Chair or Clerk as soon as possible.
- D. Voting members shall be announced by the Chair prior to the consideration of the agenda item. Alternate members who are not voting may fully participate during the presentation of applications and the public hearing.
- E. **Attendance, Vacancies and Removal.** All appointments to the board shall serve for the terms appointed and until a successor shall have been appointed and qualified. Members who fail to attend four (4) meetings annually without due cause may be recommended by the Board for replacement by the City Council. Such failure to attend shall be deemed sufficient cause for the City Council to remove the member pursuant to RSA 673:13. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute.

Article IV. Officers and Staffing

- A. A **Chair** shall be elected in January on a yearly basis by a majority vote of the Board. The Chair shall preside over all meetings and hearings, appoint such committees as directed by the Board, and shall sign documents on behalf of the Board.
- B. A **Vice-Chair** shall be elected in January on a yearly basis by a majority vote of the Board. The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board during the absence of the Chair.
- C. If the Chair and the Vice-Chair are not present, or cannot sit on a case due to a conflict of interest, then the Board shall elect a temporary Chair from its members for that particular case or meeting.
- D. The **Clerk** shall be the staff person designated by the Director of Planning and Community Development. If the City does not provide a staff person to perform the duties of the Clerk, then the Board may elect a temporary Clerk by majority vote of the Board in January who shall serve as Clerk until approval and funding can be obtained to hire a dedicated Clerk as an employee of the City pursuant to RSA 673:16,I. The Clerk shall maintain a record of all meetings, transactions, and findings of the Board, as approved by the Board.
- E. All officers shall serve a term that expires in January and shall be eligible for re-election.

Article V. Procedures

Meetings.

- A. Regular meetings shall be held at the Municipal Building at 7:00 p.m. on the third Thursday of the month. Other meetings may be held on call of the Chair provided public notice and notice to each member is given in accordance with RSA 91-A:2,II.
- B. A maximum of six (6) applicant related items, which includes the combination of new applications and old business, shall be placed on the agenda for each monthly meeting, unless the Chair approves additional items. If no applications have been submitted to the Planning Department and there is no Other Business, the regularly scheduled monthly meeting may be canceled by the Chair.
- C. The order of business for regular meetings of the Board shall be as follows:
 - 1. Call to order by the Chair
 - 2. Roll Call by the Clerk
 - 3. Approval of minutes from the previous meeting
 - 4. Changes to the Agenda/Special Announcements
 - 5. Old Business
 - 6. New Business – Disposition of new applications under consideration
 - 7. Other Board Business
 - 8. Adjournment
- D. **Appeals.** Appeals from an administrative decision taken under New Hampshire RSA 676:5 shall be filed with the City Planning Department within thirty (30) days of the date of the decision. Any appeal made after this deadline will not be considered timely. The Zoning Board of Adjustment reserves the rights to waive this deadline under any special circumstances as it sees fit.
- E. **Quorum.** A quorum for all meetings of the Board shall be three (3) regular members, which would include alternates sitting in place of regular members.

- F. **Parliamentary Authority.** The parliamentary authority for the board is *Robert's Rules of Order Revised, 11th ed, or updated subsequent edition* except as provided by these rules or local, state or federal law.
- G. **Minutes.** Minutes shall be kept for all meetings of the board. The minutes shall include the names of the members in attendance, all actions and motions coming before the Board including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the board at the next meeting of the board, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- H. **Recording of Meetings.** The board may arrange for video recording at all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- I. **E-mail accounts.** Board members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Board members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the board. In addition, board members shall refrain from conducting the official business of the board outside the view of the public and the press unless permitted by state law.

Member Disqualification

- A. If any member finds it necessary to disqualify himself/herself from sitting in a particular case, as provided in RSA 673:14, the member shall notify the Chair as soon as possible so that the Chair can designate an alternate to sit in the disqualified member's place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to make a non-binding vote on the question of disqualification; only the member can disqualify himself or herself. Any such request shall be made before the beginning of the public hearing. The Board's vote shall be advisory and non-binding.
- B. A disqualified member shall not sit with the Board during the public hearing and during all deliberations on the case.

