CITY OF DOVER

CITY COUNCIL - AGENDA

REVISED 9/21/2012 10:30 AM

Meeting Type:	**Regular Meeting**
Meeting Location:	**Council Chambers, City Hall**
Meeting Date:	**Wednesday, September 26, 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 – None**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**

   A. **CHAPTER 3 – ADMINISTRATIVE CODE**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   B. **CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   C. **CHAPTER 3 – ADMINISTRATIVE CODE – N0**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   D. **CHAPTER 3 – ADMINISTRATIVE CODE – N1**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   E. **CHAPTER 3 – ADMINISTRATIVE CODE – N2**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   F. **CHAPTER 3 – ADMINISTRATIVE CODE – N3**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   G. **CHAPTER 3 – ADMINISTRATIVE CODE – N4**
   SPONSORED BY COUNCILORS CRAGO AND CHENEY

   H. **CHAPTER 3 – ADMINISTRATIVE CODE – N5**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   I. **CHAPTER 3 – ADMINISTRATIVE CODE – N6**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

   J. **CHAPTER 3 – ADMINISTRATIVE CODE – N7**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

K. **CHAPTER 3 – ADMINISTRATIVE CODE – N8**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

L. **CHAPTER 3 – ADMINISTRATIVE CODE – N9**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

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. **September 5, 2012 – Workshop**
B. **September 12, 2012 – Regular Meeting**

11. **MAYOR'S REPORT**

12. **UNFINISHED BUSINESS**

A. **ORDINANCES IN THE 2nd READING**

1. **CHAPTER 3 – ADMINISTRATIVE CODE**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

2. **CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

3. **CHAPTER 3 – ADMINISTRATIVE CODE – N0**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

4. **CHAPTER 3 – ADMINISTRATIVE CODE – N1**
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SPONSORED BY COUNCILORS CRAGO AND CHENEY

8. **CHAPTER 3 – ADMINISTRATIVE CODE – N5**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

9. **CHAPTER 3 – ADMINISTRATIVE CODE – N6**
   SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

10. **CHAPTER 3 – ADMINISTRATIVE CODE – N7**
    SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

11. **CHAPTER 3 – ADMINISTRATIVE CODE – N8**
    SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

12. **CHAPTER 3 – ADMINISTRATIVE CODE – N9**
    SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Cocheco Quilt Guild**
2. **PARADE – Dover Knights of Columbus Council 807**
3. **ROAD RACE – Moms on the Run**
4. **ROAD TOLL – Angels of Hope American Cancer Society Relay for Life**
5. **TAG – Dover Youth Football League Inc.**

6. **RESOLUTION: B13009- EXPANSION OF DOWNTOWN FORM BASE CODE ACTION PLAN PROFESSIONAL CONSULTING SERVICE & ACCEPTANCE OF GRANT**
   SPONSORED BY MAYOR TREFETHEN BY REQUEST

7. **RESOLUTION: B13013 SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE**
   SPONSORED BY MAYOR TREFETHEN BY REQUEST

8. **CONSULTING SERVICES FOR GRIFFIN & IRELAND WELL STUDY**
   SPONSORED BY MAYOR TREFETHEN BY REQUEST

CITY OF DOVER

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COMMITTEE REPORTS

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

B. RESOLUTIONS

1. **RELEASE OF LEGAL OPINION DATED AUGUST 30, 2012**
   SPONSORED BY MAYOR TREFETHEN

2. **RELEASE OF LEGAL OPINION DATED AUGUST 24, 2012**
   SPONSORED BY MAYOR TREFETHEN

3. **RELEASE OF LEGAL OPINION DATED SEPTEMBER 4, 2012**
   SPONSORED BY MAYOR TREFETHEN

4. **SKATEBOARD PARK RELOCATION FUNDING (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 10, 2012, AND A VOTE TO BE HELD ON NOVEMBER 14, 2012)**
   SPONSORED BY MAYOR TREFETHEN AND DEPUTY MAYOR CARRIER

C. ORDINANCES IN 1ST READING – None

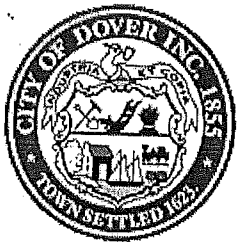
14. COUNCIL CORRESPONDENCE

A. COMCAST LETTER DATED SEPTEMBER 5, 2012

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT

CITY MANAGER'S REPORT



September 26, 2012

SUBMITTED BY:

J. MICHAEL JOYAL, JR.
CITY MANAGER

CITY OF
DOVER, NH

AVAILABLE ONLINE:

WWW.DOVER.NH.GOV

Dover Business & Industrial Development Authority
Economic Development Overview
Dan Barufaldi

Summary:
Economic activity continues to increase, but results are somewhat more mixed than in recent reports. Retailers cite some sales increases this month, manufacturers note generally good results but a few softer segments. Advertising and consulting firms are still experiencing strong growth. Commercial real estate markets are still showing only slow improvement with local housing markets doing only slightly better. Retail and manufacturing contacts report reduced commodity price pressures with few exceptions. Head counts remain virtually unchanged with local unemployment rising slightly from 4.1% to 4.8% over the previous month. Advertising and consulting firms are the exception on the up side. Outlooks are generally still positive, but concerns are being expressed about the current and future uncertainty attributed to the U.S. debt situation and the future course of federal expenditures, taxes, and healthcare costs.

Retail:
Retailers report mixed results for the early summer months hovering around the previous year results with some up-side experienced in the last month. Inventory levels are mixed. Some upward price pressure is being experienced in paint and plastics due to the higher price of oil feed stocks. Retail head count is mixed locally due to recent store openings contrasting with some consolidation. Capital spending is limited primarily to new store or renovation spending and a few IT projects. Local outlook is mixed due to the uncertainty mentioned in the above paragraph.

Manufacturing and Related Services:
Business conditions in this sector remained generally good in the second quarter, but results across individual businesses and business segments are more mixed than in recent reports. Food and plastics firms continued to enjoy strong sales while business services firms experienced soft sales from small businesses. Services sales to banks were off due to cost cutting. Sales to government were also soft. Surprisingly discretionary spending in the U.S. was weak while international demand remained strong. Doubts were expressed about how long that would continue. Economic uncertainty on the part of customers appears to be pervasive in businesses in this sector.

Commodity prices, especially oil and steel prices remain a concern for firms with commodity intensive production processes. Dairy related prices also continue to rise and r4esin (oil) related packaging costs remain high. The pervasive drought conditions being experienced in the South, Mid-West, and Southwest will eventually impact corn, soy, and meat prices locally while packaging costs are expected to soften. Supply shortages for bulk chemicals have vanished in the last two weeks as major foreign economies have slowed markedly.

Hiring and investment continues to be limited due to demand uncertainty and cost reduction pressures in uncertain times. Employment is relatively stagnant, but there is a small movement from temporary to permanent employment.

Looking ahead, many firms remain cautiously optimistic about future growth while others are contemplating a flat or slowing market situation.

Selected Business Services:
Consulting and Advertising firms report a still positive, but slowing growth. Those firms serving larger customers are experiencing more stable programs while smaller businesses are pulling out of longer term projects.

Employment growth in these firms, quite robust in the recent past, has slowed significantly. Uncertainty in the economy, government debt and healthcare costs growth has applied the brakes even while the slow economy has prompted firms that can afford it, to use these services to increase market share. This sector, historically, has been very sensitive to economic downturns.

Commercial Real Estate:
While we have some positive movement locally in this sector, commercial real estate remains in the doldrums regionally and nationally with few exceptions. Prices continue very much on the low side. Apartment rentals are up with limited inventories pushing prices significantly higher as first time home buyers are experiencing difficulties in acquiring mortgage financing under current banking regulations.

Residential Real Estate:
While regionally flat, local residential sales are beginning to show some life in the low to medium priced home segment although prices are slow to recover. Inventories in these categories are beginning to shrink locally and it is expected this will cause prices to rise in the coming year.

Non-local content contains excerpts from the Federal Reserve Beige Book-Boston. 2012

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: August 2012

	Current Month	FY2013	FY2012	FY2011
Legal Matters/Questions Handled	29	60	360	245
Document Creation & Review	26	42	126	140
Right to Know Requests Processed	5	7	61	40
Resolutions	4	6	23	-
Ordinances	2	3	12	-

SIGNIFICANT DEVELOPMENTS, TRENDS AND MATTERS:

- Right to Know requests pursuant to RSA 91-A in August:
  - → Milwaukee, WI – request for sewer service orders
  - → Dover, NH – litigation settlement information
  - → Cypress, CA – merchant processing statements
  - → Rochester, NY – delinquent taxes
  - → Dover – Fire & Rescue building inspection

- Assistance to the City Council: drafting/review of resolutions, and ordinance revisions; attendance at meetings; virtual meetings

- Assistance to Schools: retirement buyout; adequacy; student wellness policy; copyright; acceptable use policy; rental charges

- Assistance to the Community Services Department: lease balance
- Assistance to the Planning Department: 50 feet land conveyance; deeded parking spaces; LDA closing extension
- Assistance to Finance Department: Liens; municipal derivatives settlement
- Assistance to Executive: Charter Codification/Authentication; operating rules; television policies; cell tower leases; ordinance form; electronic signatures
- Assistance to Police: Parking lot development
- Assistance to the City Manager: review of documents for signature; review of litigation; 91-A requests

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

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

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, September 5, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Spuler led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, and Councilor Weston.
Absent: Mayor Trefethen and Councilor Weeden.
Also Present: City Manager Joyal and City Clerk Lavertu.

5. DISCUSSION

A. GRIFFIN WELL RECHARGE STUDY

Environmental Engineer Dean Peschel gave a presentation to the Council regarding the Griffin Well Recharge Study.
Mr. James Emery of Emery & Garrett Groundwater, Inc. gave an overview of the preliminary investigation study to the Council.
City Manager Joyal said he will be bringing forward a resolution to the Council to appropriate the $38,500 for this work to be done.

B. LEGISLATIVE POLICY PROPOSALS

Councilor Garrison gave an overview of the proposals for the 2013-2014 Legislative Session and the process with the New Hampshire Municipal Association (NHMA).
The Council went over the list of policies and pulled items for further discussions. The other items on each list would be accepted by the Council.

Municipal Administration and Finance Management:
2 – Counting Absentee Ballots
It was the consensus of the Council to keep this policy proposal as written.

Planning and Environmental Policies:

#6 – Permitting Municipalities to Establish Central Utility Districts to Protect Water Supplies
It was the consensus of the Council to keep this policy proposal as written.

#7 – Clarifying Statutory Procedure for Resolving Highway Culvert/Drainage Disputes
It was the consensus of the Council to keep this policy proposal as written.

General Government, Revenue, and Intergovernmental Relations:

#1 – Right to Know Costs and Specificity Required
Councilor Weston said the City has it on the Fee Schedule already and shouldn't consider the State policy.
City Manager Joyal said the City only charges for reproducing the document. He said he didn't commend the Council accept this policy proposal.
It was the consensus of the Council to reject this policy proposal.

#3 – Tax Rate Setting
Consensus vote: 4/3; Passed.

#5 – Sharing Background Information
It was the consensus of the Council to keep this policy proposal as written.

#6 – Health Insurance Coverage
It was the consensus of the Council to keep this policy proposal as written.

#7 – RSA 162-K: Authority for Inter-municipal Cooperation
Consensus vote: 4/3; Passed.
Vote rescinded after discussing #8..
Consensus vote: 2/5; Failed.
It was the consensus of the Council to reject this policy proposal.

#8 – RSA 162-K: Authority to Use TIF District Revenue Beyond District
Consensus vote: 2/5; Failed.
It was the consensus of the Council to reject this policy proposal.

#9 – Petition Signature Requirements
It was the consensus of the Council to keep this policy proposal as written.

#12 – New Hampshire Retirement System (NHRS)
Councilor Garrison moved to amend this proposal to be moved to an "Action" policy; second by Councilor Hooper.
It was the consensus of the Council to keep this policy proposal as written, but to move it to an "Action".

#13 – Consolidated Policy on Collective Bargaining Items
It was the consensus of the Council to keep this policy proposal as written.

#15 – Highway Funding: Increase in Road Toll (Gas Tax) and Registration Fees
Consensus Vote: 3/4; Failed.
City Manager Joyal clarified that the City has been getting less each year from the State.
Vote was rescinded.

City Manager Joyal said they needed to be sure it's shared proportionately with cities and towns. He suggested the following amendment:

"To see if NHMA will SUPPORT ~~an increase in any~~ **continuing** state revenue source**s** dedicated to highway improvements, including the road toll (gas tax) under RSA 260:32, a motor vehicle registration surcharge, or any other source, so long as ~~all additional~~ revenues are used for highway purposes, and provided that the proportionate share of such ~~additional~~ revenues is distributed to cities and towns as required by existing law."
Councilor Crago agreed with this amendment.
Councilor Weston also stated the title needed to be changed to: "Highway Funding: ~~Increase in~~ Road Toll (Gas Tax) and Registration Fees".
Consensus Vote on amendment: 6/1; Passed.

#18 – Charitable Definition and Mandated Property Tax Exemptions
It was the consensus of the Council to keep this policy proposal as written.

#30 – State Budget/Tax Cap
Consensus Vote: 6/1; Passed.

Floor Submitted Policies:

#1 – Trustees of the Trust Funds – submitted by the Town of Hanover.
It was the consensus of the Council to keep this policy proposal as written.

#2 – Voter Information Communications – submitted by the Town of Alton.
It was the consensus of the Council to keep this policy proposal as written.

Councilor Garrison said he will be bringing forward a resolution on September 12, 2012 for the Council to vote on.

6. CITIZEN'S FORUM

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

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

7. ADJOURNMENT

Councilor Weston moved to adjourn; seconded by Councilor Crago.
Vote: 7/0.

Handouts have been archived with the minutes.

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, September 12, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cheney led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Weeden, and Councilor Weston. Councilor Spuler arrived late.
Also Present: City Manager Joyal, General Legal Counselor Krans, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS

Mayor Trefethen presented a proclamation to Thomas Makem.

6. APPROVAL OF AGENDA

Councilor Weeden moved to move Item 12.C.2. up on the Agenda to follow Citizen's Forum; seconded by Councilor Cheney.
Vote: 5/3; Passed. Mayor Trefethen, Councilors Garrison and Hooper were opposed.
Councilor Weeden moved to suspend the rules to allow non-citizens to speak during Citizen's Forum; seconded by Councilor Cheney.
Vote: 3/5; Failed. Councilors Cheney, Weeden and Weston voted in favor.
Deputy Mayor Carrier moved to approved the agenda as amended; seconded by Councilor Weston.
Vote: 8/0.

7. PUBLIC HEARINGS

A. APPROPRIATION AND COMMITMENT FOR MCCONNELL CENTER FITOUT PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
SPONSORED BY COUNCILOR CRAGO

Douglas DeDe, 143 Locust Street, McConnell Center Advisory Committee Member: He spoke in favor of the resolution.

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

8. CITIZEN'S FORUM

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

Douglas DeDe, 143 Locust Street: He spoke against Agenda 21 and the Scenic Byway resolution. He encouraged the Council to vote against it.

David Martin, 10 Linda Avenue: He spoke against the Scenic Byway Corridor. He asked the Council to reconsider allowing non-citizens to speak.

Nancy Merritt, 5 Constitution Way: She spoke against the Scenic Byway resolution.

Brenda Cameron, 67 Fifth Street: She said she was opposed to the Scenic Byway.

John Kimball, 22 Isaac Lucas Circle: He spoke against the Scenic Byway resolution.

David Scott, 220 Back Road: He spoke against the Scenic Byway resolution. He requested that the Council vote no on this resolution.

Councilor Weeden moved to take a second vote on suspending the rules to allow non-citizens to speak during Citizen's Forum, because another Councilor is present and should participate in the vote; seconded by Councilor Cheney.
Council discussed this issue.
Councilor Crago called for a point of order. He said it was his understanding that only a Councilor from the winning side of a vote can ask for an issue to be reconsidered. Councilor Weeden was on the losing side of the vote.
Mayor Trefethen said Councilor Crago was correct, but he was willing to give some leeway. He asked Councilor Crago if he wished to challenge.
Councilor Crago said they had a majority to vote this down and was concerned about time management.
Councilor Garrison said he agreed with Councilor Crago and made a formal motion to challenge the Chairperson's ruling to allow a reconsideration from a Councilor on the losing side of a majority; seconded by Councilor Hooper.
Vote: 6/3; Passed.
Mayor Trefethen said that ends discussion on the previous motion to reconsider.

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

12.C.2.

Deputy Mayor Carrier moved to remove from the table; seconded by Councilor Garrison.
Roll Call Vote: 2/7; Failed. Councilors Garrison and Hooper voted in favor.

9. CITY MANAGER'S REPORT

City Manager Joyal talked about paving projects that are being completed in the City. He asked Mr. Ray Bardwell to give the Council an update on the pedestrian bridge.
Mr. Ray Bardwell gave an overview of the pedestrian bridge project to the Council. He asked the Council to use the $10,000 they are receiving from the Dickinson Project to support this project.
Councilor Cheney asked for an estimate for what they still need.
Mr. Bardwell said they have budgeted $160,700, and have received $83,200 in donations. He said they will be having some fundraisers when they receive the permits.
Deputy Mayor Carrier commented on the Council spending $10,000 fine the City is receiving from Dickinson. He said Dickinson is working diligently to get started on the waterfront development and they shouldn't depend on that money.
Councilor Hooper said other needs of the City are more important and she will not support using any taxpayer monies to support a decorative bridge.
Councilor Cheney asked about the delay in the permit.
Mr. Bardwell said they had received a verbal statement that the permit has been approved, but he isn't willing to do anything until he has it in writing.
Councilor Weeden said it was a penalty and not taxpayers' money.
Councilor Crago clarified that it wasn't a penalty, but an option to continue the contract.
City Manager Joyal agreed with Councilor Crago.
Mayor Trefethen said the $10,000 is being asked for by many. He encouraged Mr. Bardwell to keep working.
City Manager Joyal referred to Page 25 of his report, and noted a typo for the Council.
Councilor Spuler commented on the Teen Center and Steve PapaJohn's work.
Deputy Mayor Carrier said the Teen Center received a grant of $48,000 per year for the next four years.
City Manager Joyal asked Police Chief Colarusso to speak to the Council. He said the Police did receive a grant for the Teen Center, but asked the Chief to speak about the reward they received.
Police Chief Colarusso said they were awarded for the second year in a row as one of the 100 Best Communities for Young People.
Councilor Weston asked about reconstruction on Broadway.
Community Services Director explained the water/sewer work on Broadway. He said they should be finished by next week.
Councilor Weston asked about the water pressure and what the increase will do to people's homes.
Community Services Director said they have sent out a letter to residents that discussed what they needed to do prepare for the increase in pressure.
Councilor Weston asked about the playground inspections and their results.
City Manager Joyal said they have not received a report at this time.
Councilor Weston asked about the Granite State Futures agreement and why Dover signed on.
City Manager Joyal gave an overview of this plan with the Council. He said they were asked by the Strafford Regional Planning to contribute to the process. He said he signed onto that effort since there were no strings attached. He said the Agenda 21 issue came forward afterwards, and he did verify that there were no obligations from the City.
Councilor Cheney asked for the contract and the confirmation that the City had no obligations.

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

10. APPROVAL OF MINUTES

A. August 22, 2012 – Workshop

Deputy Mayor Carrier moved to approved the minutes; seconded by Councilor Spuler.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Trefethen said he introduced Senator Shaheen's at a Town Meeting forum in Dover. He said he and others met with her separately to discussed issues, and have already received follow up messages from her office. He said as Mayor he gets to appoint Dover's representative to the Skyhaven Airport, which is Jim Rogers of Berry Street.
Deputy Mayor Carrier moved to approve the Mayor's Report; seconded by Councilor Garrison.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. **APPROPRIATION AND COMMITMENT FOR MCCONNELL CENTER FITOUT PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)**
   SPONSORED BY COUNCILOR CRAGO

   Councilor Crago moved for its adoption; seconded by Councilor Weeden.
   Councilor Crago asked Recreation Director Gary Bannon to speak to the Council.
   Director Bannon gave an overview of two possible fitout options for the McConnell Center.
   Roll Call Vote: 8/1; Passed. Councilor Garrison was opposed.

2. **APPROVAL OF SCENIC BYWAY APPLICATION (TO BE REMOVED FROM THE TABLE)**
   SPONSORED BY MAYOR TREFETHEN BY REQUEST

This was moved up on the Agenda to after Citizen's Forum.

13.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Amy's Treat**
2. **RAFFLE – First Parish Church**
3. **RAFFLE – Sons of American Legion Post 8**
4. **RAFFLE – Zebra Crossings**
5. **ROAD RACE – Horne Street School PTG**
6. **ROAD RACE – Saint Mary Academy**
7. **TAG – Boy Scout Troop 173**
8. **TAG – Dover Little Green Cheerleading**
9. **TAG – Seacoast Titans**

10. **RESOLUTION: B10033 AWARD OF ADDITIONAL SCOPE OF WORK TOLEND ROAD AND WATSON ROAD ENGINEERING SERVICES**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

11. **RESOLUTION: B12038 SAFE ROUTES TO SCHOOL – ENGINEERING SERVICES, WOODMAN PARK SIDEWALK IMPROVEMENTS**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

12. **RESOLUTION: B13002 HOUSEHOLD HAZARDOUS WASTE CLEAN UP DAY**
SPONSORED BY MAYOR TREFETHEN BY REQUEST

COMMITTEE REPORTS

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

Deputy Mayor Carrier moved for the approval of the Consent Calendar; seconded by Councilor Cheney.
Mayor Trefethen asked the Council if they had any items they would like to pull for further discussion.
Councilor Cheney asked to pull Items 13.A.10 and 13.A.12.
Councilor Weeden said he knows there isn't a School Board Report, but wished to talk about a School Board issue.
Mayor Trefethen said there wasn't a School Board Report to pull, and asked Councilor Weeden to speak on it during Councilor Matters of Interest.
Mayor Trefethen asked for a 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.10.; seconded by Councilor Cheney.
Councilor Cheney asked for a brief explanation on the status of this project.
City Manager Joyal said the project is moving forward. He said they have resolved the right of way issues. He said the additional scope of work is for the engineers to prepare the bid specifications.
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.12.; seconded by Councilor Cheney.
Councilor Cheney just wanted to confirm that it was September 22, 2012.
Councilor Weston asked about the other communities involvement in this and the expense that Dover incurs.
City Manager Joyal said by making this a joint effort they receive grant money from the State. He said the overage is addressed by each community.
Roll Call Vote: 9/0.

B. RESOLUTIONS

1. DEPARTMENT OF HEALTH AND HUMAN SERVICES LEASE AMENDMENT
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Hooper.
Director Bannon gave an overview of the lease agreement with the Council.
Vote: 9/0.

2. B13007 REPLACEMENT OF PUBLIC SAFETY DISPATCH CONSOLE SYSTEM
SPONSORED BY MAYOR TREFETHEN BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Weeden.
Roll Call Vote: 9/0.

3. LEGISLATIVE POLICIES
SPONSORED BY COUNCILOR GARRISON

Councilor Garrison moved for its adoption; seconded by Councilor Hooper.
Councilor Garrison moved to substitute the resolution as a whole; seconded by Councilor Hooper.
Vote: 9/0.
Councilor Weeden recused himself because as a State Representative he didn't want to be bound by this resolution.
Mayor Trefethen said he didn't feel that was an issue. He felt Councilor Weeden held two separate positions.
Councilor Weeden said he understood the Mayor's comment, and said he will support the resolution.
Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 3 – ADMINISTRATIVE CODE (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)

SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Councilor Crago moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.

Councilor Crago gave an overview of all 12 ordinances to the Council. He moved that the Council refer them all to a public hearing; seconded by Councilor Cheney.

Mayor Trefethen had a couple issues before they vote to refer these ordinances to a public hearing. He asked the sponsoring Councilors if they were aware of NH State Law 49-C:21, which states that subsequent to an adoption to such an ordinance is done upon recommendation from the Chief Executive Officer, City Manager. He said for the Council to take any action on the Administrative Code it first must be proposed by the City Manager. He said it was his understanding that wasn't the procedure that was followed. He said it was also stated in the Dover City Charter C5-9.

Councilor Crago said he was aware of the law and charter. He said the changes to Chapter 3 were not compliant with State law. He said they were trying to avoid litigation. He said they should refer these to public hearing, allow the public to speak to these ordinances, and then discuss as a Council.

Mayor Trefethen said another option is to work with the City Manager and he'll construct an ordinance for the Council to work with.

Councilor Crago said the two Ordinances violated State law, and they were trying to correct the mistake.

Mayor Trefethen asked if this work was done privately or within the Ordinance Codification and Verification Committee.

Councilor Crago said these two ordinances were completed by him. He asked the City Manager to provide a list as well. He said he received an amendment of the two ordinances that were not compliant with the City Charter. He said the City Manager sent the Council the changes at 4:00 this afternoon, and the Council hasn't had a chance to review it.

Councilor Cheney said they presented the first two ordinances on August 2, 2012, and she felt they should vote to refer them all to public hearing on September 26, 2012.

Councilor Weeden said they should vote to refer these all to public hearing.

Councilor Hooper said she was surprised that Councilors that talk about transparency were not open and transparent with at least one member on the Ordinance Codification and Verification Committee. She said Councilor Weston and she are on the committee and they haven't even discussed Chapters 3 and 5. She said she felt it was premature. She said the City Manager would have a case against the City if these changes go forward.

Councilor Cheney asked to speak.

Councilor Garrison called for a point of order. He said there is an order for who gets to speak.

Deputy Mayor Carrier said he questioned what made the three sponsoring Councilors proficient enough to make these changes, when the City Manager and General Legal Counselor have been out of the loop. He said if mistakes were made in 2010, why didn't Councilor Cheney mention it. He said he felt it created a conflict. He talked about the filtering process for resolutions and ordinances, and asked why none of the sponsoring Councilors contacted the Mayor regarding this. He said he finds some of this insulting.
Councilor Crago said they were trying to be proactive when they realized the Administrative Code was noncompliant. He said he was told by the City Manager that he would recommend that these go forward if there was a consensus from the Council, and now the City Manager says he didn't understand what they meant.
Councilor Garrison said he didn't believe it was reasonable, open and transparent, or clear. He discussed what happened in 2010, and said the intent was clear and they were recommended by the City Manager. He said it is his understanding that the City Manager does not recommend these ordinance changes brought forward tonight. He felt it was getting pushed through.
Councilor Cheney said she did tell the Committee that Chapter 3 and 5 were being worked on, and that the Committee itself wouldn't be working on them. She said they want to refer these ordinances to a public hearing. She called the question to move these to a public hearing on September 26, 2012; seconded by Councilor Crago.
Mayor Trefethen asked the City Manager or General Legal Counselor if they could refer them all to a public hearing as one vote.
General Legal Counselor Krans said he believed if they vote to combined them that they can refer them all as one.
Councilor Cheney called the question to vote on referring all 12 ordinances to a public hearing.
Mayor Trefethen said they have a motion on the floor. He suggested that the Council act on the first motion, and then have a new motion to combine the rest of them to refer to a public hearing.
Councilor Cheney said she called the question on the first motion, to refer Item 13.C.1. to a public hearing; seconded by Councilor Weeden.
Vote: 5/4; Passed. Mayor Trefethen, Deputy Mayor Carrier, Councilors Garrison and Hooper were opposed.
Mayor Trefethen asked for a vote to refer to a public hearing.
Vote: 6/3; Passed. Deputy Mayor Trefethen, Councilors Garrison and Hooper were opposed.

Councilor Cheney moved to combine Items 13.C.2. through 13.C.12. as one vote to be referred to a public hearing on September 26, 2012; seconded by Councilor Weston.
Mayor Trefethen asked if they had to be twelve separate public hearings on September 26, 2012..
General Legal Counselor Krans said he will take that under advisement.
City Clerk Lavertu said she needed to know how to advertise the public hearings.
City Manager Joyal said they needed to have a separate first reading for each ordinance, and they shouldn't be combined.
Councilor Cheney withdrew her motion to combine. Councilor Weston withdrew her second.

General Legal Counselor Krans clarified on Councilor Crago's comment that he approved all 12 ordinances, and corrected the statement by stating that he rejected the 10 amendments.
Councilor Crago said this information was new to him, because he was told otherwise by the City Clerk.
City Manager Joyal said he did advise Councilor Crago that the General Legal Counselor was likely not to approve these amendments.
Councilor Crago said this was why he met with the City Clerk after the agenda was created.

2. **CHAPTER 5, BOARDS, COMMISSIONS AND COMMITTEES (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)**
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Carrier moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Mayor Trefethen spoke about these issues, and said the whole Council doesn't agree that it was a Charter violation. He didn't believe that this was the right approach. He is willing to refer this to a public hearing and hopes in the two weeks something will happen.
Councilor Spuler said they needed to do something about the electronic signature, and said he was shocked to get to this point and find out it was rejected by the General Legal Counselor. He spoke about the emails he received from the City Manager for a substitution as a whole. He feels like he's wasting his time.
City Manager Joyal said he agreed with Councilor Spuler. He said he has tried to talk with Councilors Crago, Cheney and Weeden about their proposed ordinances, and explain that they do not comply with State law. He said he also admitted that there were technical defects with the 2010 ordinances. He said there were legal opinions sought ----
Councilor Cheney called for a point of order, stating that she has heard the City Manager is seeking litigation in this matter, and asked if he should be recusing himself from this discussion.
City Manager Joyal asked who she heard that from – was it from him.
Councilor Cheney said no, she hadn't heard it from him.
City Manager Joyal said she didn't hear it from him.
Councilor Weeden said he personally heard it from the City Manager.
Mayor Trefethen banged the gavel and called for order. He said Councilors needed to be recognized by the Chair before speaking.
City Manager Joyal said he understood Councilor Spuler's frustration, but that was the circumstance he was left with. He said he had been attempting to work with these Councilors over the last month. He said he has only had one on one conversation with Councilor Crago, a brief conversation with Councilor Weeden, and absolutely no conversation with Councilor Cheney. He has been working diligently on these issues and trying to address these Councilors' concerns. He said he won't be forced into a corner by these Councilors and violate the law. He apologized in his email that he was sending this information to the Council so late.
Councilor Spuler again stated that it shouldn't have said it was recommended by the General Legal Counselor if he hasn't read through it, and if something is noncompliant

when the agenda is already out to let them know at that point, and not on the day of the meeting.
City Manager Joyal said they will do that.
Councilor Weeden said they disagree on what's legal and what's not. He felt they should refer these to public hearings on September 26, 2012 and discuss their legality then.

Deputy Mayor Carrier moved to suspend the rules to continue the meeting past 10:30 pm to complete the agenda; seconded by Councilor Weeden.
Roll Call Vote: 8/1; Passed. Councilor Hooper was opposed.

Councilor Weston asked the General Legal Counselor what the difference was between approved as to legal form and approved as to legal compliance.
General Legal Counselor said they have two people who can put these into the system. One was on vacation, and the other person used the old template. He said he has to verbally tell the person to take his signature off. He said these 11 ordinances are still not compliant to State law.
City Manager Joyal said the languages in the ordinances were produced by the Council Sponsors, and not the Legal Department.
Councilor Crago talked about lost ordinances that weren't posted to the Administrative Code. He spoke about the City Manager saying he would recommend the ordinances if there was Council consensus. He said the City Manager admitted he knew the ordinances weren't compliance in 2010, but it was so much work and they took the path of least resistance. He said he had no reason to make this up.
City Manager Joyal said Councilor Crago misunderstood what he said. He said he would consider specific changes in the Code to help address the administrative structure of the City. He talked about the process to address the issue. He said he was misunderstood that he would agree to this presentation.
Councilor Crago said that it is possible. He talked about Chapter 5 being put back into Chapter 3, and felt it should be the Council's decision to delete Chapter 5. He felt it was the power of the Council. He asked why the City Manager was being so objectionable about this process.
City Manager Joyal said Councilor Crago had asked him to make a list of his concerns. The collection of ordinances, other than the first one, was not presented until late last week, and he had a number of concerns with reverting back to the old Administrative Code. He explained his administrative duties as conducted by State Law. He said it is proposed by the City Manager and then approved by the City Council. He said the changes made in 2010 was a comprehensive rewrite of the Administrative Code to address a number of deficiencies, conflicts in State Law and conflicts with the City Charter, provisions in the purchasing code that were no longer relevant, and terms that confused the procedures. He said his concerns were: if they revert back to the 2010 Code there are departments that no longer exist, there are titles for department heads that do not conform to the Merit Plan, there are functional responsibilities that were assigned to certain departments that have changed, budgetary changes, and conflicts with the classification plan, merit plan. He spoke about comments that there are legality issues with the Administrative Code, which is the first he's heard that, he wants them brought

forward. He said he isn't aware of anything in the Administrative Code that doesn't comply with State law.
Councilor Weeden said by voting for all these ordinance changes they will be reverting back to 2010 and making all the same changes as we have today, but it will have been done in compliance.
Councilor Weeden called the question; seconded by Councilor Cheney.
Vote: 6/3; Passed. Mayor Trefethen, Councilors Garrison and Hooper were opposed.
Roll Call Vote: 6/3; Passed. Mayor Trefethen, Councilors Garrison and Hooper were opposed.

3. **CHAPTER 3 – ADMINISTRATIVE CODE – N0**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Carrier moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Councilor Weeden called the question; seconded by Councilor Hooper.
Mayor Trefethen said they don't even know if anyone wants to discuss it.
Councilor Weeden withdrew his motion.
Councilor Weston asked to speak.
Councilor Hooper did not withdraw her second, and asked for a vote.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

4. **CHAPTER 3 – ADMINISTRATIVE CODE – N1**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Carrier moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Councilor Weston asked if the handout the Council received tonight was the same document the sponsoring Councilors received on September 1, 2012.
City Manager Joyal said he was trying to work with the sponsoring Councilors to come up with acceptable solutions.
Councilor Weston said she was present when the City Manager told Councilor Crago that he would recommend the changes.
City Manager Joyal said he was talking about Boards and Commissions. He said he did not say he would recommend changes to the Administrative Code.
Councilor Weston said maybe the City Manager didn't say it clear enough. She said she was tired of everything being blamed on the sponsoring Councilors.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

5. **CHAPTER 3 – ADMINISTRATIVE CODE – N2**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

6. **CHAPTER 3 – ADMINISTRATIVE CODE – N3**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

7. **CHAPTER 3 – ADMINISTRATIVE CODE – N4**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO AND CHENEY

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

8. **CHAPTER 3 – ADMINISTRATIVE CODE – N5**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

9. **CHAPTER 3 – ADMINISTRATIVE CODE – N6**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

10. CHAPTER 3 – ADMINISTRATIVE CODE – N7
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

11. CHAPTER 3 – ADMINISTRATIVE CODE – N8
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

12. CHAPTER 3 – ADMINISTRATIVE CODE – N9
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 26, 2012)
SPONSORED BY COUNCILORS CRAGO, CHENEY, AND WEEDEN

Deputy Mayor Trefethen moved to refer to a public hearing on September 26, 2012; seconded by Councilor Cheney.
Roll Call Vote: 7/2; Passed. Councilors Garrison and Hooper were opposed.

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

Councilor Weeden spoke about the School Board's budget and the surplus being put into capital reserve accounts. He asked why this wasn't brought forward during the budget process, since they knew about the surplus in April.
Councilor Hooper asked for the Council to give the Superintendent a chance to respond to this.
Mayor Trefethen said he will contact the Superintendent.
Councilor Weston referred to the Ordinance Codification and Verification Committee and said they decided to omit Chapter 3 & 5 because the sponsoring Councilors were reviewing that. She said the Committee knew they were doing something with those Chapters, just not what. She said the City Manager was included, but she wasn't sure the Mayor was included.
Councilor Spuler thanked the City Council for approving the Arts Commission Installation.
Mayor Trefethen made a motion to release the option of the General Legal Counselor, dated August 30, 2012; seconded by Councilor Garrison.
Councilor Weston said that had to be done through a resolution.
Mayor Trefethen withdrew his motion.
Councilor Garrison withdrew his second.
Councilor Cheney said she will reserve her comments regarding the School Board's budget until after she hears from the Superintendent. She thanked all the poll workers at the Election.

16. ADJOURNMENT

Councilor Weeden moved to adjourn; seconded by Councilor Weston.
Vote: 9/0.

The Granite State Future Project information was received from the City Manager, and has been archived with the minutes.

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number	**O – 2012.08.08 – 12**
Ordinance Title:	**Chapter 3, Administrative Code**
Chapter	**3 – Administrative Code**

The City of Dover Ordains:

1. PURPOSE

   The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code."

2. AMENDMENT

   Chapter 3, entitled "Administrative Code," is hereby amended as follows by deleting the entire Chapter and inserting a new Chapter 3, entitled "Administrative Code," as attached hereto.

   Per Dover City Charter C3-8, the deleted text is provided in struck out format and the new text is attached. Both Restored and Deleted language Chapters follow before background information.

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number	**O – 2012.08.08 – 12**
Ordinance Title:	**Chapter 3, Administrative Code**
Chapter	**3 – Administrative Code**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy 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.A.1.

Ordinance Number	O – 2012.08.08 – 12
Ordinance Title:	Chapter 3, Administrative Code
Chapter	3 – Administrative Code

Insertion Language Administrative Code: Per Charter C3-8.

ADMINISTRATIVE CODE

Chapter 3

ARTICLE I
DEPARTMENTAL ORGANIZATION

3-1. Departments.

3-2. Powers and duties of department heads.

3-3. Appointment of department heads; compensation.

3-4. Department staff.

3-4.1 City Hall hours.

ARTICLE II
MUNICIPAL DEPARTMENTS

3-5. Executive Department.

3-6. (Reserved)

3-7. (Reserved)

3-8. (Reserved)

3-9. Finance Department.

3-10. Fire & Rescue Department.

3-11. Human Services Department.

3-12. (Reserved)

3-13. Library Department.

3-14. Community Services Department.

3-15. (Reserved)

3-16. (Reserved)

3-17. *(Reserved)*

3-18. *Planning and Community Development Department.*

3-19. *(Reserved)*

3-20. *Police Department.*

3-21. *(Reserved)*

3-22. *(Reserved)*

3-23. *(Reserved)*

3-24. *(Reserved)*

ARTICLE III
PURCHASING PROCEDURE

3-25. *Title.*

3-26. *Definitions.*

3-27. *Purpose.*

3-28. *Applicability of Article and Compliance with Charter.*

3-29. *(Reserved)*

3-30. *Division of Purchases established.*

3-31. *Appropriations for purchases.*

3-32. *Requisitions; forms.*

3-33. *Field purchase orders.*

3-34. *Informal bidding requirements.*

3-35. *Formal bidding requirements.*

3-36. *Optional purchasing methods.*

3-37. *Exception reporting.*

3-38. Exemptions to Bidding and Approval Requirements.

3-39. Approval of purchases by the City Council.

3-40. Competitive bidding procedure.

3-41. Rebidding.

3-42. Contract processing.

3-43. Conditions of purchase.

3-44. Duties of department heads.

3-45. Exchange for goods and services.

3-46. (Reserved)

3-47. (Reserved)

3-48. (Reserved)

3-49. (Reserved)

3-50. (Reserved)

3-51. Conflicts of interest.

ARTICLE IV
BOARDS AND COMMISSIONS

3-52. Establishment.

3-53. Board of Health.

3-54. (Reserved)

3-55. Cemetery Board.

3-56. (Reserved)

3-57. Housing Authority.

3-58. Library Board.

3-59. Recreation Advisory Board.

3-60. Dover Arena Commission.

3-61. Personnel Advisory Board.

3-62. Planning Board.

3-63. Dover Utilities Commission.

3-64. Zoning Board of Adjustment.

3-65. Board of Trustees.

3-66. Parking Commission.

3-67. Building Code Board of Appeals.

3-68. Solid Waste Advisory Commission.

3-69. Dover Arts Commission.

3-70. Transportation Advisory Commission.

3-71. Joint Fiscal Committee

3-72. Business and Industrial Development Authority

3-73. McConnell Center Advisory Committee

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77. Sections 3-1, 3-52A and 3-62 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

General References

Conservation Commission -- See Ch. 14.
Licensing Board -- See Ch. 35.
Planning Board -- See Ch. 41.

* Editor's Note: Provisions of this chapter are derived from Ch. 5 of the former Code, adopted 12-14-77.

ARTICLE I
DEPARTMENTAL ORGANIZATION

3-1. Departments.

The administrative service of the city shall consist of the following departments, and the department head shall be known by the titles shown: ***[Amended 12-19-90 by Ord. No. 20-90; amended 07-01/92 by Ord. No. 19-92; amended 05-18-94 by Ord. No. A05/94; amended 12-21-05 by Ord. No. 20-2005]***

Department	Department Head
Planning and Community	Planning and Community Development Development Director
Community Services	Community Services Director
Finance	Finance Director
Fire	Fire Chief
Human Services	Human Services Director
Library	Library Director
Police	Police Chief
Recreation	Recreation Director

3-2. Powers and duties of department heads. *[Amended 2-21-90 by Ord. No. 1-90]*

A. *Department heads shall be responsible for the courteous and efficient operation of their department. They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.*

B. *Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, this Administrative Code and the provisions of the Merit Plan for the administration of their various departments, conduct of the employees and the proper performance of the department's business.*

C. Department heads may, with the approval of the Manager, establish such departmental divisions and the subunits as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices

D. Department heads shall be responsible for maintaining the operation of their department on a close, courteous and friendly basis of cooperation with the citizens of Dover and with all other departments.

E. Department heads shall be responsible for satisfactory maintenance and care of all city property and buildings assigned into their department.

F. Each department head shall be responsible for preparing and submitting both routine and special reports on the operation of their department to the Manager or to any state or federal agency as required.