Applications and Decisions

- A. **Applications.** Each application for a hearing shall be made on forms approved by the Board and provided by the Planning Department to the applicant. At each meeting of the Board, the Clerk shall provide the Board with all applications received by the Planning Department which have been received no less than fourteen (14) days before the date of the hearing.
- B. **Public Notice.** Public notice of hearings on each application shall be given in the Foster's Daily Democrat and shall be posted in two (2) public places not less than five (5) days before the date of the hearing. Notice shall include the applicant's name, description of the subject property, action desired by the applicant, provisions of the zoning ordinance concerned, the type of relief being sought and the date, time and place of the hearing. Personal notice of the hearing shall be made by certified mail to the applicant and all abutters not less than five (5) days before the date of the hearing. Notice shall also be given to the Planning Board, City Clerk and other parties deemed by the Board to have special interest in the application. The applicant shall pay in advance for the cost of all required notice.
 - 1. The applicant must post at their property in clear view from the Street, the poster provided to them by the Planning Office. The poster must be posted no later than five (5) days before the hearing at which their application will be presented. If the poster is not posted, the Board may deem that as cause to disqualify the application.

C. Public Hearing. The conduct of public hearings shall be governed by the following rules:

1. The Chair shall call the hearing in session by reading the public notice referring to the application. If there are less than five (5) members of the Board sitting on a particular application, the Chair shall give the applicant the option of postponing the hearing until there is a full Board. If the applicant elects to proceed with less than a full Board (less than five (5) members, but not less than a quorum defined as three (3) members), that fact will not be grounds for a rehearing in the event the application is denied.
2. Members of the Board may ask questions at any point during testimony after recognition from the Chair.
3. Any party to the case who wants to ask a question of another party to the case must do so through the Chair.
4. Everyone who speaks and is not a member of the Board or an advisor to the Board, shall be required to state his or her name and address and indicate whether he or she is a party to the case, an abutter or an agent or counsel to a party or an abutter.
5. The applicant (or the applicant's counsel or agent) shall be called by the Chair to present the application to the Board. Thereafter, those in favor of the application shall be allowed to speak. Once those in attendance in favor of the application have spoken, the Board shall hear those in opposition to the application. After those in opposition to the application have spoken, the applicant (or the applicant's counsel or agent) shall be allowed to speak in rebuttal. Once they have spoken in rebuttal, those in opposition shall be allowed to speak in rebuttal. Upon completion of the final rebuttal, the public hearing shall be declared closed and the Board shall deliberate on the application or defer action on the application to a later date, and schedule a date for continuance. After close of the public hearing no further comment from applicant or abutter shall be taken.

D. Decisions. Decisions of the Board shall be governed by the following rules:

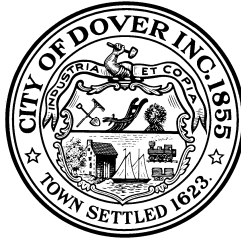
1. Any decision made by the Board that is in favor of the applicant shall require three (3) votes; this applies to the approval of any conditions that are placed on a variance.
2. All decisions shall be documented on a form that is approved by the ZBA.
3. The application shall be approved or denied based upon a majority vote by the members of the Board. In the event an application is heard by only three (3) members, an affirmative vote shall require all three (3) votes.
4. Notification of the decision shall be sent to the applicant and shall be filed in the records of the Board and shall be available to the public within five (5) business days.

E. Nonpublic meetings. If required, the board may conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.

F. Amendment of Rules. These Rules of Procedure may be amended by a majority vote of the members provided that such amendment is presented at one (1) meeting immediately preceding the meeting at which the vote is to be taken.

ADOPTED AND RECOMMENDED BY THE BOARD ON AUGUST 9, 2011

APPROVED BY THE DOVER CITY COUNCIL ON _____



OPERATING RULES

TRUSTEES OF THE TRUST FUND

Article I. Name

The name of the committee is the Dover Board of Trustees

Article II. Purpose, Authority, Duties and Termination

- A. The purpose and authority of this committee is: Stewardship and Administration of Common Trust Funds and Capital Reserve Funds of the City as prescribed by State law and City Charter.