G. At such time as may be requested by the City Manager, department heads shall submit an itemized estimate of the expenditures for the next fiscal year for their department for use in preparation of the proposed budget for said year.

H. Department heads shall be responsible for following the provisions of this Administrative Code establishing a purchasing and control system with respect to purchases and contracts for their department.

3-3. Appointment of department heads; compensation.

A. All department heads shall be appointed, as provided by the City Charter, for indefinite terms, on the basis of merit and fitness to perform their duties and may be removed by the City Manager for misconduct or inefficiency as provided for in the Merit Plan.

B. The compensation of all department heads shall be fixed by the City Council.

3-4. Department staff.

A. Department heads may establish subordinate positions and make appointments and removals as may be necessary, within the limitations of the appropriations provided and subject to the provisions of the City Charter, the Merit Plan and the approval of the City Manager.

B. All employees shall be under the immediate supervision of their respective department heads, and all employees in the competitive service shall be compensated on the basis of a uniform pay plan.

3-4.1 Administrative Office Hours. *[Added 9-22-82 by Ord. No. 17-82; amended 8-27-86 by Ord. No. 13-86; amended 03-19-97 by Ord. No. 06-97; amended 04-08-98 by Ord #04-98]*

A.. All Administrative Offices of the City of Dover whether located in City Hall or elsewhere in the City, shall be open at least 40 hours per week at times which are convenient for the conduct of business by the citizens of Dover and others wishing to do business with the city.

B. The specific hours of operation shall be established by the City Council, with the advice of the City Manager, by resolution.

ARTICLE II
MUNICIPAL DEPARTMENTS

3-5. Executive Department. *[Amended 12-19-90 by Ord. No. 20-90; amended 05-18-94 by Ord. No. A05-94; amended 12-21-05 by Ord. No. 20-2005]*

A. There shall be an Executive Department, under the direct supervision of the City Manager, which shall consist of the Office of the City Attorney, Office of the City Clerk, Business Assistance Division, Human Resources Division, and Information Technology Division. Each division shall consist of such supervisory, clerical and labor staff as may be deemed appropriate by the City Manager.

B. Pursuant to section C5-5 of the City Charter, the City Manager shall have the following authority and shall perform the following functions:

(1) The City Manager shall be the administrative head of the city and shall perform all the duties and have all the responsibilities prescribed by the City Charter, by ordinance and resolution.

(2) The City Manager shall supervise the heads of all departments established by this code and shall have the power to suspend and discipline and to perform or delegate the duties and responsibilities of such department heads.

(3) The City Manager may prescribe such rules and regulations not inconsistent with the City Charter and city ordinances as he or she may deem necessary for the conduct of the various departments, and he or she may investigate and inquire into the affairs of any department at any time.

3-5

C. The Human Resources Division shall be administered by a Human Resources Director who shall perform the following functions:

(1) Establish and operate a merit system of personnel administration, including a uniform classification and compensation plan, as prescribed by section C7-2 of the City Charter.

(2) Prepare and maintain all personnel records and systems and work to insure compliance with all applicable federal and state regulations.

(3) Establish and operate a risk management and safety program for all city employees.

(4) Perform all other related functions as required by the City Manager.

D. The Office of the City Attorney shall be administered by a City Attorney who shall perform the following functions:

(1) Represent the city in all matters in which the city has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the City Manager and/or City Council.

(2) Advise the City Manager, Mayor, City Council and department heads in all cases when a legal opinion is required, in writing, insofar as practicable.

(3) Draft all deeds, leases, contracts, ordinances, and such other legal instruments as required on behalf of the city.

(4) Examine and approve all deeds, leases and other legal instruments tendered by the city prior to their acceptance.

(5) Call to the attention of the City Manager or City Council all matters of law affecting the city.

(6) Render counsel and service in person or by nominee as may be related to this office, upon direction of the City Manager.

(7) Perform all other related functions as required by the City Manager.

E. The Business Assistance Division shall perform the following functions: ***[Added 05-18-94 by Ord. No. A05-94]***

3-5

(1) Coordinate and direct a program for the promotion of the development of industry and business in the City of Dover.

(2) Provide encouragement and assistance to new businesses and industries seeking to move to the City of Dover and work to promote and provide support for the retention of existing businesses and industries within the City.

(3) Perform all other related functions as may be required by the City Manager.

F. The Office of the City Clerk shall be administered by a City Clerk who shall perform the following functions: **[Added 05-18-94 by Ord. No. A05-94]**

(1) Serve as Clerk of the City Council and prepare, maintain, publish and index all proceedings of the City Council as required.

(2) Arrange for all elections, maintain all election records and have custody of all property used in connection therewith.

(3) Obtain and maintain all statistics on births, marriages and deaths as required by law.

(4) Notify the City Manager, at least thirty (30) days prior thereto, of the expiration of terms of all members of boards and committees.

(5) File and preserve, as required, all contracts, bonds, oaths of office and other documents.

(6) Issue all licenses and permits and collect all fees, as required by statute and ordinance unless otherwise provided, and deposit these collections with the City Treasurer.

(7) Be custodian of the official City Seal.

(8) Notify promptly the City Manager and board chairpersons of Council actions of concern to the department and/or employees under their jurisdiction.

(9) Keep the ordinances of the city up to date and maintain a record of all amendments thereto.

(10) Perform all duties and exercise all powers incumbent upon or vested in city clerks by the laws of the State of New Hampshire.

(11) Schedule the use of special rooms, council chambers, and auditoriums as required.

(12) Perform all other related functions as required.

G. The Director of Information Technology shall be responsible for the operation of and supervision of the Information Technology Division, with the following duties and responsibilities; ***[Added 12-21-05 by Ord. No. 20-2005]***

(1) Maintain close coordination with department heads to establish information technology requirements.

(2) Determine information technology procedures.

(3) Provide advice on feasibility of desired information technology products.

(4) Perform system analysis and design, establish and monitor information networks, write computer software, test and debug computer software and complete system documentation.

(5) Prepare and administer the DoverNet budget.

(6) Maintain the technical reference library.

(7) Perform other related duties as required by the City Manager.

3-6. (Reserved)

3-7. (Reserved)

3-8. (Reserved) *[Repealed 07-01-92 by Ord. No. 19-92]*

3-9. Finance Department.

A. There shall be a Finance Department, headed by the Finance Director and appointed in accordance with the City Charter, which shall consist of the following divisions: Financial Control and Management, Treasury, Assessing, Tax Collection and Accounts Receivable, Data Processing and Purchasing. The Finance Director shall be responsible for the administration, coordination and direction of the Finance Department and its divisions.

(1) The Financial Control and Management Division shall be responsible for the following:

(a) Preaudit and approve all purchases.

(b) Approve all authorized claims against the city before authorizing payment.

(c) Post audit all receipts and disbursements.

(d) Maintain the financial accounts of the city and exercise accounting control over them.

(e) Prepare financial reports as required by the City Manager.

(f) Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager.

(g) Maintain custody of all insurance policies.

(h) Countersign all checks and drafts of the city.

(i) Maintain employee personnel action records and sick-leave records.

(j) Perform other related duties as required.

(2) The City Treasurer shall be responsible for the operation and supervision of the Treasury Division, with the following duties and responsibilities:

(a) Have all the statutory powers and perform all the statutory duties of city or town treasurers.

(b) Have custody of all city funds, investments and securities, including the deposit, withdrawal and recording thereof, as required by law.

(c) Keep records of the trust funds and invest them as permitted by law.

(d) Carry out the duties of treasurers of municipal corporations as set forth in RSA Chapter 33, Municipal Finance Act, and any amendments thereto, relating to bonds, notes and records thereof, and all other statutory requirements of city or town treasurers.

(e) Sign all checks, drafts, notes and bonds of the city.

(f) Deposit all public moneys daily in the depositories designated by the City Council.

(g) Deposit all moneys received from parking meters in a separate account, which money shall be used exclusively for the purposes provided by law.

(h) Maintain a register of all bonds and notes of the city, as required by law.

(i) Maintain all city employee earning records, including records of all deductions from earnings for retirement, social security, Blue Cross, Blue Shield, United States savings bonds and any other purposes.

(j) Perform other related duties as required.

(3) The Tax Collector shall be responsible for the operation and supervision of the Tax Collection and Accounts Receivable Division, with the following duties and responsibilities:

(a) Have all the statutory powers and perform all statutory duties of city or town tax collectors.

(b) Mail out all tax notices.

(c) Collect all accounts due the city, including taxes, rentals, water and sewer charges, resident taxes, licenses and fees, unless otherwise provided.

(d) Maintain accurate records pertaining to the collection function.

(e) Turn over daily to the City Treasurer all moneys received and record and account for all moneys on the date received.

(f) Collect fees for the registration of motor vehicles as required by law.

(g) Conduct all tax sales of property and executive tax collector's deeds in accordance with appli- cable law.

(h) Other related duties as required.

(4) The Assessor shall be responsible for the operation and supervision of the Assessing Division, with the following duties and responsibilities:

(a) Have all the statutory powers and perform all statutory duties of city assessors.

(b) Carry out the duties relative to taking the inventory and the appraisal for taxation and to the assessment and abatement of taxes and issuing warrants for the collection of taxes as required by law.

(c) Prepare all assessments, tax rolls and tax notices.

(d) Check all property transfers and maintain all property records.

(e) Prepare and maintain up-to-date tax maps, assessment records, cards and all other necessary records.

(f) Assure that all taxable property is being accurately reported.

(g) Perform other related duties as required.

(5) ***[Repealed 07-01-92 by Ord. No. 19-92]*** ***NOTE****: The Information Technology Division is being reflected within the Executive Department instead of within the Finance Department per the current organizational reporting relationships.*

(6) The Purchasing Agent shall be responsible for the operation and supervision of the Purchasing Division, with the following duties and responsibilities:

(a) Receive all requests for supplies, materials, service and equipment from the various departments.

(b) Advertise all items to be purchased by competitive bids as required by law and the Charter.

(c) Receive and tabulate bids, make recommendations and award bids and contracts.

(d) Develop and distribute the proper forms to effectuate centralized purchasing.

(e) Advise department heads on methods of standard- izing purchases and utilizing quantity prices.

(f) Follow the purchasing procedure as set forth by the Charter and ordinance.

(g) Perform other related duties as required.

B. The Finance Director, Treasurer, Tax Collector, Deputy Tax Collector and such other officers and employees within the Finance Department handling and responsible for city moneys shall be bonded in such amounts as required by law and prudent fiscal management.

3-10. Fire & Rescue. ***[Amended 12-21-05 by Ord. No. 20-2005]***

A. The Department of Fire & Rescue, under the supervision of a Fire Chief, appointed as specified by the City Charter, who shall have all the powers conferred upon fire wardens by the laws of the State of New Hampshire, RSA Chapter 154:5 shall consist of such forces of permanent officers and call officers as may be recommended by the Fire Chief and approved by the Manager. ***[Amended 2-21-90 by Ord. No. 1-90]***

B. The Fire & Rescue Department shall perform the following functions: ***[Amended 10-25-78 by Ord. No. 23-78]***

(1) Extinguish fires and protect life and property against fires.

(2) Provide emergency and non-emergency medical aid and transportation to local hospitals.

(3) Plan, organize and direct matters related to emergency management and preparedness for natural and man-made disasters.

(4) Prepare and maintain all Fire Department records as required.

(5) Mitigate minor hazardous materials leaks and spills and coordinate the response to major hazardous material incidents.

(6) Educate the public on matters related to fire and life safety along with self-preparedness for natural and man-made disasters.

(7) Care for and maintain all property and equipment assigned to the Fire & Rescue Department.

(8) Prepare and maintain all Fire & Rescue records as required.
(9) Issue fire permits as required.
(10) Plan and carry out a training program of instruction for all regular and call fire & rescue personnel.

(11) Cooperate with surrounding communities through mutual aid programs so that additional firefighting and emergency medical personnel and equipment may be made available when needed.

(12) Perform all other related functions as required.

3-11. Human Services Department. [Amended 12-13-89 by Ord. No. 26-89; amended 09-28-94 by Ord. No. 16-94; amended 12-21-05 by Ord. No. 20-2005]

A. There shall be a Human Services Department, under the supervision of a Human Services Director appointed in accordance with the City Charter. The Human Services shall consist of such supervisory, technical, and clerical staff as may be recommended by the Director and approved by the City Manager.

(1) The Human Services Department shall be responsible for the following: [Amended 07-17-91 by Ord. No. 27-91]

(a) Plan, budget, report on and control the city welfare program.

(b) Investigate all requests for relief and authorize such relief aid as may be deemed necessary.

(c) Exercise all powers and perform all duties conferred or imposed by law upon overseers of the poor.

(d) Keep full and accurate records of the persons fully supported and the travelers and vagrants lodged at the expense of the city, together with the amount paid by them for such support and relief, and make such reports as required by law.

(e) Administer and coordinate all grants and subsidies as may be established or awarded by the City of Dover for the purpose of supporting and promoting the maintenance and development of social service agencies which provide direct support and services to the people of Dover.

(f) Perform all other related work as required.

3-12. Reserved.

3-13. Library Department.

A. The Library Department shall consist of the Library Director appointed as provided in the City Charter and shall consist of Divisions of Cataloging, Reference, Circulations, Young People and Children's and such professional and clerical staff as may be recommended by the Library Director and approved by the City Manager.

B. The Library Department shall perform the following functions:

(1) Select and procure books, magazines, periodicals and other printed material for use by Dover residents.

(2) Catalog and classify all such printed material.

(3) Circulate printed material for home use.

(4) Provide a reference service for answering requests for specific information.

(5) Distribute printed materials by the establishment and maintenance of branch libraries, when such are approved by the City Manager and City Council.

(6) Promote the availability of the library material to stimulate a wider general interest in its use.

(7) Promote special reading services for children and young people to aid in development of desirable reading habits.

(8) Maintain and care for all property assigned to the library.

(9) Prepare and maintain all records pertaining to the Library Department.

(10) Perform all other related functions as required.

C. Depository and reference library. **[Added 10-27-82 by Ord. No. 21-82]**

(1) The Dover Public Library is hereby designated as a depository and reference library for city documents hereinafter identified.

3-13 3-14

(a) The head of each city department and division, board, commission and committee shall promptly send or deliver to the Public Library, as soon as printed or otherwise reproduced at the expense of the city, one (1) copy of each special study, consultant report, newsletter, brochure or other document intended for public distribution. Such reports shall be preserved for the use of the City Council, city officials and employees and the general public.

(2) Any department, division, board, commission or committee which concludes that compliance with the requirements of this subsection shall produce a hardship may request exemption from the City Manager.

(3) Nothing in this subsection shall be construed to conflict with the duties of the City Clerk as set forth in the New Hampshire Statutes or elsewhere in these city ordinances.

3-14. Community Services Department. *[Amended 05-18-94 by Ord. No. A05-94; amended 12-21-05 by Ord. No. 20-2005]*

A. The Community Services Department, under the supervision of a Community Services Director, appointed as specified in the City Charter, shall consist of the following divisions: Facilities, Grounds and Cemetery, Fleet Services, Streets, Utilities, Environmental Programs and Engineering. Each division shall consist of such supervisory, labor and clerical staff as may be recommended by the Community Services Director and approved by the City Manager.

B. The Facilities, Grounds and Cemetery Division shall perform all functions related to the maintenance and upkeep of all City-owned properties with the exception of streets, bridges, sidewalks and utilities.

C. The Streets Division shall perform all functions related to the construction, maintenance and repair of all City roads, streets, bridges, drains and sidewalks.

D. The Utilities Division shall perform all functions related to the construction and operation of the City's water supply system and sewer system.

E. The Engineering Division shall perform all functions related to the performance of all general engineering and engineering inspection services as may be

required for the design, layout and mapping of all municipal construction projects.

F. The Environmental Programs Division shall perform all functions related to the operation of the City's residential solid waste, recycling and environmental hazard mitigation programs.

G. The Fleet Services Division shall perform all functions related to the maintenance and repair of the City fleet of vehicles and mobile equipment.
H. Perform all other related functions as required by the City Manager.

3-15. Recreation Department *[Added 12-21-05 by Ord. No. 20-2005]*

A. The Recreation Department, under the supervision of the Recreation Director appointed as specified by the City Charter, shall consist of such other professional, program and clerical staff as may be recommended by the Recreation Director and approved by the City Manager.
B. The Recreation Department shall perform the following functions.
(1) Develop a general recreational program for the City.
(2) Operate the recreational activities on all city parks, playgrounds, swimming pools, tennis courts and all other recreation facilities, including buildings, if any.
(3) Prepare and maintain all records pertaining to the Recreation Department.
(4) Cooperate with private groups, as well as with public officials, in the development and promotion of recreational activities in the city.
(5) Cooperate with the Community Services Department and all other departments of the city.
(6) Perform all other related functions as required by the City Manager.

3-16. (Reserved) *[Repealed 05-18-94 by Ord. No. A05-94]*

3-17. Reserved.

3-18. Planning and Community Development Department. *[Amended 12-13-89 by Ord. No. 26-89; Amended 07-17-91 by Ord. No. 25-91]*

A. The Department of Planning and Community Development, under the supervision of a Planning and Community Development Director, appointed as provided in the City Charter, shall consist of an Inspection Division, a Community Development Division, and a Planning Division. Each Division shall consist of such supervisory, technical, and clerical staff as may be recommended by the Planning and Community Development Director and approved by the City Manager.

B. The Planning Division shall perform the following functions:

(1) Act in the capacity as advisor to the Planning Board and the Zoning Board of Adjustment.

(2) Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of city planning.

(3) Revise the Zoning Map as changes are made therein by city ordinance.

(4) Develop and implement the various elements of a general comprehensive plan to be used as a guide for the development of the city.

(5) Perform all research work that might be assigned by the City Manager, City Council, Planning Board or the Zoning Board of Adjustment.

(6) Investigate, study and report on all matters relating to construction and use of municipal structures and buildings.

(7) Perform all other related functions as required.

C. The Inspection Division shall be responsible for the following duties: ***[Added 10-25-78 by Ord. No. 21-78; Amended 09-28-94 by Ord. No. 16-94]***

(1) Enforce the zoning and health ordinances and the building, electrical, plumbing and health codes of the city of Dover.[*] ***[Amended 07-17-91 by Ord. No. 25-91]***

(2) Enforce all statutes and ordinances, except as otherwise provided relating to the construction, equipment, alteration, and condition of buildings within the city.

(3) Inspect plans and specifications of proposed buildings and issue building permits, therefore, maintaining a file of all applications for permits and providing the tax assessment division with copies.

(4) Visit and inspect every structure upon which work is being done, where a permit is required, as often as necessary.

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[*] Editor's Note: See Ch. 170, Zoning; Ch. 68, Building Construction; and Ch. 120, Electrical Standards; and Chapter 135, Plumbing; respectively.

(5) Turn over all permit fees received to the City Treasurer daily, keeping a record of the same.

(6) Investigate all complaints relating to nuisances affecting public health that may be brought to its attention. The designated Health Officer shall act as the executive officer of the board of health, shall serve all notices and order issued by the board.

(7) Prepare and maintain all necessary records required by law by the State or City Ordinances.

(8) Procure, study and analyze data concerning public health.

(9) The Health Officer shall investigate and render assistance in reference to private water supplies and septic tanks.

(10) The Health Officer shall investigate all communicable diseases, all sanitary hazards and enforce sanitary laws.

(11) Issue all burial permits.

(12) Inspect all restaurants, cafes, other eating places and vendors of food as required by the city ordinances.

(13) Issue licenses and perform any other functions required by the city ordinances or by the state laws.

(14) The Health Officer shall have and exercise the same power to make arrests as is, by law or ordinance, conferred upon the regular police of the city in all cases where there is a violation of the health laws of the state, city ordinances, orders or regulations.

(15) Perform all other related functions as required.

3-19. (Reserved)

3-20. Police Department.

A. The Police Department, under the supervision of the Police Chief, appointed as specified by the City Charter, shall consist of such forces of permanent officers and reserve officers as may be recommended by the Chief and approved by the City Manager. **[Amended 2-21-90 by Ord. No. 1-90]**

B. The Police Department shall perform the following functions:

(1) Enforce the laws and ordinances of the State of New Hampshire and the City of Dover.

(2) Prevent crime and maintain peace and order.

(3) Protect lives and property from malicious damage and injury.

(4) Operate, maintain and care for all city parking meters.

(5) Maintain and care for all property assigned to the Police Department.

(6) Prosecute all violations of the law within its jurisdiction.

(7) Prepare and maintain all necessary records pertaining to the Police Department.

(8) Perform all other related functions as required.

3-21. Reserved. *[Repealed 05-18-94 by Ord. No. A05-94]*

3-22. Reserved. *[Repealed 05-18-94 by Ord. No. A05-94]*

3-23. Reserved.

3-24. Reserved.

ARTICLE III
Purchasing Procedure

[Amended 2-13-80 by Ord. No. 2-80, Amended 04-01-92 by Ord. No. 08-92]

3-25. Title.

This Article shall be known as the "City Purchasing Ordinance" and may be cited as such.

3-26. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings ascribed to them in this section:

BID MOST ADVANTAGEOUS TO THE CITY - *Not necessarily the low bid; in addition to price, the quality of the commodity and the service reputation of the vendor must be considered in determining the "bid most advantageous to the city"*

COMPETITIVE BIDDING - *The process of achieving the lowest bid or the bid most advantageous to the city for the goods and services desired by the city.*

EMERGENCY PURCHASE - *A purchase occasioned by a threat to public health, safety or to property.*

FIELD PURCHASE ORDER - *The direct, informal purchase by a department head from a vendor of supplies needed in small quantities for day-to-day operation. Re: Purchase Amount*

GOODS AND SERVICES - *The complete array of purchases of the city, including but not limited to; supplies, commodities, equipment, construction materials and labor, consulting services, and training.*

GROUP PURCHASE - *A purchase made by the City Purchasing Agent by grouping two (2) or more departmental requisitions in one (1) purchase order.*

INFORMAL BIDS - *Quotations obtained from the vendor in writing or by oral communication.*

LIST OF APPROVED VENDORS - *The list of vendors who have qualified to bid on city purchases on the basis of responsibility, quality, delivery and performance.*

PURCHASE AMOUNT *- The total cost of goods or service including all determinable associated costs, e.g. construction, engineering, delivery, setup and training. Where the purchase consists of small frequent charges, the aggregate twelve month cost of goods or services shall be used to determine the amount of a purchase and the applicability of the specific sections of the Purchasing Ordinance.*

SEALED FORMAL BIDS *- Quotations from all vendors which are submitted in sealed envelopes.*

SPECIFICATIONS *- The qualitative standards set by department heads as a guide to the City Purchasing Agent and as a measure of quality which successful vendors must achieve. Specifications shall not restrict purchases as to trade name or eliminate bids being submitted on items that have the same specifications but not as to a specific trade name.*

3-27. Purpose.

The purpose of this Article shall be to standardize the purchasing procedures of the city, thereby increasing savings and protection of the taxpayer's money, to set forth the duties and responsibilities of the department heads in order to foster interdepartmental cooperation and trust with the office of the City Purchasing Agent, and to assign all responsibility for purchasing to the Purchasing Agent.

3-28. Applicability of Article and Compliance with Charter.

Subject to the provisions of C6-16 of the City Charter, this Article shall apply to all purchases for all departments and agencies of the city.

[3-29. Reserved.]

3-30. Division of Purchases established.

A. A Division of Purchases in the Department of Finance is hereby created.

B. Director of Finance. The Finance Director, or his/her designee, shall be the head of said Division and shall be known, for the purposes of this Article, as the "purchasing agent" the powers and duties of whom shall be as directed by C6-16 of the City Charter.

3-31. Appropriations for purchases.

No purchases shall be made until such time as the Council has approved the necessary appropriation, or in the case of federal or state grants to the city, the grant award has been received. The Purchasing Agent shall verify the availability of funds to be used for a purchase greater than one thousand dollars ($1,000) prior to issuance of a purchase order. The Finance Director shall certify the availability of funds of all purchases approved by the City Council prior to their vote.

3-32. Requisitions; forms.

All goods and services in an amount greater than one thousand dollars ($1,000) shall be requisitioned by department heads to the Purchasing Agent on a prescribed requisition form to be provided by the Purchasing Division.

3-33. Field purchase orders.

A. Field purchases for one thousand dollars ($1,000) and under may be executed by informal, direct purchasing by the head of a department.

B. In addition, field purchases may be executed for emergency purchases up to but not exceeding five thousand dollars ($5,000.). A copy of the field purchase order and report must be sent to the Purchasing Agent within seventy-two (72) hours of the emergency.**[Amended 03-19-99 by Ord. No. 01-99]**

C. Field purchases may be made only on field purchase order forms provided and approved by the Purchasing Division.

D. The Purchasing Division copy of the field purchase order shall always be turned in to the Purchasing Division within twenty-four (24) hours of the time the purchase is made.

E. Field Purchase Orders should not be used for small frequent purchases if it is known or estimated that the aggregate twelve month cost of such purchases would exceed one thousand dollars ($1,000). Re: Purchase Amount definition.

F. Department heads should take the appropriate steps to attain the best pricing practical when using field purchase orders.

3-34. Informal bidding requirements.

The City Purchasing Agent shall conduct and document informal, competitive bidding for purchases over one thousand dollars ($1,000) and under five thousand dollars ($5,000). A minimum of three quotes will be solicited whenever possible. A written quote from vendors shall be required for purchases from five thousand dollars ($5,000) and under ten thousand dollars ($10,000). Informal bidding may be employed by the City Purchasing Agent when requested by a department where the purchase price is under one thousand dollars ($1,000). ***[Amended 03-19-99 by Ord. No. 01-99]***

3-35. Formal bidding requirements.

The City Purchasing Agent shall advertise and conduct competitive, formal, sealed bidding pursuant to specifications on file in his/her office for purchases of goods and services of ten thousand dollars ($10,000) or more, and he/she shall report all such purchases to the Director of Finance. ***[Amended 03-19-99 by Ord. No. 01-99]***

3-36. Optional purchasing methods.

Notwithstanding any other provision of this ordinance to the contrary, the following methods may be employed for the purpose of purchasing goods and services.

A. *Emergency waiver of bidding requirements - The bidding procedures may be waived by the City Manager when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.*

B. *Purchases made through state; state bid prices - The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices but not superseding 3-39. The bid requirements may apply, at the discretion of the Purchasing Agent.*

C. *Blanket purchases - The Purchasing Agent is empowered to bid and award blanket purchase orders for goods and services at an agreed price and/or quantities, but in quantities delivered and paid for as needed, subject to other provisions of the Purchasing Ordinance.*

D. Change purchase orders - The Purchasing Agent is empowered to issue change purchase orders for changes in scope or quantity of an existing purchase. The change purchase amount is subject to other provisions of the Purchasing Ordinance.

E. Requests for proposals (RFP) - The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFPs is subject to other provisions of the Purchasing Ordinance.

F. Regional purchasing - The Purchasing Agent may participate in solicitations to bid conducted by himself or another city or town purchasing agent where the goal is to bid for goods and services for more than one city or town subject to other provisions of the Purchasing Ordinance.

3-37. Exception reporting.

The Purchasing Agent shall report apparent exceptions to the bidding and award requirements to the City Manager.

3-38. Exemptions to Bidding and Approval Requirements.

Payments exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:

A. Utility consumption costs including electrical, natural gas, water and sewer.

B. Telephone call charges.

C. Advertising.

D. Postage.

E. Federal, state and local taxes.

F. Court judgments.

G. Workers Compensation claims.

H. Debt service payments.

I. Police special investigative costs where disclosure may jeopardize an investigation.

3-39. Approval of purchases by the City Council.

All purchases of goods and services of twenty-five thousand dollars ($25,000) or more shall be approved, rejected or negotiated by majority vote of the City Council prior to the awarding of such purchases. All purchases of goods and services of $5,000 or more shall be reported to the City Council by the City Manager's Report for each department on a monthly basis following said purchases. ***[Amended 03-19-99 by Ord. No. 01-99; amended 05-21-03 by Ord. No. 08-2003]***

3-40. Competitive bidding procedure.

The procedure for competitive bidding is established as follows:

A. Competitive bidding shall be opened by the City Purchasing Agent by notice of solicitations for bidding which shall be sent to vendors and/or by advertising. The notice shall contain specifications as to the quantity and quality, date and time at which bidding shall be closed and the date and time at which bids shall be opened and read and the purchase awards made. All solicitations shall note that all purchases are subject to the conditions set forth in the City Purchasing Ordinance.

B. The City Purchasing Agent shall solicit at least three (3) vendors on every purchase requiring bidding; provided, however, that in all cases a bid most advantageous to the city shall be awarded. In the event that less than three (3) bids shall be received, the City Purchasing Agent may either award the purchase on the basis of the best bid of those submitted or he/she shall order a rebidding on that item.

C. Technical specifications for bids shall state information as broadly as practicable, yet shall be specific enough to describe the requirements of the department. Nontechnical specifications for bids shall state the quality required in general terms.

D. Formal, sealed bids shall be submitted by qualified vendors before that stated deadline, and may be withdrawn by any bidder before the deadline. After the deadline the City Purchasing Agent shall receive no further bids, and no bidder shall withdraw a bid. The city shall have custody of all bids submitted pursuant to this Article.

E. In accordance with RSA 447:16, the Purchasing Agent shall require security from vendors for construction projects estimated to be in excess of

$25,000. The elements of a purchase to be secured include, but are not limited to, the following:

3-40

Bid Price - To insure a margin above the bid price, from the time of bid opening until signing of the contract, in case of default by the bidder. The amount is used to offset the cost of accepting the next lowest qualified bidder. Minimum of 10% of bid price.

Performance - To insure compliance with and completion of the contract. 100% of contract.

Labor and Material Payment - To insure payment to suppliers and subcontractors by the contractor. 100% of contract.

The form of the security will be prescribe by the Purchasing Agent and can consist, but is not limited to, bonds issued by surety companies licensed within the United States, certified checks and irrevocable letters of credit at banks acceptable to the City.

The Purchasing Agent may include security requirements for projects less than $25,000 and in other types of purchases where doing so is advantageous to the City.

F. In the event of a tie for low bid by equally qualified bidders where one bid is not considered a bid most advantageous, the following rules shall apply to the tied bidders:

1. *Preference for award shall be given first to any bidder who is located within Dover. If none of the bidders are located in Dover preference shall then be given to any bidder located within the State of New Hampshire.*

2. *If preference cannot be determined the purchasing agent shall, in the presence of such bidders if possible or in the presence of a witness, draw lots to determine who shall be awarded the bid in accordance with the City Purchasing Ordinance.*

G. In each and every case where bids are presented to the City Council for award, the spread sheets shall show terms and f.o.b. and shall be made a part of determining who is awarded the low bid. Bidding firms shall be made aware of this in the issuing of bids.

H. The Purchasing Agent shall open bids, read them in public, inspect them and process for award. In determining the low bid or the bid most advantageous, the Purchasing Agent shall, whenever possible, analyze the bids so that the bids are compared on an equal basis.

l. The competitive bid procedure may be waived by a majority vote of the City Council.

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3-41. Rebidding.

The City Purchasing Agent shall be empowered to solicit the rebid for any or all items which have been noticed for bidding where less than three bids have been received, notwithstanding solicitations seeking the same, or where no bid most advantageous to the city has been received.

3-42. Contract processing.

The City Manager is designated as the contracting officer of the city unless otherwise designated by vote of the City Council. Execution of a contract or contract change order accompanying a purchase order or purchase change order greater than one thousand dollars ($1,000) shall occur only after the contract has been reviewed as to form by the City Attorney and funding confirmed by the Finance Director. Purchases involving contracts are subject to all other provisions of the Purchasing Ordinance.

3-43. Conditions of purchase.

All purchases which shall be made by the city shall be subject to the following conditions:

A. All purchases shall be awarded on the basis of the lowest bid or the bid most advantageous to the city and meeting specifications.

B. All purchases shall be subject to the reservation of the right by the city to accept or reject any or all bids.

C. When an award of purchase shall be recommended to other than the lowest qualified bidder, the Purchasing Agent shall submit such recommendation to the City Manager for approval or disapproval. Should the City Manager reject such recommendation, the award shall be made to the lowest responsible bidder, unless all bids are rejected.

3-44. Duties of department heads.

All department heads shall:

A. Determine acceptable quality of commodities and supplies to be purchased.

B. Cooperate with the City Purchasing Agent in establishing lists of approved specifications and vendors.

C. Share knowledge of special factors which will implement a policy designed to enable the city to minimize cost and maximize quality.

D. Supply the City Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering group purchasing.

E. Prepare requisitions with a view toward group purchasing and keep corresponding records to facilitate debiting on city financial records.

F. Be empowered to reject any unacceptable supply or commodity on grounds of high cost or low quality, and provide the City Purchasing Agent with a detailed written report explaining the reasons for such rejection.

G. Report to the Purchasing Agent obsolete and excess fixed assets, including:

(1) Items beyond use.

(2) Items being replaced or to be replaced.

(3) Items no longer of use to the departmental operation.

H. Foster regular purchasing procedures to minimize direct purchases.

3-45. Exchange for goods and services.

Any transfer of city assets, waiving or abatement of fees, or performance of city services in exchange for goods and services to be received by the city shall be deemed a purchase and shall be subject to the provisions of the Purchasing Ordinance as determined by the fair market value of the city assets, fees, and/or services being exchanged.

[3-46 through 3-50 Reserved.]

3-51. Conflicts of interest.

No employee of the city shall solicit the favorable treatment of himself or others with vendors customarily bidding for city purchase awards, nor shall any employee accept any gift from any vendor interested in obtaining city purchases, except for an advertising token of insignificant value.

ARTICLE IV
Boards and Commissions

3-52. Establishment.

A. There shall be the following boards and commissions in the City of Dover: **[Amended 4-27-83 by Ord. No. 10-83]**

(1) Board of Health.

(2) (Reserved) **[Repealed 04-21-99 by Ord. No. 05-99]**

(3) Cemetery Board.

(4) (Reserved) **[Repealed 03-17-93 by Ord. No. 01-93]**

(5) Housing Authority.

(6) Library Board.

(7) Recreation Advisory Board.

(8) Dover Arena Commission.

(9) Personnel Advisory Board.

(10) Planning Board.

(11) Dover Utilities Commission.

(12) Zoning Board of Adjustment.

(13) Board of Trustees. **[Added 7-25-84 by Ord. No. 14-84]**

(14) (Reserved) **[Repealed 04-16-97 by Ord. No. 10-97]**

(15) Building Code Board of Appeals **[Added 01-15-92 by Ord. No. 49-91]**

(16) Solid Waste Advisory Commission **[Added 11-20-96 by Ord. No. 18-96]**

(17) Dover Arts Commission **[Added 041-18-01 by Ord. No. 06-2001]**

(18) Transportation Advisory Commission **[Added 05-16-2001 by Ord. No. 10-01]**

(19) Joint Fiscal Committee **[Added 02-20-2002 by Ord. No. 02-2002]**

(20) Business and Industrial Development Authority **[Added 06-16-04 by Ord. #10-2004]**

(21) McConnell Center Advisory Committee **[Added 02-21-07 by Ord. #02-2007]**

B. All boards and commissions shall serve in an advisory capacity only, unless otherwise empowered by state statute, City Charter or ordinance.

C. All appointments to boards and commissions shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board or commission member is absent for four (4) consecutive meetings, 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. Conditions for removal of any board member shall be defined by statute, ordinance or the Administrative Code. ***[Amended 3-28-79 by Ord. No. 6-79; amended 06-20-01 by Ord No. 15-2001]***

D. All board and commission members shall be residents of the City of Dover except for those members presently serving. All exceptions must be approved by the City Council. ***[Added 06/30/99 by Ord. No. 08-99]***

3-53. Board of Health.

A. The Board of Health shall consist of the Health Officer, City Physician, a dentist and two (2) associate members, who shall hold office until their successors shall have been elected and qualified, but shall be removable, however, at any time, for cause, but only after a fair and impartial hearing. In the month of February, annually, the City Council shall appoint a member of said Board of health for the full term of three (3) years to fill the vacancy annually occurring. Vacancies in said Board shall be filled by the City Council at its first regular meeting after such vacancy shall occur, but only for the unexpired term. ***[Amended 03-20-91 by Ord. No. 11-91]***

B. The Board of Health shall perform the following functions:

(1) The Board of Health may make such rules and regulations for the prevention and removal of nuisances, for the control and restriction of infections and contagious disease and such other regulations relating to the public health as, in its judgment, the health and safety of the people may require, which shall take effect when approved by the City Council and published in one (1) or more newspapers of the city. The members of the Board, except the Health Officer, shall serve without pay.

(2) The Board of Health shall meet at such times and places as it may deem necessary for the consideration of matters relating to the public health; it shall investigate, inquire into and advise in all cases referred to it for such purpose by the Health Officer and shall direct him in such cases. In case the Health Officer is unable to act as the executive officer of the Board through sickness or other good cause, the Board may appoint a suitable person to act temporarily in his stead. Said person shall, while so acting, possess all the authority and receive the same compensation which the Health Officer would otherwise receive under the provisions of the city ordinances.

(3) The Board of Health shall provide itself with such blanks and record books, at the expense of the city, as are necessary and shall promptly, at the close of each fiscal year, report in writing to the City Manager, giving a classification of all complaints made to them, together with such suggestions pertaining to the health of the city as it may deem expedient to present; so much of the vital statistics as is necessary; the cause of death, so far as possible; and such other sanitary information as may be called for the City Manager.

(4) The Board of Health shall prescribe a blank form upon which a complete record of the inspections made by the Health Officer shall be entered. A record shall also be kept by the Health Officer of all complaints made to

him or to the Board, of all orders issued, notices served and nuisances abated. All records kept by the Health Officer shall be submitted to the Board of Health whenever called for and shall at the end of each fiscal year be placed in the hands of the City Clerk.

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***3-54.** [Repealed 04-21-99 by Ord. No. 5-99]*

3-55. Cemetery Board.

A. The Cemetery Board shall consist of five (5) members and two (2) alternates appointed by the City Council. Board members shall serve terms of three (3) years. ***[Amended 6-12-85 by Ord. No. 8-85;amended 4-08-98 by Ord.# 5-98]***

B. The Cemetery Board shall organize annually by the choice of a Chairman and other officers and committees if necessary. The Board shall establish its own bylaws and procedure.

C. The Cemetery Board shall perform the following functions:

(1) To consider and recommend general policies for the operation of municipal cemeteries.

(2) To make recommendations on the investment and expenditure of donations and bequests made to the city for the benefit of said cemeteries.

(3) Make an annual report of all cemetery activities to the City Manager and keep such other records and reports as he shall direct.

3-56. (Reserved) [Repealed 03-17-93 by Ord. No. 01-93]

3-57. Housing Authority.

A. The Housing Authority shall consist of five (5) members appointed by the City Manager and is created by Chapter 203 of the New Hampshire Revised Statutes Annotated, qualifying as a supplementary public corporation.

B. The functions and duties of the Housing Authority shall be as provided in Chapter 203 of the New Hampshire Revised Statutes Annotated.

3-58. Library Board.

A. The Library Board shall consist of five (5) members appointed by the City Council. Appointments shall be for a term of five (5) years. **[Amended 03-20-91 by Ord. No. 11-91]**

B. The Library Board shall organize annually by the choice of a chairman and other officers and committees if necessary. The Board shall establish its own bylaws and rules of procedure.

C. The Library Board shall perform the following functions:

(1) To consider and recommend general policies regarding the operation of the Dover Municipal Library, so far as they are consistent with the City Charter and other applicable laws, statutes and ordinances.

(2) Receive and deposit with the City Treasurer any trust funds and, upon invitation of the Treasurer, make recommendations on the investment of donations and bequests of funds made to the city for the benefit of the City Library.

(3) Maintain such records of library trust funds and trust income as will ensure proper management of principal and use of income in accordance with the donors or testators directions, and continuously solicit donations and bequests for the benefit of the library.

(4) Make an annual report of all library activities to the City Manager and keep such records and other reports as he directs.

(5) Exercise their best efforts by every allowable means to promote and perpetuate the growth, prosperity and the usefulness to the public library.

3-59. Recreation Advisory Board. *[Amended 1-28-81 by Ord. No. 2-81; Amended 05-18-94 by Ord. No. B05-94]*

A. The Recreation Advisory Board shall consist of nine (9) regular members and (3) three alternates; said members to be citizens of Dover, appointed by the City Council, for a term of three (3) years. There may also be a City Council liaison who shall be appointed by the Mayor for the length of their Council term. *[Amended 03-19-99 by Ord. No. 03-99; amended 02-18-04 by ord. No. 04-2004]*

B. The Recreation Advisory Board shall perform the following functions:

(1) Study the general recreational development in the City of Dover and advise and recommend to the Community Services Director as to such items which would result in a general improvement of the entire recreational system.

(2) Study the entire general recreational programming of the City of Dover and recommend to the Community Services Director such additions or deletions that should result in an improved recreational program.

(3) Aid and assist the Community Services Director in the formulation of future plans and programs for the ultimate benefit of all users of recreational facilities.

(4) Study and recommend methods for financing proposed recreation developments.

3-60. Dover Arena Commission. *[Added 6-14-78 by Ord. No.4-78; amended 05-14-80 by Ord. No. 6-80; amended 05-18-94 by Ord. No. B05-94; amended 04-19-2000 by Ord. No. 04-2000; amended 06-20-2001 by Ord. No. 13-2001; Amended 03-20-2002 by Ord. No. 04-02]*

A. The Dover Arena Commission shall consist of five regular members and 2 alternate members, said members to be citizens of Dover, appointed by the City Council, for a term of three (3) years and to serve without compensation. The Commission shall also include a City Councilor approved by the majority of the Council who shall serve as an ex-officio member for the duration of his or her term, and who shall keep the Council informed with monthly reports.