Article III. Membership

- A. **Membership.** There shall be 5 members on the committee.
- B. **Vacancies.** Vacancies shall be filled in the same manner as the original appointments.
- C. **Attendance.** Upon failure of any member to attend four (4) consecutive meetings, the Chair shall notify the Dover City Council. The commission may recommend to the Dover City Council that the appointment of the member be terminated and the position be declared vacant.

Article IV. Officers and Staffing

- A. **Officers.** The officers consist of a Chair and Vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one-year terms. Officers may be re-elected.
- B. **Duties of the Chair.** The chair shall have general supervisory and directional powers over the committee. The chair shall preside at all committee meetings and set the committee's agenda. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the committee, unless this responsibility is delegated in writing.
- C. **Vice Chair.** The vice chair shall execute all powers of the chair in the absence of the Chair.
- D. **Staff.** The City of Dover may provide staff support to the committee for meeting notification, typing, copying, and information gathering to the extent permitted by the city budget. All staff shall remain under the direction of the employer.

Article V. Procedures

- A. **Meetings.**The committee shall hold regular meetings as necessary at a time and place designated by the Chair. The business of the public shall be conducted in public session unless otherwise permitted by state law. All meetings of the committee and subcommittees shall be posted to comply with state law. State law requires all meetings to be posted in two (2) places with a minimum of twenty-four (24) hours notice.
- B. **Quorum.**Fifty-one percent (51%) of the voting membership of the committee shall constitute a quorum.
- C. **Parliamentary Authority.**The parliamentary authority for the committee is *Robert's Rules of Order Revised, 11th ed, or updated subsequent edition*, except as provided by these rules or local, state or federal law.
- D. **Minutes.** Minutes shall be kept for all meetings of the committee. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- E. **Recording of Meetings.**The committee shall arrange for video recording of all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- F. **E-mail accounts.**Committee members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the committee. In addition, committee members shall refrain from conducting the official business of the committee outside the view of the public and the press unless permitted by state law.
- G. **Nonpublic meetings.** The committee shall conduct only nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by the City Attorney for nonpublic meetings.
- H. **Amendment of Rules.**These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the committee.

ADOPTED AND RECOMMENDED BY THE COMMITTEE ON OCTOBER 15, 2010

APPROVED BY THE DOVER CITY COUNCIL ON _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2012.02.22 – 21**

Resolution Re: **Adoption of 2012-2013 City Council Goals and Objectives with Timeline**

WHEREAS: The Mayor and members of the City Council held a goal setting retreat to identify goals and a series of objectives to be accomplished in the next two years; and,

WHEREAS: The Mayor and City Council are committed to serving their Dover community in an open, positive, and respectful manner while working towards the long-term betterment of the Dover community; and,

WHEREAS: The mission of the Dover City Council is to provide leadership and vision for the City of Dover to ensure affordable, high quality services and to provide opportunities through responsive and accessible government; and,

WHEREAS: The Mayor and City council desire to articulate to the community, all City boards and commissions, the City Manager and the City's professional staff their collective aspirations and expectations for the term of their service;

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

The 2012-2013 Mayor and Dover City Council establish the goals and objectives as identified and finalized in the attached January 28, 2012 Meeting Notes for the purpose of communicating aspirations, expectations and direction which the Mayor and members of the City Council intend to focus upon and pursue during the course of their current City Council terms.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen

Approved as to Legal Form: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2012.02.22 – 21**
Resolution Re: **Adoption of 2012-2013 City Council Goals and Objectives with Timeline**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached January 28, 2012 Meeting Notes



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2012.02.22 – 22**
Resolution Re: **City Council FY2013 Budget Guidance**

WHEREAS: The School Board and City Manager are in the process of assembling a recommended budget for submission to the Dover City Council for Fiscal Year 2013; and,

WHEREAS: The School Board and City Manager are in need of guidance in preparing the FY 2013 City of Dover Budget in order to fulfill both the expectations of the current Dover City Council and the provisions included in the City of Dover Adopted Financial Policies; and,