B. The Dover Arena Commission shall perform the following functions:

(1) Aid, assist and advise the Community Services Director in formulating future plans for maintaining, equipping, operating, regulating and setting a fee schedule for the Dover Arena.

(2) The Commission shall inform itself of the ways and means by which it plans and programs may be best achieved and may advise the Community Services Director, the City Council and the public of the manner in which these objectives may best be accomplished.

3-61. Personnel Advisory Board.

*The composition, functions and duties of the Personnel Advisory Board shall be as provided by Section 42 of the Charter of the City of Dover.**

3-62. Planning Board.** *[Amended 05-28-97 by Ord. No. 09-97]*

The composition, function and duties of the Planning board shall be as provided by RSA 672-677, and the Code of the City of Dover.

A. TERMS:

1. The ex-officio council member's terms shall be the same as the council term.

2. The administration official term shall coincide with the term of the mayor who appointed the official.

3. All other board members terms shall be for three (3) years. The initial terms of members first appointed shall be staggered so that no more than three (3) appointments occur annually, except when a vacancy in office occurs.

B. ALTERNATE:

1. The council may appoint three (3) alternates whose terms shall be three (3) years pursuant to RSA 673:6.

C. PLANNING BOARD MEMBERS SERVING ON OTHER LOCAL BOARDS.

1. Members of the Planning Board may also serve on any other municipal board or commission, provided that such multiple membership does not result in two (2) Planning Board members serving on the same board or commission.

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* Editor's Note: See Charter, C7-6.

** **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

3-62

2. Members shall not hold any other municipal office except that:

a. One of the appointed members may be a member of the Zoning Board of Adjustment;

b. Either one appointmented members or one ex-officio member may be a member of the Conservation Commission if one exists in the city; and

c. Either one appointed member or one ex-officio member may be a member of the Heritage Commission, or the Historic District Commission, or both, if such a commission exists in the city.

D. CHAIR:

1. The Planning Board shall elect a chair and may create other officers it deems necessary. The term shall be for one (1) year. The Chair is eligible for re-election. The ex-officio member shall not serve as Chair.

E. MEETINGS:

1. The Planning Board shall hold at least one (1) regular meeting per month. The Chair shall designate an alternate if a member is absent or disqualified. A majority of the members shall constitute a quorum.

F. FILLING VACANCIES:

1. The City Council shall appoint any membership which becomes vacant for the unexpired term.

G. REMOVAL OF MEMBERS:

1. In accordance with RSA 673:13, the City Council may remove any member, or alternate, after a public hearing and a written finding of inefficiency, neglect of duty, or malfeasance in office. The written reasons shall be filed with the City Clerk.

H. DISQUALIFICATION:

1. All members shall comply with relevant sections of the City Code of Ethics (Chapter 22) concerning conflicts, and disqualification rules pursuant to RSA 673:14.

I. FINANCES:
1. Any Planning Board expenses shall be paid in accordance with RSA 673:16.

J. BY-LAWS:
1. The Planning Board shall adopt rules of procedure for governing the conduct of meetings.

K. DUTIES:
1. All other duties and procedures shall be in accordance with RSA 672-677.

2. Any other section of the Code which is inconsistent with this ordinance is hereby repealed.

3-63. Dover Utilities Commission. [Amended 03-20-91 by Ord. No. 10-91]

A. The Dover Utilities Commission shall consist of seven (7) members and one (1) alternate appointed by a majority of the City Council. Said members shall serve for terms of three (3) years or until their successors have been appointed and sworn in. The Dover Utilities Commission shall meet monthly or more often as circumstances may require. The Community Services Director and the Superintendent of Public Works and Utilities shall act as technical advisors to the Dover Utilities Commission and shall attend all meetings of the Commission. **[Amended 02-19-92 by Ord. No. 05-92; amended 05-18-05 by Ord. No. 15-2005]**

B. The Dover Utilities Commission shall have the following powers and shall perform the following functions:

(1) Study, advise and assist in the development, maintenance, operation and expansion of the water supply system in the City of Dover.

(2) Assist in an advisory capacity in the determination of the Water Department policy, rate structure, public relations and matters of general public interest.

(3) Subject to the review and approval of the City Council, the Dover Utilities Commission shall have the power to formulate necessary rules and regulations with regard to the use of the public water and sewer systems in the City of Dover. **[Amended 07-01-92 by Ord. No. 17-92]**

(4) The Dover Utilities Commission shall be responsible for reviewing the sewer user charges annually and periodically recommending to the City

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number	O – 2012.08.08 – 12
Ordinance Title:	Chapter 3, Administrative Code
Chapter	3 – Administrative Code

Council necessary revisions to reflect actual treatment work operation and maintenance costs.

3-64

3-64 3-64

3-64. Zoning Board of Adjustment. [Amended 05-28-97 by Ord. No. 09-97]

The composition, functions and duties of the Zoning Board of Adjustment shall be as provided by RSA 672-677, and the Code of the City of Dover.

A. MEMBERS:

1. The Zoning Board of Adjustment shall consist of five members appointed by the City Council, in a manner prescribed by the Council, pursuant to RSA 673:3 and 673:5. Members terms shall be for three (3) years. The initial terms of members first appointed shall be staggered so that no more than two (2) appointments occur annually, except when a vacancy in office occurs.

B. ALTERNATE:

1. The City Council shall appoint three alternates, whose terms of shall be three (3) years pursuant to RSA 673:6.

C. CHAIR:

1. Pursuant to RSA 673:9, the Zoning Board of Adjustment shall elect a chair and other officers if desired to serve one year terms. Said chair and officers are eligible for re-election.

D. BY-LAWS/MEETINGS:

1. The Zoning Board of Adjustment shall adopt rules of procedures for governing the conduct of meetings as set forth is RSA 676:1. The rules shall also designate meeting times and the role of alternates in place of members who are absent consistent with RSA 673:10, 673:11. The schedule of meetings shall be held at the call of the chair and at such other times as the board may determine. A majority of the membership shall constitute a quorum.

E. VACANCY:

1. The City Council shall appoint new members when a vacancy occurs for the unexpired term in accordance with RSA 673:12.

F. DISQUALIFICATION:

1. *All members shall comply with the relevant sections of the City Code of Ethics (Chapter 22) concerning conflicts, and disqualification rules pursuant to RSA 673:14.*

G. REMOVAL OF MEMBERS:

1. In accordance with RSA 673:13, the City Council may remove any member, or alternate, after a public hearing and a written finding of incompetency, neglect of duty, or malfeasance in office. The written reasons shall be filed with the City Clerk.

H. FINANCES:

1. Any Zoning Board expenses shall be paid in accordance with RSA 673:13.

I. DUTIES:

1. All other duties and procedures shall be in accordance with RSA 672-677.

2. Any other section of the Code which is inconsistent with the ordinance is hereby repealed.

3-65. Board of Trustees. [Added 7-25-84 by Ord. No. 14-84]

A. There is hereby created a Board of Trustees to serve for the purpose of administering all trust funds which may be taken and held by the City of Dover pursuant to RSA 31:19. The Board of Trustees shall be comprised of three (3) members, one (1) of whom shall be the City Treasurer. The other two (2) members shall be citizens of Dover who shall have some experience in the field of professional banking and whom shall be appointed by the City Council.

(1) The City Treasurer shall hold his position as member of the Board of Trustees for a term which is concurrent with his term of office as City Treasurer.

(2) One of the two (2) other members of the Board of Trustees shall serve for an initial term of one (1) year, with all successor appointments to serve for a term of two (2) years.

(3) The third member of the Board of Trustees shall serve for a term of two (2) years.

B. The City Treasurer shall also serve as bookkeeper of the Board of Trustees.

C. The Board of Trustees shall have all of the authority and perform all of the duties as may be provided by state law.

3-66. [Repealed 04-16-97 by Ord. No. 10-97]

3-67. Building Code Board of Appeals. [Added 01-15-92 by Ord. No. 49-91]

A. Authority. The Building Code Board of Appeals is hereby established pursuant to the authority granted by RSA 673:3.IV.

B. Composition of Board and Qualifications of Members. The Building Code Board of Appeals shall consist of five (5) members, appointed by the City Council, who shall be residents of Dover and who shall all have a reasonable amount of familiarity with and experience in the building construction field.

C. Term of Members. Pursuant to RSA 673:5, the terms of members of the Building Code Board of Appeals shall be as follows:

(1) One (1) of the members of the Building Code Board of Appeals originally appointed by the City Council shall serve an initial term of one (1) year, with all successor appointments to serve for terms of three (3) years.

(2) Two of the members of the Building Code Board of Appeals originally appointed by the City Council shall serve initial terms of two (2) years with all successor appointments to serve for terms of three (3) years.

(3) The remaining two (2) members of the Building Code Board of Appeals originally appointed by the City Council shall serve for terms of three (3) years with all successor appointments to serve for terms of three (3) years.

D. Alternate Members. Three (3) alternate members of the Building Code Board of Appeals shall be appointed by the City Council subject to the same qualifications set forth in Section 3-67B. of this ordinance. The terms of said alternate members shall be three (3) years.

E. Powers. Pursuant to RSA 674:34, The Building Code Board of Appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the building inspector dealing with the building code, to vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement of the building code would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest. For the purposes of this ordinance, pursuant to RSA 47:22, any reference to the building code contained herein shall be construed to include any ordinances, codes, rules and regulations adopted by the City Council relating to the construction of buildings and to the installation of plumbing; the installation of electric wiring; the use of concrete, masonry, metal, iron, wood

and other building materials; and to the installation of building materials for the purpose of fire protection and the prevention of fires.

3-68. Solid Waste Advisory Commission. [Added 11-20-96 by Ord. #18-96]

A. The Solid Waste Advisory Commission shall consist of 8 members, 6 persons appointed by the City Council and 1 member of the City Council who shall be nominated by the Mayor and appointed by the City Council and a City Manager appointee to serve as a non-voting ex-officio. Said members shall serve initial staggered terms as follows: 2 members for a one year term; 2 members for a two year term; and 2 members for a three year term. The member of the Council will serve for the duration of their term. Thereafter, all renewal terms shall be for 3 years. The Council may appoint three (3) alternates whose term shall be 3 years. **[Amended 04-30-97 by Ord. No. 12-97]**

B. The Solid Waste Advisory Commission shall hold at a minimum, quarterly meetings and more often as circumstances may require.

C. The Solid Waste Advisory Commission shall have the following and perform the following functions:

(1) Assist in an advisory capacity to the City's Environmental Manager in the development of the city's solid waste policy and programs.

(2) The Committee will serve to collect factual information and citizen/property owner input as necessary to determine policy recommendations.

(3) Shall be responsible for reviewing the management and charges of the Bag and Tag program annually and periodically recommending to the City Council necessary revisions to reflect the actual operation and cost.

3-69. Dover Arts Commission. [Added 04-18-01 by Ord. No 06-2001; amended 03-19-03 by Ord. No. 06-2003; amended 04-20-05 by Ord. No. 14-2005]

A. The Dover Arts Commission shall consist of nine (9) members appointed by the City Council. Members shall be appointed for three (3) years. The City Council liaison shall be appointed for the length of their term and all members shall serve without compensation.

B. The Commission shall elect a chair and secretary at their first organizational meeting.

C. The Commission shall be tasked with developing programs, forums and exhibits that highlights the talent and active venues that currently exists within the City and promote those activities as they see appropriate. The Commission is not a governing body, but an advisory body to the City Council.

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3-70. Transportation Advisory Commission. [Added 05-16-01 by Ord. #10-2001]

A. The Parking and Traffic Committee established under City Council Rules 9B is hereby vacated and re-established under this Chapter as the Transportation Advisory Committee.

B. The Transportation Advisory Commission shall consist of nine (9) members:

1. One representative, designated by the City Manager from Police, Planning and Community Services;
2. One representative from the City Council, Coast Public Transit and four (4) resident citizens,

And shall be appointed by the City Council for three-year terms. Vacancies in said Commission shall be filled by the City Council at its first regular meeting after such vacancy shall occur.

C. The Transportation Advisory Commissions duties shall include a review of all transportation policy and safety matters. Additionally, the Commission shall review policies concerning all forms of transportation affecting the City such as conventional vehicles, transit, alternative modes (i.e. pedestrian and bicycles), commercial vehicles, and attendant amenities. A core responsibility shall be serving as a sounding board for citizens' traffic, pedestrian and safety issues and making recommendations to Council or staff for appropriate action. The Commission shall coordinate with and solicit feedback from the School Department Transportation Committee regarding sidewalk and crosswalk safety issues on a quarterly basis. The Commission shall aid in the development of the City Transportation Improvement Program (TIP) by soliciting citizen input on needed projects for submission to the Planning Board and City Council. Further, the Commission shall study issues arising under the City of Dover Master Plan as they relate to transportation. The Commission shall make recommendations to the City Council and/or Planning Board and shall study and prepare reports to aid in the development, implementation and general improvement of the Master Plan relating to the transportation in the City of Dover.

D. The Commission shall establish its own by-laws and appoint a Chairperson annually.

E. *Public Sounding Board for Road Improvement Projects.* ***[Added 12-15-04 by Ord. No. 22-2004]***

1) The Community Services/Engineering Departments will notify neighborhood residents in advance of road reconstruction projects by mail or public notices. All reconstruction projects, background, history and implementation will be updated periodically on the City of Dover website. Road reconstruction shall be defined as widening, additional sidewalks, drainage, etc.

2) After Council adoption of the Capital Improvement Program (CIP) in December, the Transportation Advisory Commission will hold a public comment period during the design work for proposed reconstruction projects for any neighborhoods being affected.

3-71. Joint Fiscal Committee ***[Added 02-20-02 by Ord. #02-2002]***

A Joint Fiscal Committee is hereby established for the purpose of facilitating communications between the Dover School Board and Dover City Council pertaining to budget matters.

A. The Joint Fiscal Committee shall consist of six (6) members;

(1) Three representatives from the City Council appointed by the Mayor; and
(2) Three representatives from the School Board appointed by the Chairperson.

Each appointment shall run for one-year terms. In even calendar years, the Mayor shall appoint the Chair. In odd calendar years, the School Board Chair shall appoint the Chair.

B. The Joint Fiscal Committees duties shall include review of future financial requests of the School District. School Board members shall review the impact of their requests on the City's total Budget or Capital Improvements Program. The Joint Fiscal Committee may, in its sole discretion, make recommendations to either the School Board or City Council.

C. The Joint Fiscal Committee shall meet at least twice each year as follows:

(1) In February, for discussion of the next Annual City Budget; and

(2) In September, for discussion of the Capital Improvement Program.

Additional meetings may be scheduled upon a majority vote of members present at either of the two mandatory meetings. Special meetings may be called at the discretion and with the agreement of both the Mayor and School Board Chair.

3-72 Business and Industrial Development Authority [Added 06-16-04 by Ord. #10-2004]

A. Membership.

(1) The Dover Business and Industrial Authority shall consist of a Board of Directors of not less than 9, and no more than 15 members appointed for 3 year terms. The majority of board members shall reside in Dover. The appointment of member shall be in accordance with the Council Rules in effect at the time.

(2) The City Manager and the Economic Development Director, the Mayor or other Councilor Representative shall serve as ex-officio members of the board.

(3) The terms of the initial members shall be staggered so that 1/3 of the board will be appointed each year.

B. All actions of the Authority shall be authorized by resolutions of the board passed on the affirmative votes of at least 2/3 of the board members present and voting.

C. All other functions and duties shall be in accordance with the authority provided in RSA Chapter 162-G.

3-73 McConnell Center Advisory Committee *[Added 02-21-07 by Ord. #02-2007, Revisions by Ord No 09-02 adopted March 11, 2009]*

A. MEMBERSHIP: *THE MCCONNELL CENTER ADVISORY COMMITTEE SHALL CONSIST OF ELEVEN (11) MEMBERS APPOINTED BY THE CITY COUNCIL, WITH REPRESENTATION AS FOLLOWS:*

I. TWO (2) CITY REPRESENTATIVES
II. THREE (3) TENANT REPRESENTATIVES
II. SIX (6) COMMUNITY MEMBERS

B. TERMS OF MEMBERS: *ALL COMMISSION MEMBERS, EXCEPT CITY REPRESENTATIVES, SHALL BE APPOINTED FOR A TERM OF THREE (3) YEARS.*

I. THE LENGTH OF TERMS FOR THE INITIAL APPOINTMENTS SHALL BE THREE (3) MEMBERS WITH THREE (3) YEAR TERMS; THREE (3) MEMBERS WITH TWO (2) YEAR TERMS; AND THREE (3) MEMBERS WITH ONE (1) YEAR TERMS THEREBY ALLOWING FOR SUBSEQUENT APPOINTMENTS TO OCCUR ON A THREE (3) YEAR STAGGERED BASIS.

II. CITY REPRESENTATIVES SHALL BE APPOINTED AS NEEDED BY THE CITY COUNCIL. THE TERM OF A CITY COUNCIL REPRESENTATIVE AND RECREATION ADVISORY BOARD SHALL EXPIRE WHEN THE TERM OF OFFICE FOR THE APPOINTMENT EXPIRES.

C. AUTHORITY AND DUTIES: *THE MCCONNELL CENTER ADVISORY COMMITTEE SHALL SERVE IN AN ADVISORY CAPACITY TO THE CITY COUNCIL AND THE CITY MANAGER. THE MAJOR RESPONSIBILITIES OF THE ADVISORY BOARD INCLUDE THE FOLLOWING:*

i. ADVOCATE FOR ACHIEVING THE MISSION OF THE MCCONNELL COMMUNITY CENTER.
ii. REVIEW THE OPERATIONS BUDGET RECOMMENDED TO CITY MANAGER.
iii. SEEK AND RECOMMEND TENANTS TO THE CITY OF DOVER.
iv. ASSIST IN THE CREATION AND DISSEMINATION OF PUBLICITY RELATED TO THE MCCONNELL COMMUNITY CENTER.
v. FOSTER COLLABORATIVE PROGRAMMING BETWEEN TENANTS OF THE MCCONNELL COMMUNITY CENTER AND OTHER AGENCIES.
vi. RECOMMEND AND REVIEW THE POLICIES COVERING THE FOLLOWING:

USE OF SHARED SPACE
USE OF TENANT SPACE
CONFLICT AND GRIEVANCE RESOLUTION
SUBLETTING OF LEASED SPACE
PARKING
FINANCES
SECURITY
SAFETY
USE OF CAFETERIA SERVICES AND KITCHEN
SIGNAGE PLANS AND REQUIREMENTS
CLEANLINESS OF THE MCCONNELL COMMUNITY CENTER
REVIEW THE GOVERNANCE STRUCTURE PERIODICALLY.

B. THE COMMITTEE SHALL ESTABLISH ITS OWN OPERATING RULES SUBJECT TO APPROVAL OF THE CITY

COUNCIL AND SHALL APPOINT A CHAIRPERSON ANNUALLY.

C. THE COMMITTEE SHALL MEET AT LEAST ONCE QUARTERLY AND REPORT TO THE CITY COUNCIL PERIODICALLY.

3-74. PARKING COMMISSION Established by Ord No. 08-18 which passed January 28,2009

A. MEMBERSHIP: The Parking Commission shall consist of six (6) members appointed by the City Council, with representation as follows:

i. Four (4) Dover residents; and

ii. Two (2) Dover commercial property or business owners.

B. TERMS OF MEMBERS: All commission members shall be appointed for a term of three (3) years.

i. The length of terms for the initial appointments shall be two members with three (3) year terms, two members with two (2) year terms and two members with one (1) year terms thereby allowing for subsequent appointments to occur on a three (3) year staggered basis.

3-74

C. AUTHORITY AND DUTIES: The Parking Commission shall serve in an advisory capacity to the City Council and City Manager (or his/her designee) assisting with the development, implementation and continued monitoring of a comprehensive public parking system throughout the City. The Parking Commission shall review and develop recommendations for the ongoing financing and operation of public parking services and facilities to include:

i. Making recommendations to the City Council and City Manager for the maintenance and implementation of an overall public parking plan that defines goals, policies, regulations and their enforcement.

ii. Making recommendations to the City Council and City Manager with respect to funding for a parking activity fund.

iii. Making recommendations to the Planning Board, the City Council and City Manager with respect to capital improvement programming as it relates to public parking facilities.

iv. Making recommendations to the City Council and City Manager with respect to special parking districts, related maintenance programs and their funding and management.

v. Promoting communication and the exchange of ideas and concerns between users of public parking, property owners, merchants, and City agencies.

vi. Acting to promote public awareness of public parking areas in the city.

DELETED STRUCKOUT LANGUAGE: Per Charter C3-8.