WHEREAS: The 12 month change in the Consumer Price Index for all consumers averaged over the most recent calendar year was 2.6% for the Boston-MA-NH-ME-CT area, 3.1% for the Northeast region, and 3.2% for the United States overall;

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

The Fiscal Year 2013 Budget for the City of Dover is expected to conform to the limitation on property tax levy increase formula specified by C6-3.1 of the City Charter utilizing a 36 month averaged 1.17% inflation index and resulting in an allowed tax levy increase of \$480,113 for the City portion and \$515,518 for the local School portion.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen

Approved as to Legal Form: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2012.02.22 – 22**
Resolution Re: **City Council FY2013 Budget Guidance**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

This resolution provides guidance to the School Board and City Manager for their development and presentation of a proposed Fiscal Year 2013 budget in accordance with the City of Dover's Adopted Financial Policies and the annual expectations established by the Mayor and City Council for the City Manager.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2012.02.22 – 23**

Resolution Re: **Appeal to Regulator for Insurance Premium Refund**

WHEREAS: The City of Dover is forecasting a budget process that may require significant reductions in basic municipal and school services; and

WHEREAS: The City Council has a fiduciary responsibility to be vigilant about all public dollars spent by the City of Dover; and

WHEREAS: The City of Dover has determined that the Local Government Center, HealthTrust has charged the City for Workers' Compensation premiums/fees through overcharging for health premium payments and then applied the overpayments to a Workers Compensation coverage; and

WHEREAS: The City of Dover does not purchase Worker's Compensation coverage from the Local Government Center; and

WHEREAS: The City of Dover has paid \$282,000 dollars in premium payments to the Local Government Center for what it thought was Health Insurance Coverage and has now determined the money was diverted by the Local Government Center LLC to support the Center's new Workers' Compensation insurance program;

WHEREAS: The City has requested reimbursement from the Local Government Center of the \$282,000 dollars of taxpayer funds with no expectation of reimbursement; and

WHEREAS: The Local Government Center has acknowledged it owes political subdivisions over \$17,000,000 dollars from the taking of premiums charged for health insurance and diverting those funds to their Workers' Compensation fund;

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

The Dover City Council respectfully requests that William Gardner, Secretary of State for the State of NH, through the Bureau of Securities under his management and supervision, and using his authority in Chapter 5-B: 5 c, and/or other authorities he or his office may have, needed to order the Local Government Center to refund to the City of Dover taxpayer dollars obtained and retained by the Local Government Center for a purpose other than health insurance coverage.

BE IT FURTHER RESOLVED:

The Administration of the City of Dover shall take steps as detailed below to recover these public funds in cash only from the Local Government Center and will not delay its recovery as time is of the essence. The administration shall produce the claim letter to the Secretary of State demanding action and shall attach all necessary financial data detailing proof of the claim amount to the best of their ability. Copies of all correspondence in this matter shall be delivered to the City Council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2012.02.22 – 24**
Resolution Re: **McConnell Center Lease with
New Hampshire Association for the Blind, Inc.**

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City of Dover leases space at the McConnell Center to non-profit organizations and state agencies.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2012.02.22 – 25**
Resolution Re: **2012-2013 City Council Rules Amendment – Council Matters of Interest**

WHEREAS: The Mayor and City Council are committed to enhancing communications and sharing of timely information with Dover citizens; and,

WHEREAS: The City Council Agenda item, Council Matters of Interest, is intended to provide timely responses and constructive feedback from City Councilors pertaining to Citizen's Forum, City Manager's Report and/or Mayor's Report and on relevant city and citizen issues and business; and,

WHEREAS: Moving Council Matters of Interest from the last Agenda item of Council business to an Agenda item that follows the protocol of the City Manager's and Mayor's Reports will afford City Councilors an opportunity to respond to and/or highlight important issues to ensure that said matters do not lose their timely importance and/or significance because of a long and full Agenda business schedule;

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

The 2013-2013 City Council Rules for the order of business during regular meetings shall be amended to move the Council Matters of Interest from Agenda Item 15 to Agenda Item 10 and renumbering subsequent items.

AUTHORIZATION

Approved as to Funding: Daniel Lynch
Finance Director

Sponsored by: Ward 3 Councilor Mike Crago

Approved as to Legal Form: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2012.02.22 – 25**
Resolution Re: **2012-2013 City Council Rules Amendment – Council Matters of Interest**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Background information is contained in the body of the resolution.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R - 2012.02.22 - 26**
Resolution Re: Amendment of FY2012 Fee Schedule to Establish Valet
Parking Service Fees

WHEREAS: The City of Dover has received inquiries from a company that would like to provide valet parking services in the downtown; and

WHEREAS: The City Council is currently considering establishing regulations through the Licensing Board for valet parking operators; and

WHEREAS: There is currently no fee schedule in place for valet parking operators.

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

The City Council of the City of Dover authorizes the addition to the Finance Department section, p. 3 of the approved FY 2012 Fee Schedule as follows:

<u>Service</u>	<u>Fee</u>
Valet Parking Operator	\$100/year initial location; \$50 per additional location
Valet Parking Signage	at cost for materials and labor plus 20% for administration

The City Manager recommends that this resolution be adopted.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Trefethen By Request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		

DOCUMENT HISTORY:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R - 2012.02.22 - 26**

Resolution Re: Amendment of FY2012 Fee Schedule to Establish Valet Parking Service Fees

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor, Dean Trefethen, At Large		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Valet parking operators are interested in setting up in a variety of locations in the downtown. The Parking Commission at their September 6, 2011 meeting recommended that the Licensing Board regulate valet parking operators. This resolution would establish the fees associated with the regulation of the operators.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2012.02.22 – 2**
Ordinance Title: Budget
Chapter: Chapter 9

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend **Section 9-4 Limitation on Budget Increase** of Chapter 9, entitled “Budget”.

2. AMENDMENT

Chapter 9 entitled “Budget” is hereby amended by revising **Section 9-4 Limitation on Budget Increase** as follows:

BUDGET

CHAPTER 9

9-1. Submission Date. [Amended 11-15-00 by Ord. No. 15-2000]

9-2 Adoption Date.

9-3 Schedule of Fees. [Added 7-20-05 by Ord. No. 15-2005]

9-4 Limitation on Budget Increase

[**HISTORY: Adopted by the City Council of the City of Dover 12-14-77;* amended in its entirety 5-26-82 by Ord. No. 9-82. Subsequent amendments noted where applicable.**] *Editor's Note: The provisions of this chapter are derived from Ch. 4 of the former Code, adopted 12-14-77. **Editor's Note: For other duties of the City Manager, see Ch. 3, Administrative Code, 3-5.

GENERAL REFERENCES

Fiscal year - See Ch. 26.

9-1. Submission Date

- A) The City Manager shall submit to the City Council on or before April 15th of each year his recommended itemized budget estimates of the revenue and expenditures for the next fiscal year for the various departments, functions and funds of the City of Dover. The School Board shall submit to the City Manager, for inclusion in his/her proposed budget, on or before March 15th of each year its recommended budget amounts for revenue and expenditures for the next fiscal year of the various functions and funds of the School Department.

9-2. Adoption Date

- A) The budget shall be finally adopted not later than June 15, prior to the beginning of the fiscal year commencing July 1.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2012.02.22 – 2**
Ordinance Title: Budget
Chapter: Chapter 9

9-3. Schedule of Fees

- A) As part of the annual budget adoption procedure, the Finance Department will submit a proposed fee schedule of all permits, licenses, and other fees charged by the City (excluding the School Department). Following the budget adoption, said fees will become effective upon the date so indicated. Any fee schedule established by state statute shall automatically adjust the Schedule of Fees without action by the City Council.
- B) Changes to the fee schedule can be made at any time during the fiscal year by the Council in accordance with the budget amendment procedure.
- C) The Schedule of Fees shall hereafter supersede fees listed in any existing ordinances and all fee adjustments will be made pursuant to this Chapter.
- D) Any fee currently charged by the City that is omitted in error from the Schedule of Fees shall not prevent the City from collecting the fees until such time as the omission is corrected.
- E) The effective date of the fee schedule shall be July 1 of the new fiscal year, unless otherwise noted in the Schedule of Fees.