~~ADMINISTRATIVE CODE~~

~~Chapter 3~~

~~Appropriations for purchases; availability of funds~~

~~ARTICLE I: GENERAL PROVISIONS~~

~~3-1 Legislative authority~~
~~3-2 Departments.~~
~~3-3 Powers and duties of department heads~~
~~3-4 Appointment of department heads; compensation;~~
~~3-5 Authority and functions of the City Manager~~

~~ARTICLE II: MUNICIPAL DEPARTMENTS~~

~~3-6 Executive~~
~~3-7 Finance~~
~~3-8 Fire and Rescue~~
~~3-9 Public Welfare~~
~~3-10 Public Library~~
~~3-11 Community Services~~
~~3-12 Planning and Community Development~~
~~3-13 Police~~
~~3-14 Recreation Programs~~

~~ARTICLE III: PURCHASING CODE~~

~~3-15 Purpose~~
~~3-16 Applicability of Article and compliance with Charter~~
~~3-17 Definitions~~
~~3-18~~
~~3-19 Authority of the Purchasing Agent~~
~~3-20 Use of credit cards~~
~~3-21 Small purchases (less than $1,000)~~
~~3-22 Emergency purchases~~
~~3-23 Quote purchases ($1,000-$9,999.99)~~
~~3-24 Competitive bidding purchases ($10,000 or more); waiver~~
~~3-25 Competitive bidding~~
~~3-26 Major construction projects; Pre-qualification of bidders~~
~~3-27 Negotiations after bidding~~
~~3-28 Professional services~~
~~3-29 Exceptions to competitive bidding~~
~~3-30 Exception reporting~~
~~3-31 Other exemptions to bidding and approval requirements~~

~~3-32~~
~~City Council approval ($25,000 or more)~~
~~3-33~~
~~Re-bidding~~
~~3-34~~
~~Contract processing~~
~~3-35~~
~~Conditions of purchase~~
~~3-36~~
~~Bid protests~~
~~3-37~~
~~Duties of department heads~~
~~3-38~~
~~Exchange for goods and services~~
~~3-39~~
~~Environmental concerns; required language~~
~~3-40~~
~~Conflicts of interest~~
~~3-41~~
~~Pecuniary benefit~~
~~3-42~~
~~Public access to procurement information~~
~~3-43~~
~~Savings provision~~

~~[HISTORY: Adopted by the City Council of the City of Dover 12-14-77 as the Administrative Code. Departments amended 10-25-78 by Ord. #23-78; amended 9-22-82 by Ord. #17-82; amended 10-27-82 by Ord. #21-82;amended 12-13-89 by Ord. #26-89; amended 12-19-90 by Ord. #20-90; amended 2-21-90 Ord. #1-90; amended 7-17-91 by Ord. # 25-91; repeal 7-1-92 Ord. #19-92; amended 5-18-94 by Ord. #A05/94; repeal 5-18-94 by Ord. # A05-94; amended 5-18-94 by Ord # A05-94; amended 9-28-94 by Ord. #16-94; amemded 9-28-94 by Ord. #16-94; amended 8-27-96 by Ord. # 13-96; amended 3-19-97 by Ord. #06-97; amended 4-8-98 by Ord. # 04-98; amended 12-21-05 by Ord. # 2-2005; Generally revised in 2010. Purchasing Code amended 2-13-80 Ord. # 2-80; amended 4-1-92 by Ord. # 08-92; amended 3-19-99 by Ord. 01-99; generally amended in 2010. Boards and commissions. Repeal 4-21-99 by Ord. #05-99; repeal 3-17-93 by Ord. 01-93; repeal 4-16-97 by Ord. 10-97. Adding boards and commissions 7-25-84 by Ord. #14-84 (Board of Trustees); 1-15-92 by Ord. #49-91 (Building Code Board of Appeals); 11-20-96 by Ord. # 18-96 (Solid Waste Advisory); 4-18-01 by Ord. #06-2001 (Arts); 5-16-01 by Ord. # 10-01 (Transportation Advisory); 2-20-02 by Ord. #02-2002 (Joint Fiscal); 6-16-04 by Ord. # 10-2004 (DBIDA); 2-22-07 by Ord. # 02-2007; Generally amended in 2010; repeal of provisions for boards, commissions and committees in the Administrative Code in 2010 with the creation of a new Chapter 5 (new) Boards, Commissions and Committees.]**~~

~~ARTICLE I~~

~~GENERAL PROVISIONS~~

~~3-1. Legislative authority.~~

~~A.~~

~~This Administrative Code is established in accordance with the provisions of RSA 49-C:21. The Administrative Code may be amended from time to time pursuant to the provisions of RSA 49-C:21.~~

~~B.~~

~~Should any section or provision of the Administrative Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the~~

~~validity of this Administrative Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.~~

~~C.~~

~~The City Manager may issue administrative regulations promulgating procedures, administrative policies and programs of the City to supplement this Administrative Code. These regulations, together with the Administrative Code and any other standard operating procedures established by subordinate departments, shall conform to the requirements of the ordinances of the City of Dover, existing collective bargaining agreements and all other applicable state and federal laws.~~

~~3-2 Departments.~~

~~The administrative service of the city shall consist of the following departments, and the department head shall be known by the titles shown:~~

~~Department Department Head~~

~~*~~

~~Executive City Manager~~

~~*~~

~~Finance Finance Director~~

~~*~~

~~Fire and Rescue Fire Chief~~

~~*~~

~~Public Welfare Director of Public Welfare~~

~~*~~

~~Public Library Director of Public Library~~

~~*~~

~~Community Services Director of Community Services~~

~~*~~

~~Planning and Community Director of Planning and Community Development Development~~

~~*~~

~~Police Police Chief~~

~~*~~

~~Recreation Director of Recreation~~

~~3-3 Powers and duties of department heads.~~

~~A.~~

~~Department heads shall be responsible for the efficient and cost effective operation of their departments on a courteous, cooperative and friendly basis while interacting with citizens of Dover and all other departments. They shall perform all duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.~~

~~B.~~

~~Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, the Administrative Code, City ordinances, administrative regulations, and the provisions of the Merit Plan for the administration of their departments, conduct of the employees and the proper performance of department functions.~~

~~C.~~

~~Department heads may, with the approval of the City Manager, establish department divisions and subunits as may be desirable in the interest of economy and efficiency in accordance with sound administrative principles and practices.~~

~~D.~~

~~Department heads shall be responsible for satisfactory maintenance and care of all city property and buildings assigned to their department.~~

~~E.~~

~~Department heads shall be responsible for preparing and submitting routine and special reports on the operation of their departments to the City Manager or to any state or federal agencies as required.~~

~~F.~~

~~All employees shall be under the immediate supervision of their respective department heads and or designees, and all employees in the Classified Service shall be compensated on the basis of a uniform pay plan.~~

~~**3-4 Appointment of department heads; compensation ;**~~

~~A.~~

~~All department heads shall be appointed, as provided by the City Charter, for indefinite terms, on the basis of merit and fitness to perform their duties and may be removed by the City Manager for misconduct or inefficiency as provided for in the City Charter, Merit Plan and state statute.~~

~~B.~~

~~The compensation of all department heads shall be fixed by the provisions of the Merit Plan.~~

~~3-5 Authority and functions of the City Manager~~

~~A.~~

~~Pursuant to section C5-5 of the City Charter, the City Manager shall have the following authority and shall perform the following functions:~~

~~1)~~

~~The City Manager shall be the administrative head of the city and shall perform all the duties and have all the responsibilities prescribed by the City Charter, by ordinance, resolution and state law.~~

~~2)~~

~~The City Manager shall supervise the heads of all departments established by this Code and shall have the power to suspend and discipline, and to perform or delegate duties and responsibilities to the department heads..~~

~~ARTICLE II~~
~~MUNICIPAL DEPARTMENTS~~

~~3-6 Executive.~~

~~There shall be an Executive Department, under the direct supervision of the City Manager, who shall be responsible for human resources, legal, economic~~

~~development and information systems functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~3-7 Finance~~

~~There shall be a Finance Department, under the direct supervision of a Director, who shall be responsible for accounting, purchasing, tax collection, treasurer, assessment, water/sewer billing, audit, city clerk services, elections and budget functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~3-8 Fire & Rescue~~

~~There shall be a Fire & Rescue Department, under the direct supervision of a Fire Chief, who shall be responsible for fire and emergency medical services, emergency management and inspection functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Fire Chief shall have all the powers conferred upon fire wardens by law. The Fire Chief shall be the emergency management director with all duties and powers associated with the position pursuant to state law.~~

~~3-9 Public Welfare~~

~~There shall be a Public Welfare Department, under the direct supervision of a Director, who shall be responsible for providing public welfare and benefit functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~3-10 Public Library~~

~~There shall be a Public Library Department, under the direct supervision of a Director, who shall be responsible for providing library service functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~3-11 Community Services~~

~~There shall be a Community Services Department, under the direct supervision of a Director, who shall be responsible for providing engineering, public works, utilities, facilities and grounds, environmental, solid waste and recycling, and fleet maintenance functions, and who shall administer the functions of the department~~

~~with appropriate supervisory, clerical and labor staff. The Community Services Director, or designee, shall be the tree warden and road agent pursuant to state law.~~

~~**3-12 Planning and Community Development**~~

~~There shall be a Planning and Community Development Department, under the direct supervision of a Director, who shall be responsible for planning and community development functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~**3-13 Police**~~

~~There shall be a Police Department, under the direct supervision of a Police Chief, who shall be responsible for public safety and public parking functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Police Chief shall have all powers contained in state law.~~

~~**3-14 Recreation Programs**~~

~~There shall be a Recreation Department, under the direct supervision of a Director, who shall be responsible for recreational programming and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.~~

~~ARTICLE III~~
~~PURCHASING CODE~~

~~**3-15 Purpose.**~~

~~The purposes of this Chapter are to standardize the purchasing procedures of the City, thereby increasing savings and protection of the taxpayers' money, to set forth the duties and responsibilities of the department heads in order to foster interdepartmental cooperation and trust with the office of the Purchasing Agent, and to assign all responsibility for purchasing to the Purchasing Agent.~~

~~**3-16 Applicability of Article and compliance with Charter.**~~

~~This Chapter shall apply to all purchases for all departments and agencies of the city pursuant to C6-16 of the Dover City Charter.~~

~~3-17 Definitions.~~

~~For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the following meanings:~~

~~A.~~
~~**BID MOST ADVANTAGEOUS TO THE CITY** means the lowest responsible and responsive bid taking into consideration the price, the quality of the commodity or service, and the service reputation and experience of the bidder.~~

~~B.~~
~~**COMPETITIVE BIDDING** means the formal process involving sealed written bids as a means of achieving the bid most advantageous to the City for goods and services.~~

~~C.~~
~~**EMERGENCY PURCHASE** means a purchase occasioned by a potential threat to public health, safety or to property.~~

~~D.~~
~~**PURCHASE ORDER** means the document used to accomplish the purchase of goods and/or services.~~

~~E.~~
~~**GOODS AND SERVICES** means the complete array of purchases of the city, including but not limited to, supplies, commodities, equipment, construction materials and labor, consulting services, and training.~~

~~F.~~
~~**GROUP PURCHASE** means the purchase made by the Purchasing Agent by combining two (2) or more department requisitions in one (1) purchase order.~~

~~G.~~
~~**INFORMAL BID** means a quotation obtained from the vendor(s) in writing or by oral communication.~~

~~H.~~

~~**LIST OF APPROVED VENDORS** means the list of vendors who have qualified to bid on city purchases of goods and services.~~

~~I.~~

~~**PURCHASE AMOUNT** means the total cost of goods or services including all determinable associated costs, e.g. construction, engineering, delivery, setup and training. Where the purchase consists of small frequent charges, the aggregate twelve (12) month cost of goods or services shall be used to determine the amount of a purchase and the applicability of the specific sections of the Purchasing Code.~~

~~J.~~

~~**SPECIFICATIONS** means the quantity and qualitative standards set by department heads as a guide to the Purchasing Agent and as a measure of quality which successful vendors must achieve. Specifications shall not unnecessarily restrict purchases as to trade name or eliminate bids being submitted on items that have the same specifications without a specific trade name.~~

~~**3-18 Appropriations for purchases; availability of funds**~~

~~No purchases shall be made until the City Council has approved the necessary appropriation, or in the case of federal or state grants to the city, the grant award has been received. The Finance Director, or designee, shall certify the availability of funds for all purchases.~~

~~**3-19 Authority of the Purchasing Agent**~~

~~A.~~

~~The Purchasing Agent is authorized to purchase goods and/or services for the use of one or more departments. All requests for goods and services shall be made to the Purchasing Agent by the department heads, or their designees.~~

~~B.~~

~~The Purchasing Agent shall maintain a list of approved vendors.~~

~~**3-20 Use of credit cards**~~

~~A.~~
~~Credit cards issued by the City may be used for the purchase of goods and services pursuant to administrative regulations on the use of credit cards.~~

~~3-21 Small purchases(less than $1,000)~~

~~A.~~
~~Small Purchases of less than One thousand dollars ($1,000) may be executed by informal, direct purchasing by the head of a department, or designee, on forms provided by the Purchasing Agent.~~

~~B.~~
~~A copy of the purchase order shall be turned in to the Purchasing Agent within seven (7) days of the purchase.~~
~~C.~~
~~Small Purchases shall not be used if it is known or estimated, based on historic experience, that the aggregate twelve (12) month total cost of said purchases may exceed One thousand dollars ($1,000).~~

~~D.~~
~~Department heads should take appropriate steps to attain the best pricing practical when making Small Purchases.~~

~~E.~~
~~Informal bidding may be employed by the Purchasing Agent when requested by a department head.~~

~~3-22 Emergency purchases~~

~~A.~~
~~Emergency Purchase orders may be executed for emergency purchases not exceeding Five thousand dollars ($5,000). A copy of the Emergency Purchase Order and report shall be sent to the Purchasing Agent within seven (7) days of the Emergency~~

~~Purchase. The Purchasing Agent shall report the Emergency Purchase Order to the Finance Director and the City Manager.~~

~~3-23 Quote purchases ($1,000-$9,999.99)~~

~~A.~~
~~The Purchasing Agent shall conduct bidding for Quote Purchases of One thousand dollars ($1,000) to Nine thousand nine hundred ninety-nine dollars and ninety-nine cents ($9,999.99). Quote bidding shall consist of a minimum of three quotes whenever possible..~~

~~B.~~
~~Verbal or oral quotes shall be required for Quote Purchases from $1,000 to $4,999.99.~~

~~C.~~
~~Written quotes from vendors are required for Quote Purchases from $5,000 to $9,999.99.~~

~~D.~~
~~Oral, verbal and written quotes shall be solicited by telephone, direct mail, direct conversation or by electronic means..~~

~~3-24 Competitive bidding purchases ($10,000 or more); waiver~~

~~A.~~
~~The Purchasing Agent shall advertise and conduct Competitive Bidding for purchases of goods and services of Ten thousand dollars ($10,000) or more.~~

~~B.~~
~~Competitive Bidding may be waived by a majority vote of the City Council.~~

~~3-25 Competitive bidding~~

~~The procedure for Competitive Bidding is:~~

~~A.~~

~~Competitive Bidding shall be initiated by the Purchasing Agent with a notice of solicitations for bidding sent to vendors and/or by advertising. The notice shall contain Specifications as to quantity and quality, date and time for the closing of bids, the date and time for opening bids, and other details regarding the bidding process. All solicitations shall note that all purchases are subject to the conditions set forth in the City Purchasing Code.~~

~~B.~~

~~The Purchasing Agent shall solicit at least three (3) vendors when available on every purchase requiring Competitive Bidding unless exempted by the provisions of this ordinance. Bids shall be awarded to the vendor whose bid is the most advantageous to the City of Dover. In the event less than three (3) bids are received, the City Purchasing Agent may award the purchase on the basis of the bid most advantageous bid to the City of those submitted, or, may order a re-bidding.~~

~~C.~~

~~Technical specifications for bids shall state information as broadly as practicable, yet shall be specific enough to describe the requirements of the purchase. Non-technical specifications for bids shall state the quality required in general terms.~~

~~D.~~

~~Formal, sealed bids shall be submitted by qualified vendors before the bidding deadline, but may be withdrawn by any bidder before the deadline. After the bidding deadline the Purchasing Agent shall receive no further bids, and no bidder shall withdraw a bid. The City shall have custody of all bids submitted pursuant to this Purchasing Code.~~

~~E.~~

~~In accordance with RSA 447:16, the Purchasing Agent shall require security from vendors for construction projects estimated to be in excess of Twenty five thousand dollars ($25,000). The elements of a purchase to be secured include, but are not limited to, the following:~~

~~1)~~

~~A Bid Bond to secure the bid price plus an additional ten percent (10%) of the bid price from the time of bid opening until signing of the contract, in case of default by the bidder.~~

~~2)~~
~~A Performance Bond in the amount of one hundred percent (100%) of the contract price to insure compliance with and completion of the contract.~~

~~3)~~
~~A Labor and Materials Bond in the amount of one hundred percent (100%) of the contract price to insure payment to suppliers and subcontractors by the contractor.~~

~~F.~~
~~The form of the security shall be prescribed by the Purchasing Agent and may consist, but is not limited to, bonds issued by surety companies licensed within the United States, certified checks and irrevocable letters of credit at banks acceptable to the City. The Purchasing Agent may waive the bond requirements on a case-by-case basis with the approval of the City Manager. The Purchasing Agent may include security requirements for projects less than Twenty–five thousand dollars ($25,000) and in other types of purchases where doing so is advantageous to the City with the approval of the City Manager.~~

~~G.~~
~~In each and every case where bids are presented to the City Council for award, information presented to the City Council shall include solicitation information and bid amounts.~~

~~H.~~
~~The Purchasing Agent shall open bids, read them in public, inspect them and process for award. In determining the bid most advantageous to the City, the Purchasing Agent shall, whenever possible, analyze the bids so that the bids are compared on an equitable basis as determined in the sole discretion of the Purchasing Agent.~~

~~3-26 Major construction projects; prequalification of bidders~~

~~A.~~

~~In the case of contracts for the construction, reconstruction, alteration, repair, or refurbishing of real property where the estimated cost of the project is in excess of One hundred thousand dollars ($100,000), a determination of the responsibility of interested contractors may precede the issuance of invitations to bid. Invitations to bid shall be issued only to firms who have, in the Purchasing Agent's sole determination, been pre-qualified.~~

~~B.~~

~~The pre-qualification process shall include the following:~~

~~1)~~

~~The ability, capacity, and skill of the bidder to perform the contract or provide the service required.~~

~~2)~~

~~Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.~~

~~3)~~

~~The character, integrity, reputation, judgment, experience, efficiency of the bidder.~~

~~4)~~

~~The quality of performance of previous contracts or services.~~

~~5)~~

~~The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.~~

~~6)~~

~~The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.~~

~~7)~~

~~The quality, availability, and adaptability of the supplies or contractual services to the particular use required.~~

~~8)~~

~~The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.~~

~~9)~~

~~The number and scope of conditions attached to the bid~~

~~10)~~

~~The amount of total direct and indirect costs which would accrue to the city on account of the bid.~~

~~11)~~

~~These rules and regulations may also include other special considerations not contrary to the law.~~

~~3-27 Negotiations after bidding~~

~~A.~~

~~The Purchasing Agent shall reserve the right to reject any and all bids together with the right to negotiate with the bidder submitting the bid most advantageous to the City for a lower price.~~

~~3-28 Professional services~~

~~In the purchase of accounting, architectural, auditing, engineering, legal and medical services and purchases of independent professional consultant services for personnel, data processing, insurance, actuarial, planning, management, and other comparable purchases the following procedures may be followed:~~

~~A.~~

~~An invitation shall be developed which will include a description of the scope of services and desired result and which shall request qualifications and an expression of interest.~~

~~B.~~

~~The invitation shall be given adequate public notice by posting in two public places, and by publication in a newspaper of general circulation.~~

~~C.~~

~~Depending on the scope of the project, up to six applicants shall be selected to submit formal proposals.~~

~~D.~~

~~The Purchasing Agent shall develop a request for proposals, including terms, conditions, and other requirements and identifying the purpose of the work, the result desired, the specific work components the consultant is expected to perform, and the responsibilities of the applicant and the City.~~

~~E.~~

~~Proposals shall be evaluated and selection made on the basis of demonstrated competence and qualification for the services required at a fair and reasonable price. In addition to price, and where applicable to a particular project, the following factors shall be used in awarding the contract:~~

~~1)~~

~~Specific experience with similar projects.~~

~~2)~~

~~Specific experience with earlier phases of the same project.~~

~~3)~~

~~Background and experience of staff members who would be assigned to the job.~~

~~4)~~

~~Availability.~~

~~5)~~

~~Locality of the firm.~~

~~6)~~

~~Ability to communicate ideas.~~

~~7)~~

~~Ability to supply all of the major disciplines necessary to perform the work.~~

~~8)~~

~~Qualifications of subcontractors.~~

~~9)~~

~~Conceptual designs.~~

~~10)~~

~~Accuracy of the firm in estimated time and cost requirements.~~

~~F.~~

~~Interviews may be a part of the selection process.~~

~~G.~~

~~On award, all contracts for professional services shall be formalized in a written agreement signed by the applicant and the City Manager.~~

~~3-29 Exceptions to competitive bidding~~

~~Competitive Bidding shall not apply to the following:~~

~~A.~~

~~Emergency Purchases: The City Manager may waive the competitive bidding procedures when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.~~