9-4 Limitation on Budget Increase

- A) The implementation of C6-3 including C6-3.1 of the Dover Charter as amended shall be accomplished using the following **principles and time deadlines**.
- ~~B) The phrase “National Consumer Price Index—Urban as published by the United States Department of Labor for the calendar year immediately preceding the year of the budget adoption” shall mean the average of the twelve month changes entitled “12 months percent change” for the calendar year preceding the year of budget adoption of the “Consumer Price Index—All Urban Consumer (Current Series), U. S All Items, 1982-84=100, Series CUUROOOOASAO, not Seasonally Adjusted, as published by the United States Department of Labor available on the federal government website found at www.bls.gov.~~
- ~~C) “Combined municipal budget” shall mean city and school appropriations, inclusive of all expenditures and revenues, capital expenditures and principal and interest payments for bonds, and county and state taxes and related payments. Nothing in this definition shall affect the override provisions or exceptions to the budget limitation contained in C6-3 et seq.~~
- ~~D) The School Department/School Board shall adjust its budget for the increases and decreases in the State tax and the City shall adjust its budget for the increases and decreases in the County tax.~~
- ~~E) The phrases “total dollar value of building permits” and the “total dollar value of demolition permits” shall mean the assessed values for each category as determined by the Tax Assessor. The City Council may adjust the calculation for the “net increase in new construction” based on updated information from the Tax Assessor if available prior to final budget adoption.~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2012.02.22 – 2**
Ordinance Title: Budget
Chapter: Chapter 9

~~F) “New construction” shall mean all building permits for construction including renovations, additions and new structures.~~

~~G) B) The proposed budget of the City Manager submitted under the provisions of the 6-3.1 shall be the default budget pursuant to RSA 49-C: 23.~~

~~H) The proposed budget of the City Manager shall include an appropriation for the School Department/School Board based on the budget limitation formula supplied by the Finance Director. The Finance Director shall utilize the annual Tax Rate Calculation document prepared by the New Hampshire Department of Revenue Administration pursuant to RSA 21-J:35 (I) to devise the formula.~~

~~F) C) The City Manager shall notify the School Department/School Board by February 1 of each year of the calculation of the property tax levy consistent with the three-year inflation rate average of the Boston Consumer Price Index. maximum permitted school property tax levy the City Manager intends to include in the City Manager’s proposed budget on behalf of the School Department/School Board. For Fiscal Year 2009, the City Manager shall notify the School Superintendent as soon as practicable.~~

~~F) D) The School Board shall notify the City Manager by March 15 of each year of the estimated non property tax revenues and the final spending amount for the School Department/School Board for inclusion in the City Manager’s proposed budget.~~

3. TAKES EFFECT

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

TO BE REFERRED TO A PUBLIC HEARING

DOCUMENT HISTORY:

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch Sponsored by: Mayor Dean Trefethen
Finance Director By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2012.02.22 – 2**

Ordinance Title: Budget

Chapter: Chapter 9

ORDINANCE BACKGROUND MATERIAL:

These amendments are consistent with the new provision C6.3.1 adopted by the voters.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.2.

Ordinance Number: **O – 2012.02.22 – 3**
Ordinance Title: **Licensing Board**
Chapter: **Chapter 35-5 Authority to Regulate Taxicab Operations**

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 35 of the Code of Dover, entitled “Licensing Board” to include valet parking permits.

2. AMENDMENT

Chapter 35 of the Code of the City of Dover, New Hampshire, dated December 14, 1977, is amended by including the words and valet parking operations as follows:

35-5 Authority to Regulate Taxicab **and Valet Parking** Operations

The Licensing Board established **in** 35-1 above, shall have the power and authority to regulate the operation of taxicabs **and valet parking operators** within the City of Dover.

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Trefethen By Request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		

DOCUMENT HISTORY:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.2.

Ordinance Number: **O – 2012.02.22 – 3**
Ordinance Title: **Licensing Board**
Chapter: Chapter 35-5 Authority to Regulate Taxicab Operations

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor, Dean Trefethen, At Large		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Valet parking providers are interested in setting up in a variety of locations in the downtown. The Parking Commission at their September 6, 2011 meeting recommended that the Licensing Board regulate valet parking services. Fees will be established through the annually adopted fee schedule and all applications and forms will be created by the Licensing Board. The Licensing Board will establish authorized locations and safety requirements. Costs for any signage to support the service will be borne by the applicant. Valet parking stands will be limited to areas that do not reduce available on-street parking.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.3.

Ordinance Number: **O – 2012.02.22 – 4**
Ordinance Title: **Taxicabs**
Chapter: Chapter 161-2, 161-3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 161 of the Code of Dover, entitled “Taxicabs” to include valet parking operators.

2. AMENDMENT

Chapter 161-2 of the Code of the City of Dover, New Hampshire, dated December 14, 1977, is amended as follows:

161-2 Compliance with Rules, Regulations and Procedures

All drivers, operators, taxicabs and valet parking operators are required to obtain a permit from the Dover Licensing Board. All drivers, operators, ~~and~~ taxicabs and valet parking operators shall be subject to those requirements, rules, regulations and procedures that may be promulgated, from time to time by the City of Dover Licensing Board.

161-3 Violations and Penalties.* [Amended 6-28-78 by Ord. No. 5-78]

Any person, firm or corporation violating any provision of this chapter or any requirements, rules, regulations or procedures that may, from time to time, be promulgated by the City of Dover Licensing Board shall be guilty of a violation ~~and fined not in excess of one hundred dollars (\$100).~~

~~*Editor’s Note: Provisions of this chapter are derived from Ch. 46 of the former Code, adopted 12-14-77.~~

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Trefethen By Request
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.3.

Ordinance Number: **O – 2012.02.22 – 4**
Ordinance Title: **Taxicabs**
Chapter: Chapter 161-2, 161-3

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor, Dean Trefethen, At Large		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Valet parking providers are interested in setting up in a variety of locations in the downtown. The Parking Commission at their September 6, 2011 meeting recommended that the Licensing Board regulate valet parking services. Fees will be established through the annually adopted fee schedule and all applications and forms will be created by the Licensing Board. The Licensing Board will establish authorized locations and safety requirements. Costs for any signage to support the service will be borne by the applicant. Valet parking stands will be limited to areas that do not reduce available on-street parking.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.4.

Ordinance Number: **O – 2012.02.22 – 5**
Ordinance Title: **Boyle Street Parking Restriction**
Chapter: **Chapter 166, Vehicles and Traffic**

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 166, entitled “Vehicles and Traffic” by restricting parking on one side of Boyle Street.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by revising Section 166-56 SCHEDULE I: “No Parking at Any Time” as follows:

THE FOLLOWING IS ADDED:

STREET:

BOYLE STREET

LOCATION:

**NORTHERLY SIDE, FROM COURT STREET
EASTERLY FOR A DISTANCE OF 200 FEET**

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Karen Weston Councilor At Large
Approved for Legal Compliance:	Allan B. Krans, Sr. General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		

DOCUMENT HISTORY:

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



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.4.

Ordinance Number: **O – 2012.02.22 – 5**
Ordinance Title: **Boyle Street Parking Restriction**
Chapter: Chapter 166, Vehicles and Traffic

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance revision was recommended by the Transportation Advisory Commission at its January 2012 meeting. A concern was expressed that snow plows and emergency vehicles cannot navigate the street when cars are parked on both sides. The Police, Fire, and Community Services Departments have evaluated this concern and all are in favor of restricting one side of the street at all times to alleviate the public safety and maintenance concerns. Boyle Street, off Court Street, is a narrow, dead-end street just over 300' in length. This proposed restriction effectively eliminates parking on the northerly side, from Court Street to the entrance to a private parking lot (owned by First Parish Church) but would allow parking on the southerly side and at the very end of the street.