~~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.~~

~~C.~~

~~Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of Twenty-five thousand dollars ($25,000) without further City Council approval.~~

~~D.~~

~~Requests for proposals (RFP): The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFP's is subject to other provisions of the Purchasing Ordinance.~~

~~E.~~

~~Regional purchasing: The Purchasing Agent may participate in solicitations to bid conducted by the City of Dover or another city or town where the goal is to bid for goods and services for more than one city, town or other government entity subject to other provisions of the Purchasing Ordinance.~~

~~F.~~

~~Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.~~

~~G.~~
~~Purchases under extensions of contracts when the same or lower price is extended for another year or part of a year.~~

~~H.~~
~~Purchases under intergovernmental agreements or contracts which require use of procurement procedures consistent with the provisions of this section~~

~~I.~~
~~Expert consulting for litigation~~

~~3-30 Reporting.~~

~~A. The Purchasing Agent shall report exceptions to the bidding and award requirements to the City Manager.~~

~~B. All purchases of goods and services of Five thousand dollars ($5,000) or more shall be reported to the City Council by the City Manager on a monthly basis following said purchases.~~

~~3-31 Other exemptions to bidding and approval requirements.~~

~~Payments and purchases exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:~~

~~A.~~
~~Utility consumption costs including electrical, natural gas, water and sewer.~~

~~B.~~
~~Telecommunication charges.~~

~~C.~~

~~Advertising.~~

~~D.~~
~~Postage.~~

~~E.~~
~~Federal, state and local taxes.~~

~~F.~~
~~Court judgments.~~

~~G.~~
~~Workers Compensation claims.~~

~~H.~~
~~Debt service payments.~~

~~I.~~
~~Police special investigative costs where disclosure may jeopardize an investigation.~~

~~3-32 City Council approval ($25,000 or more)~~

~~All purchases of goods and services of Twenty-five thousand dollars ($25,000) or more shall be approved or rejected by majority vote of the City Council prior to the awarding of such purchases. The City Manager is authorized to sign a contract containing the terms and conditions of the bid award. The amount of the authorization shall be limited so as not to exceed available funding.~~

~~3-33 Re-bidding.~~

~~The City Purchasing Agent is authorized to re-bid any or all items which have been noticed for bidding where less than three (3) bids have been received, or where no bid most advantageous to the City has been received.~~

~~3-34 Contract processing.~~

~~The City Manager is designated as the contracting officer of the City. Purchases involving contracts are subject to all other provisions of the Purchasing Code.~~

~~3-35 Conditions of purchase.~~

~~All purchases which shall be made by the City shall be subject to the following conditions:~~

~~A.~~
~~All purchases shall be awarded on the basis of the bid most advantageous to the City;~~

~~B.~~
~~All purchases shall be subject to the reservation of the right by the City to accept or reject any or all bids.~~

~~C.~~
~~When an award of purchase shall be recommended to other than the low bidder, the Purchasing Agent shall submit such recommendation to the City Manager for approval or disapproval. Should the City Manager reject such recommendation, the award shall be made to the bid most advantageous to the City, unless all bids are rejected.~~

~~3-36 Bid protests~~

~~A.~~
~~Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a bid or contract may protest and seek resolution of complaints with the Purchasing Agent. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the time for the opening of bids on the closing day for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposal. In that event, the protest shall be submitted within three (3) calendar days after the aggrieved person knows or should have known of the facts giving rise thereto.~~

~~B.~~

~~If a satisfactory resolution of the protest is not achieved by submitting a complaint with the Purchasing Agent, the person submitting the protest shall submit a written appeal to the City Manager within three (3) calendar days of a decision by the Purchasing Agent.~~

~~C.~~
~~Purchasing procedures shall be stayed pending a decision of the City Manager unless the City Manager decides that the award of a contract is necessary to protect substantial interests of the City.~~

~~3-37 Duties of department heads for Purchasing Code.~~

~~All department heads shall:~~

~~A.~~
~~Determine acceptable quality of good and services to be purchased.~~

~~B.~~
~~Cooperate with the Purchasing Agent in establishing lists of approved specifications and vendors.~~

~~C.~~
~~Share knowledge of special factors which will implement a policy designed to enable the City to minimize cost and maximize quality.~~

~~D.~~
~~Supply the Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering group purchasing.~~

~~E.~~
~~Prepare requisitions with a view toward group purchasing and keep corresponding records to facilitate debiting on city financial records.~~

~~F.~~

~~Be empowered to reject any good or services on grounds of high cost or low quality, and provide the Purchasing Agent with a detailed written report explaining the reasons for such rejection.~~

~~G.~~
~~Report to the Purchasing Agent obsolete and excess assets, including:~~

~~1)~~
~~Items beyond use.~~
~~2)~~
~~Items being replaced or to be replaced.~~
~~3)~~
~~Items no longer of use to the departmental operation.~~

~~H.~~
~~Foster regular purchasing procedures to minimize direct purchases.~~

~~3-38 Exchange for goods and services.~~

~~Any transfer of City assets, waiving or abatement of fees, or performance of City services in exchange for goods and services to be received by the city shall be deemed a purchase and shall be subject to the provisions of the Purchasing Code as determined by the fair market value of the City assets, fees, and/or services being exchanged.~~

~~3-39 Environmental concerns, required language~~

~~A.~~
~~Solicitations utilized by the City or any agency thereof for the purpose of soliciting bids, proposals, price quotations, or providing instructions to bidders shall contain the following language: "The City of Dover supports the concept of purchasing products that are biodegradable, can be or have been recycled, or are environmentally sound. Due consideration will be given to the purchase of such products. If you are bidding on any such products which qualify, please so indicate in a cover sheet by item number and description.~~

~~3-40 Conflicts of interest.~~

~~No employee, officer, agent of the City shall participate in the award or administration of a contract in which he or she, or any member of his or her immediate family has an interest. No such employee, officer, or agent shall participate in the award or administration of a contract with any person, firm, partnership, or corporation in which he or she or any member of his or her immediate family is an officer or employee or is about to become an officer or employee.~~

~~3-41 Pecuniary benefit~~

~~No employee, officer, or agent of the City who is participating or is about to participate in the award or administration of a contract shall either solicit or accept any pecuniary benefit from any firm, person, partnership, or corporation involved in such contract. For the purpose of this section, the definition of "pecuniary benefit" shall mean any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.~~

~~3-42 Public access to procurement information~~

~~Procurement information shall be a governmental record to the extent provided in New Hampshire RSA 91-A:4 and RSA 91-A:5 and shall be available to the public. Proprietary information shall be considered a governmental record.~~

~~3-43 Savings provision~~

~~Nothing in this Purchasing Code is intended to invalidate or in any way limit the term of any contract or special service agreement lawfully made prior to the effective date of this subchapter.~~

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#:

Ordinance Number: **O – 2012.08.08**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

In January of 2012 the Council began Authenticating the Charter ad noted that the Administrative Code was missing a key Article that historically belonged in the Administrative Code. Where the Code consists of:

Article I - Departmental Organization
Article II - Municipal Departments
Article III - Purchasing Procedure
Article IV - Boards and Commissions

Article IV was moved and a new Chapter 5 in the CODE was instead used. This is contrary to proper Council Administration and to the Charter as historic references throughout voter history and Charter Revisions has referred to C5-9 Departments in our Charter to refer to the Administrative Code inclusive of all 4 sections.

The Dover City Council wishes to restore the appropriate Article IV and all the descriptions of the Departments and Committees that were presumably removed in 2010.

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2012.08.22 – 13**
Ordinance Title: Boards, Commissions and Committees
Chapter: 5

The City of Dover Ordains:

1. **PURPOSE**

   The purpose of this ordinance is to delete Chapter 5, entitled "BOARDS, COMMISSIONS AND COMMITTEES"

2. **AMENDMENT**

   Chapter 5 entitled "BOARDS, COMMISSIONS AND COMMITTEES" is hereby deleted. This Chapter will be included in Chapter 3 "Administrative Code" through O-2012.08.22.

   Per Charter C3-8 the deleted text is provided in struck out.

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

CITY OF DOVER	CITY OF DOVER – ORDINANCE
	Agenda Item#: 12.A.2.
	Ordinance Number: **O – 2012.08.22 – 13**
	Ordinance Title: Boards, Commissions and Committees
	Chapter: 5

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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 Dorothy 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.		

~~BOARDS, COMMISSIONS AND COMMITTEES~~

~~CHAPTER 5~~

~~5-1. Establishment 5-2. Board of Health 5-3. Cemetery Board 5-4. Library Board of Trustees 5-5. Recreation Advisory Board 5-6. Dover Arena Commission 5-7. Personnel Advisory Board 5-8. Planning Board 5-9. Dover Utilities Commission 5-10. Zoning Board of Adjustment 5-11. Board of Trustees 5-12. Solid Waste Advisory Commission~~
~~5-13. Dover Arts Commission~~
~~5-14. Transportation Advisory Commission~~
~~5-15. Joint Fiscal Committee~~
~~5-16. Dover Business and Industrial Development Authority~~
~~5-17. McConnell Center Advisory Committee~~
~~5-18. Parking Commission~~
~~5-19. Conservation Commission~~
~~5-20. Dover Pools Advisory Committee~~
~~5-21. Dover Housing Authority~~
~~5-22. Energy Commission~~

~~5-1. Establishment~~

~~A) There shall be the following boards, commissions and committees in the City of Dover:~~

- ~~1) Board of Health~~
- ~~2) Cemetery Board~~
- ~~3) Library Board of Trustees~~
- ~~4) Recreation Advisory Board~~
- ~~5) Dover Arena Commission~~
- ~~6) Personnel Advisory Board~~
- ~~7) Planning Board~~
- ~~8) Dover Utilities Commission~~
- ~~9) Zoning Board of Adjustment~~
- ~~10) Board of Trustees~~
- ~~11) Building Code Board of Appeals~~
- ~~12) Solid Waste Advisory Commission~~
- ~~13) Dover Arts Commission~~
- ~~14) Transportation Advisory Commission~~
- ~~15) Joint Fiscal Committee~~

~~16) Dover Business and Industrial Development Authority~~
~~17) McConnell Center Advisory Committee~~
~~18) Parking Commission~~
~~19) Conservation Commission~~
~~20) Dover Pools Advisory Committee~~
~~21) Dover Housing Authority~~
~~22) Energy Commission~~

~~B) All boards and commissions shall serve in an advisory capacity only, unless otherwise empowered by state statute, City Charter or ordinance.~~

~~C) All appointments to boards, commissions and committees shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board or commission 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.~~

~~D) All board and commission members shall be residents of the City of Dover except for those members presently serving. All exceptions shall be approved by the City Council.~~

~~E) All boards, commissions and committees shall adopt rules subject to the approval of the City Council. Rules may contain provisions for the establishment of subcommittees consisting of members appointed by the City Council.~~

~~F) The City Council may appoint a City Councilor as an ex-officio non-voting liaison to any board, commission or committee to report to the City Council on a periodic basis.~~

~~G) The City Council shall appoint members to boards, commissions and committees to achieve a membership consisting of staggered terms to assure continuity~~

~~in the functioning of boards, commissions and committees. Exceptions to the length of the term of appointment may be made by the City Council at the time of appointment to achieve staggered terms.~~

~~H) Staff members may be assigned as liaisons to assist the board, commission or committee at the discretion of the City Manager.~~

~~I) The City Council may appoint ad hoc committees for special projects for limited durations.~~

~~J) All appointments of city councilors as regular or alternate members of a board, commission or committee shall be on an ex-officio non-voting basis, said appointment not to exceed the two-year term of office, this provision applies prospectively.~~

~~5-2. Board of Health~~

~~A) MEMBERSHIP. The Board of Health shall consist of five (5) members including a physician and a dentist.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Board of Health shall perform the following functions:~~
~~1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for public health in the City of Dover.~~

~~5-3. Cemetery Board~~

~~A) MEMBERSHIP: The Cemetery Board shall consist of five (5) members and~~

~~two (2) alternates.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Cemetery Board shall perform the following functions:~~
~~1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for the operation of the Cemetery Division of the Community Services Department.~~

~~5-4. Library Board of Trustees~~

~~A) MEMBERSHIP: The Library Board of Trustees shall consist of five (5) members.~~

~~B) TERMS OF MEMBER: Members shall be appointed to terms of five (5) years.~~

~~C) AUTHORITY AND DUTIES: The Library Board shall perform the following functions:~~
~~1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies regarding the operation of the Dover Public Library;~~
~~2) Advocate, promote and perpetuate the growth, prosperity and the usefulness of the public library.~~

~~5-5. Recreation Advisory Board~~

~~A) MEMBERSHIP: The Recreation Advisory Board shall consist of nine (9) members and three (3) alternates.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Recreation Advisory Board shall perform the following functions:~~

~~1) Study, consider and recommend, to the City Council and the City Manager or designee, general policies for the provision of recreation programs and facilities.~~

~~5-6. Dover Arena Commission~~

~~A) MEMBERSHIP: The Dover Arena Commission shall consist of five (5) members and two (2) alternate members,~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Dover Arena 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 operation of the Dover Arena.~~

~~5-7. Personnel Advisory Board~~

~~A) MEMBERSHIP. The Personnel Advisory Board shall consist of three (3) members according to the provisions of C7-6 of the Dover Charter. The duties shall conform to the Charter.~~

~~5-8. Planning Board~~

~~A) MEMBERSHIP. The Dover Planning Board shall consist of nine (9) members pursuant to the provisions of RSA 673:2 (I-a) and three (3) alternates pursuant to RSA 673:6 and consistent with Dover ordinance Chapter 41. Planning Board members may only serve on other municipal boards and commissions pursuant to RSA 673:7.~~

~~B) TERMS OF MEMBERS. Members shall be appointed to terms of three (3) years consistent with the provisions of RSA 673:5 (II). The terms for member~~

~~appointments shall be made to allow for subsequent appointments to occur on a staggered basis.~~

~~C) AUTHORITY AND DUTIES: The duties and authority of the Planning Board shall comply with RSA 672-677 and Chapter 41.~~

~~5-9. Dover Utilities Commission~~

~~A) MEMBERSHIP: The Dover Utilities Commission shall consist of seven (7) members and one (1) alternate.~~

~~B) TERM OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Dover Utilities 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 operation of the water and sewer functions of the Community Services Department;~~
~~2) Hear and decide abatement appeal requests filed by citizens regarding administrative abatement decisions.~~

~~5-10. Zoning Board of Adjustment~~

~~A) MEMBERSHIP: The Zoning Board of Adjustment shall consist of five (5) members, and three (3) alternates.~~

~~B) TERMS OF MEMBERS. Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Zoning Board of Adjustment shall have duties and responsibilities pursuant to RSA 672-677. The members shall also perform the duties of a Building Code Board of Appeals pursuant to RSA 674:34. The members~~

~~shall also perform the duties of Building Code of Appeals, pursuant to RSA 674:34.~~

~~5-11. Board of Trustees~~

~~A) MEMBERSHIP: The Board of Trustees shall be comprised of five (5) members, one (1) of whom shall be the Finance Director on an ex-officio basis with voting privileges. Other members shall be citizens of Dover who shall have experience in the field of professional banking and financial matters.~~

~~B) TERM OF MEMBERS: The Finance Director shall hold a position as a member of the Board of Trustees for a term concurrent with the term of office as Finance Director. Remaining members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Board of Trustees shall have all of the authority and perform all of the duties as may be provided by state law relating to the administration of trust funds of the municipal corporation.~~

~~5-12. Solid Waste Advisory Commission~~

~~A) MEMBERSHIP: The Solid Waste Advisory Commission shall consist of seven (7) members~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Solid Waste Advisory Commission shall perform the following functions:~~
~~1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for provision of solid waste and recycling programs and facilities.~~

~~5-13. Dover Arts Commission~~

~~A) MEMBERSHIP: The Dover Arts Commission shall consist of nine (9) members~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The 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.~~
~~2) Develop and promote programs, forums and exhibits that highlight the talent and active art related venues currently existing within the City.~~

~~5-14. Transportation Advisory Commission~~

~~A) MEMBERSHIP: The Transportation Advisory Commission shall consist of nine (9) members and two (2) alternates including one (1) member of the City Council, one (1) representative of the Cooperative Alliance for Seacoast Transportation (Coast) Public Transit System, and three (3) staff members assigned by the City Manager. All as ex-officio members shall have voting privileges. Four members shall be citizen members~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Transportation Advisory Commission shall perform the following functions:~~
~~1) Review transportation policy and safety matters involving conventional vehicles, transit, alternative modes (i.e. pedestrian and bicycles), and commercial vehicles, and attendant amenities;~~
~~2) Serve as a sounding board for citizens' traffic, pedestrian and safety issues and making recommendations to Council or staff for appropriate action.;~~
~~3) Solicit feedback from the School Department regarding sidewalk and crosswalk safety issues on a quarterly basis;~~

~~4) Assist with developing the City Transportation Improvement Program (TIP) by soliciting citizen input on needed projects for submission to the Planning Board and City Council;~~
~~5) Study issues arising under the City of Dover Master Plan as they relate to transportation;~~
~~6) Make recommendations to the City Council and/or Planning Board and study and prepare reports to aid in the development, implementation and general improvement of the Master Plan relating to transportation in the City of Dover;~~
~~7) May hold public hearings for neighborhood transportation related reconstruction projects~~

~~5-15. Joint Fiscal Committee~~

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

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

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

~~1) The first regular meeting of the year shall be called to discuss the formulation of the annual budget and shall occur prior to February 1 of each year;~~
~~2) The second regular meeting shall be called to discuss the general fund budget and shall occur prior to May 1 of each year;~~
~~3) The third regular meeting of the year shall be called to discuss the Capital Improvements Plan (CIP) and shall occur prior to October 15 of each year.~~
~~4) Other subjects may be discussed at any meeting pursuant to an advance agenda prepared by mutual agreement of the Chair of the School Board and the Mayor in consultation with their respective bodies.~~

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

~~5-16. Dover Business and Industrial Development Authority~~

~~A) MEMBERSHIP. The Dover Business and Industrial Authority shall consist of not less than nine (9) and no more than fifteen (15) members including the City Manager, Economic Development Director and Mayor as ex-officio non-voting members. The majority of board members shall reside in Dover.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The duties and functions of the Dover Business and Industrial Development Authority shall be governed by RSA 162-G.~~

~~5-17. McConnell Center Advisory Committee~~

~~A) MEMBERSHIP: The McConnell Center Advisory Committee shall consist of seven (7) members and two (2) alternates including three (3) tenant representatives.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~
~~C) AUTHORITY AND DUTIES. The McConnell Center Advisory Committee shall have the following functions:~~
~~1) Advocate for achieving the mission of the McConnell Community Center.~~
~~2) Review the operations budget recommended to City Manager.~~
~~3) Seek and recommend tenants to the City of Dover.~~
~~4) Assist in the creation and dissemination of publicity related to the McConnell~~

~~Community Center.~~

~~5) Foster collaborative programming between tenants of the McConnell community center and other agencies.~~

~~6) Study, consider and recommend policies for the operation of the McConnell Center.~~

~~5-18. Parking Commission~~

~~A) MEMBERSHIP: The Parking Commission shall consist of six (6) members with representation as follows:~~

~~1) Four (4) Dover residents; and~~

~~2) Two (2) Dover commercial property or business owners.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES: The Parking Commission shall perform the following functions:~~

~~1) Assist with the development, implementation and continued monitoring of a comprehensive public parking system throughout the City.~~

~~2) Review and develop recommendations for the ongoing financing and operation of public parking services and facilities to include:~~

~~3) Making recommendations to the City Council and City Manager for the maintenance and implementation of an overall public parking plan that defines goals, policies, regulations and their enforcement.~~

~~4) Making recommendations to the City Council and City Manager with respect to funding for a parking activity fund.~~

~~5) Making recommendations to the Planning Board, the City Council and City Manager with respect to capital improvement programming as it relates to public parking facilities.~~

~~6) Making recommendations to the City Council and City Manager with respect to special parking districts, related maintenance programs and their funding and management.~~

~~7) Promoting communication and the exchange of ideas and concerns between users of public parking, property owners, merchants, and City agencies.~~

~~8) Acting to promote public awareness of public parking areas in the city.~~

~~5-19. Conservation Commission~~

~~A) MEMBERSHIP: The Conservation Commission shall consist of not less than three (3) and not more than seven (7) members. One member may be a member of the Planning Board pursuant to RSA 36-A.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.~~

~~C) AUTHORITY AND DUTIES. The Conservation Commission shall have the powers and duties established by state law pursuant to RSA 36-A and consistent with Dover ordinance Chapter 14.~~

~~D) OPEN LANDS COMMITTEE. The Conservation Commission may establish an Open Lands Committee as a subcommittee within its Rules subject to the appointing authority of the City Council and subject to the approval of the rules by the City Council.~~

~~5-20. Dover Pools Advisory Committee~~

~~A) MEMBERSHIP: The Dover Pool Advisory Committee shall consist of seven (7) members and two (2) alternate members. In addition, there shall be one city councilor appointed on an ex officio non-voting basis.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years~~

~~C) AUTHORITY AND DUTIES: The Dover Pool Advisory Committee shall perform the following functions:~~
~~1) Study, consider and recommend to the City Council and City Manager, or~~

~~designee, general policies for the operation of the Dover Pools.~~

~~5-21. Dover Housing Authority~~

~~A) MEMBERSHIP: The Housing Authority shall consist of five (5) members appointed by the City Manager pursuant to state statute.~~

~~B) TERMS OF MEMBERS. The Commissioners shall be appointed to five (5) year terms pursuant to state statute.~~

~~C) AUTHORITY AND DUTIES: The functions and duties of the Housing Authority shall be as provided in Chapter 203 of the New Hampshire Revised Statutes Annotated.~~

~~5-22. Energy Commission~~

~~A) MEMBERSHIP: The Energy Commission shall consist of seven (7) members, and two (2) alternates.~~

~~B) TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years consistent with the provisions of RSA 38-D:3.~~

~~C) AUTHORITY AND DUTIES. The Energy Commission shall have the powers and duties established by state law pursuant to RSA 38-D:~~
~~1) Any appropriation established by the City Council for use by the Energy Commission shall be held in an Energy Commission Fund and disbursed in accordance with RSA 38-D subject to the requirements of the City's purchasing procedures and accounting requirements as administered by the City Manager.~~

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2012.08.22 – 13**
Ordinance Title: Boards, Commissions and Committees
Chapter: 5

ORDINANCE BACKGROUND MATERIAL:

This resolution is to delete Chapter 5 BOARDS COMMISIONS and COMMITTEES which will be restored to Article IV – Boards and Commissions in Chapter 3 Administrative Code under a separate Ordinance. The Ordinance change was presented contrary to the Charter C3-8, information was not provided in the format outlined and the Council voted without that material present. In January of 2012 the Council began Authenticating the Charter ad noted that the Administrative Code was missing a key Article that historically belonged in the Administrative Code. Where the Code consists of:

Article I - Departmental Organization
Article II - Municipal Departments
Article III - Purchasing Procedure
Article IV - Boards and Commissions

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.3.

Ordinance Number: **O – 2012.09.12- 14 - n0**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE I
DEPARTMENTAL ORGANIZATION

3-2. Powers and duties of department heads. [Amended 2-21-90 by Ord. No. 1-90]

A. Department heads shall be responsible for the ~~courteous and efficient operation of their department.~~ *efficient and cost effective operation of their departments on a courteous, cooperative and friendly basis while interacting with citizens of Dover and all other departments.* They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.

B. Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, ~~this~~ *the* Administrative Code, *City ordinances, administrative regulations,* and the provisions of the Merit Plan for the administration of their various departments, conduct of the employees and the proper performance of the ~~department's business~~ *department functions.*

C. Department heads may, with the approval of the Manager, establish ~~such~~ departmental divisions and the subunits as may be ~~deemed~~ desirable in the interest of economy and efficiency ~~and in accordance~~ with sound administrative principles and practices

~~D. Department heads shall be responsible for maintaining the operation of their department on a close, courteous and friendly basis of cooperation with the citizens of Dover and with all other departments~~.

~~E.~~ *D.* Department heads shall be responsible for satisfactory maintenance and care of all city property and buildings assigned ~~in~~to their department.

~~F.~~ *E.* ~~Each department head~~ *Department heads* shall be responsible for preparing and submitting ~~both~~ routine and special reports on the operation of their department*s* to the *City* Manager or to any state or federal agency*ies* as required.

~~G. At such time as may be requested by the City Manager, department heads shall submit an itemized estimate of the expenditures for the next fiscal year for their department for use in preparation of the proposed budget for said year.~~

~~H. Department heads shall be responsible for following the provisions of this Administrative Code establishing a purchasing and control system with respect to purchases and contracts for their department.~~

E. All employees shall be under the immediate supervision of their respective department heads and or designees, and all employees in the Classified Service shall be compensated on the basis of a uniform pay plan.

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

CITY OF DOVER – ORDINANCE

CITY OF DOVER

Agenda Item#: 12.A.3.

Ordinance Number: **O – 2012.09.12- 14 - n0**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

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 Dorothy 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.A.3.

Ordinance Number: **O – 2012.09.12- 14 - n0**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

This ordinance changes the compensation of department heads from the City Council direction to the City Manager direction.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.4.

Ordinance Number: **O – 2012.09.12 – 15 - n1**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

   The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
   Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE II
MUNICIPAL DEPARTMENTS

3-5. Executive Department.

~~F. The Office of the City Clerk shall be administered by a City Clerk who shall perform the following functions: **[Added 05-18-94 by Ord. No. A05-94]**~~

~~(1) Serve as Clerk of the City Council and prepare, maintain, publish and index all proceedings of the City Council as required.~~

~~(2) Arrange for all elections, maintain all election records and have custody of all property used in connection therewith.~~

~~(3) Obtain and maintain all statistics on births, marriages and deaths as required by law.~~

~~(4) Notify the City Manager, at least thirty (30) days prior thereto, of the expiration of terms of all members of boards and committees.~~

~~(5) File and preserve, as required, all contracts, bonds, oaths of office and other documents.~~

~~(6) Issue all licenses and permits and collect all fees, as required by statute and ordinance unless otherwise provided, and deposit these collections with the City Treasurer.~~

~~(7) Be custodian of the official City Seal.~~

~~(8) Notify promptly the City Manager and board chairpersons of Council actions of concern to the department and/or employees under their jurisdiction.~~

~~(9) Keep the ordinances of the city up to date and maintain a record of all amendments thereto.~~

~~(10) Perform all duties and exercise all powers incumbent upon or vested in city clerks by the laws of the State of New Hampshire.~~

~~(11) Schedule the use of special rooms, council chambers, and auditoriums as required.~~

~~(12) Perform all other related functions as required.~~

3-9. Finance Department.

(7) The Office of the City Clerk shall be administered by a City Clerk who shall perform the following functions: ***[Added 05-18-94 by Ord. No. A05-94]***

(1) Serve as Clerk of the City Council and prepare, maintain, publish and index all proceedings of the City Council as required.

(2) Arrange for all elections, maintain all election records and have custody of all property used in connection therewith.

(3) Obtain and maintain all statistics on births, marriages and deaths as required by law.

(4) Notify the City Manager, at least thirty (30) days prior thereto, of the expiration of terms of all members of boards and committees.

(5) File and preserve, as required, all contracts, bonds, oaths of office and other documents.

(6) Issue all licenses and permits and collect all fees, as required by statute and ordinance unless otherwise provided, and deposit these collections with the City Treasurer.

(7) Be custodian of the official City Seal.

(8) Notify promptly the City Manager and board chairpersons of Council actions of concern to the department and/or employees under their jurisdiction.

(9) Keep the ordinances of the city up to date and maintain a record of all amendments thereto.

(10) Perform all duties and exercise all powers incumbent upon or vested in city clerks by the laws of the State of New Hampshire.

(11) Schedule the use of special rooms, council chambers, and auditoriums as required.

(12) Perform all other related functions as required.

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago, Councilor Catherine Cheney, Councilor Michael Weeden

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.4.

Ordinance Number: **O – 2012.09.12 – 15 - n1**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 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		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy 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.A.4.

Ordinance Number: **O – 2012.09.12 – 15 - n1**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

This ordinance delete the City Clerk's Office, removing it from Article II Municipal Departments 3-5 Executive Department F. The Office of the City Clerk.

This ordinance adds (6) The Office of the City Clerk to 3-9. Finance Department.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.5.

Ordinance Number: **O – 2012.09.12 – 16 - n2**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE I
DEPARTMENTAL ORGANIZATION

~~**3-4.1 Administrative Office Hours. [Added 9-22-82 by Ord. No. 17-82; amended 8-27-86 by Ord. No. 13-86; amended 03-19-97 by Ord. No. 06-97; amended 04-08-98 by Ord #04-98]**~~

~~A. All Administrative Offices of the City of Dover whether located in City Hall or elsewhere in the City, shall be open at least 40 hours per week at times which are convenient for the conduct of business by the citizens of Dover and others wishing to do business with the city.~~

~~B. The specific hours of operation shall be established by the City Council, with the advice of the City Manager, by resolution.~~

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.5.

Ordinance Number: **O – 2012.09.12 – 16 - n2**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 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		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy 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.A.5.

Ordinance Number: **O – 2012.09.12 – 16 - n2**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

This ordinance deletes 3-4.1 Administrative Office Hours from the Administrative Code Article I Departmental Organization and removes Council oversight.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.6.

Ordinance Number: **O – 2012.09.12 – 17 - n3**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE I
DEPARTMENTAL ORGANIZATION
3-3. Appointment of department heads; compensation.

B. The compensation of all department heads shall be fixed by the ~~City Council~~ ***Merit Plan***.

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

DOCUMENT HISTORY:

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.6.

Ordinance Number: **O – 2012.09.12 – 17 - n3**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

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 Dorothy 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.A.6.

Ordinance Number: **O – 2012.09.12 – 17 - n3**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

This ordinance changes the compensation of department heads from the City Council direction to the City Manager direction.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.7.

Ordinance Number: O – 2012.09.12 – 18 - n4
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE II
Municipal Departments

3-18. Planning and Community Development Department. [Amended 12-13-89 by Ord. No. 26-89; Amended 07-17-91 by Ord. No. 25-91]

A. The Department of Planning and Community Development, under the supervision of a Planning and Community Development Director, appointed as provided in the City Charter, shall consist of ~~an Inspection Division,~~ a Community Development Division, and a Planning Division. Each Division shall consist of such supervisory, technical, and clerical staff as may be recommended by the Planning and Community Development Director and approved by the City Manager.

~~C. The Inspection Division shall be responsible for the following duties: [Added 10-25-78 by Ord. No. 21-78; Amended 09-28-94 by Ord. No. 16-94]~~

~~(1) Enforce the zoning and health ordinances and the building, electrical, plumbing and health codes of the city of Dover.* [Amended 07-17-91 by Ord. No. 25-91]~~

~~(2) Enforce all statutes and ordinances, except as otherwise provided relating to the construction, equipment, alteration, and condition of buildings within the city.~~

~~(3) Inspect plans and specifications of proposed buildings and issue building permits, therefore, maintaining a file of all applications for permits and providing the tax assessment division with copies.~~

~~(4) Visit and inspect every structure upon which work is being done, where a permit is required, as often as necessary.~~

* Editor's Note: See Ch. 170, Zoning; Ch. 68, Building Construction; and Ch. 120, Electrical Standards; and Chapter 135, Plumbing; respectively.

~~(5) Turn over all permit fees received to the City Treasurer daily, keeping a record of the same.~~

~~(6) Investigate all complaints relating to nuisances affecting public health that may be brought to its attention. The designated Health Officer shall act as the executive officer of the board of health, shall serve all notices and order issued by the board.~~

~~(7) Prepare and maintain all necessary records required by law by the State or City Ordinances.~~

~~(8) Procure, study and analyze data concerning public health.~~

~~(9) The Health Officer shall investigate and render assistance in reference to private water supplies and septic tanks.~~

~~(10) The Health Officer shall investigate all communicable diseases, all sanitary hazards and enforce sanitary laws.~~

~~(11) Issue all burial permits.~~

~~(12) Inspect all restaurants, cafes, other eating places and vendors of food as required by the city ordinances.~~

~~(13) Issue licenses and perform any other functions required by the city ordinances or by the state laws.~~

~~(14) The Health Officer shall have and exercise the same power to make arrests as is, by law or ordinance, conferred upon the regular police of the city in all cases where there is a violation of the health laws of the state, city ordinances, orders or regulations.~~

~~(15) Perform all other related functions as required.~~

ARTICLE II
Municipal Departments

3-10. Fire & Rescue. [Amended 12-21-05 by Ord. No. 20-2005]

A. The Department of Fire & Rescue, under the supervision of a Fire Chief, appointed as specified by the City Charter, who shall have all the powers conferred upon fire wardens by the laws of the State of New Hampshire, RSA Chapter 154:5 shall consist of such forces of permanent officers and call officers as may be recommended by the Fire Chief and approved by the Manager. **[Amended 2-21-90 by Ord. No. 1-90]**

B. The Fire & Rescue Department shall perform the following functions: **[Amended 10-25-78 by Ord. No. 23-78]**

C. The Inspection Division shall be responsible for the following duties: ***[Added 10-25-78 by Ord. No. 21-78; Amended 09-28-94 by Ord. No. 16-94]***

(1) Enforce the zoning and health ordinances and the building, electrical, plumbing and health codes of the city of Dover.[*] ***[Amended 07-17-91 by Ord. No. 25-91]***

(2) Enforce all statutes and ordinances, except as otherwise provided relating to the construction, equipment, alteration, and condition of buildings within the city.

(3) Inspect plans and specifications of proposed buildings and issue building permits, therefore, maintaining a file of all applications for permits and providing the tax assessment division with copies.

(4) Visit and inspect every structure upon which work is being done, where a permit is required, as often as necessary.

(5) Turn over all permit fees received to the City Treasurer daily, keeping a record of the same.

(6) Investigate all complaints relating to nuisances affecting public health that may be brought to its attention. The designated Health Officer shall act as the executive officer of the board of health, shall serve all notices and order issued by the board.

[*] **Editor's Note: See Ch. 170, Zoning; Ch. 68, Building Construction; and Ch. 120, Electrical Standards; and Chapter 135, Plumbing; respectively.**

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.7.

Ordinance Number: **O – 2012.09.12 – 18 - n4**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney

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 Dorothy 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.A.8.

Ordinance Number: **O – 2012.09.12 – 19 - n5**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

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 Dorothy 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 deletes the title designation of the Purchasing Ordinance further distancing it from Charter:

C6-16. Purchase Procedure. [Amended 09-25-85, approved at 11-05-85 Municipal Election; Amended 09-05-90, approved at 11-06-90 Election]

The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchase to the purchasing agent, and the combination purchasing of similar articles by different departments.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.9.

Ordinance Number:	**O – 2012.09.12 – 20 - n6**
Ordinance Title:	Chapter 3, Administrative Code
Chapter:	3

The City of Dover Ordains:

1. PURPOSE

   The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
   Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE III
Purchasing Procedure
[Amended 2-13-80 by Ord. No. 2-80, Amended 04-01-92 by Ord. No. 08-92]

3-36. Optional purchasing methods.

Notwithstanding any other provision of this ordinance to the contrary, the following methods may be employed for the purpose of purchasing goods and services.

A. Emergency waiver of bidding requirements - The bidding procedures may be waived by the City Manager when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.

~~B. Purchases made through state; state bid prices - The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices but not superseding 3-39. The bid requirements may apply, at the discretion of the Purchasing Agent.~~

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.

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.9.

Ordinance Number: **O – 2012.09.12 – 20 - n6**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Miehael Weeden

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 Dorothy 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.A.9.

Ordinance Number: O – 2012.09.12 – 20 - n6
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

ORDINANCE BACKGROUND MATERIAL:

Article III: 3-36B (also See Article III:3-39 Approval of Purchases by the City Council) changed to Article III:3-29B which Added "cooperative buying groups";

Before 07-14-2010

3-36. Optional purchasing methods.

B. Purchases made through state; state bid prices - The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices but not superseding 3-39. The bid requirements may apply, at the discretion of the Purchasing Agent.

3-39. Approval of purchases by the City Council.

All purchases of goods and services of twenty-five thousand dollars ($25,000) or more shall be approved, rejected or negotiated by majority vote of the City Council prior to the awarding of such purchases. All purchases of goods and services of $5,000 or more shall be reported to the City Council by the City Manager's Report for each department on a monthly basis following said purchases. **[Amended 03-19-99 by Ord. No. 01-99; amended 05-21-03 by Ord. No. 08-2003]**

Subsequent 07-10-2010

3-29 Exceptions to competitive bidding

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.

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.10.

Ordinance Number: O – 2012.09.12 – 21 - n7
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE III
Purchasing Procedure
[Amended 2-13-80 by Ord. No. 2-80, Amended 04-01-92 by Ord. No. 08-92]

3-36. Optional purchasing methods.

Notwithstanding any other provision of this ordinance to the contrary, the following methods may be employed for the purpose of purchasing goods and services.

A. Emergency waiver of bidding requirements - The bidding procedures may be waived by the City Manager when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.

B. Purchases made through state; state bid prices - The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices but not superseding 3-39. The bid requirements may apply, at the discretion of the Purchasing Agent.

C. Blanket purchases - The Purchasing Agent is empowered to bid and award blanket purchase orders for goods and services at an agreed price and/or quantities, but in quantities delivered and paid for as needed, subject to other provisions of the Purchasing Ordinance.

~~D. Change purchase orders - The Purchasing Agent is empowered to issue change purchase orders for changes in scope or quantity of an existing purchase. The change purchase amount is subject to other provisions of the Purchasing Ordinance.~~

D. Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of Twenty-five thousand dollars ($25,000) without further City Council approval.

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.10.

Ordinance Number: **O – 2012.09.12 – 21 - n7**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

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 Dorothy 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:
Article III: 3-36D changed to Article III: 3-29C, which took out the $25K "cap" in accordance with pre-2010 Article III: 3-39

Before 07-14-2010
3-36. Optional purchasing methods.

Notwithstanding any other provision of this ordinance to the contrary, the following methods may be employed for the purpose of purchasing goods and services.

A. Emergency waiver of bidding requirements - The bidding procedures may be waived by the City Manager when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.

B. Purchases made through state; state bid prices - The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices but not superseding 3-39. The bid requirements may apply, at the discretion of the Purchasing Agent.

C. Blanket purchases - The Purchasing Agent is empowered to bid and award blanket purchase orders for goods and services at an agreed price and/or quantities, but in quantities delivered and paid for as needed, subject to other provisions of the Purchasing Ordinance.

D. Change purchase orders - The Purchasing Agent is empowered to issue change purchase orders for changes in scope or quantity of an existing purchase. The change purchase amount is subject to other provisions of the Purchasing Ordinance.

3-36

3-38

E. Requests for proposals (RFP) - The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFPs is subject to other provisions of the Purchasing Ordinance.

F. Regional purchasing - The Purchasing Agent may participate in solicitations to bid conducted by himself or another city or town purchasing agent where the goal is to bid for goods and services for more than one city or town subject to other provisions of the Purchasing Ordinance.

Subsequent 07-10-2010

3-29 Exceptions to competitive bidding

Competitive Bidding shall not apply to the following:

A. Emergency Purchases: The City Manager may waive the competitive bidding procedures when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.

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.

C. Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of Twenty-five thousand dollars ($25,000) without further

City Council approval.

D. Requests for proposals (RFP): The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFP's is subject to other provisions of the Purchasing Ordinance.

E. Regional purchasing: The Purchasing Agent may participate in solicitations to bid conducted by the City of Dover or another city or town where the goal is to bid for goods and services for more than one city, town or other government entity subject to other provisions of the Purchasing Ordinance.

F. Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.

G. Purchases under extensions of contracts when the same or lower price is extended for another year or part of a year.

H. Purchases under intergovernmental agreements or contracts which require use of procurement procedures consistent with the provisions of this section

I. Expert consulting for litigation

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.11.

Ordinance Number: **O – 2012.09.12 – 22 - n8**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

   The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
   Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE III
Purchasing Procedure
[Amended 2-13-80 by Ord. No. 2-80, Amended 04-01-92 by Ord. No. 08-92]

3-38. Exemptions to Bidding and Approval Requirements.

Payments exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:

A. Utility consumption costs including electrical, natural gas, water and sewer.

B. Telephone call charges.

C. Advertising.

D. Postage.

E. Federal, state and local taxes.

F. Court judgments.

G. Workers Compensation claims.

H. Debt service payments.

I. Police special investigative costs where disclosure may jeopardize an investigation.

J. Expert consulting for litigation

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

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

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 Dorothy 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:
2010 Article III: 3-29I added expert consulting for litigation as an exception to competitive bidding requirements, and should have been added as pre-2010 Article 3-

Before 07-14-2010

3-38. Exemptions to Bidding and Approval Requirements.

Payments exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:

A. Utility consumption costs including electrical, natural gas, water and sewer.

B. Telephone call charges.

C. Advertising.

D. Postage.

E. Federal, state and local taxes.

F. Court judgments.

G. Workers Compensation claims.

H. Debt service payments.

I. Police special investigative costs where disclosure may jeopardize an investigation.

Subsequent 07-10-2010

3-29 Exceptions to competitive bidding

Competitive Bidding shall not apply to the following:

A.
Emergency Purchases: The City Manager may waive the competitive bidding procedures when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available.

The City Manager shall report all such emergency purchases to the City Council at their next regular meeting.

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.

C.

Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of Twenty-five thousand dollars ($25,000) without further City Council approval.

D.

Requests for proposals (RFP): The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFP's is subject to other provisions of the Purchasing Ordinance.

E.

Regional purchasing: The Purchasing Agent may participate in solicitations to bid conducted by the City of Dover or another city or town where the goal is to bid for goods and services for more than one city, town or other government entity subject to other provisions of the Purchasing Ordinance.

F.

Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.

G.

Purchases under extensions of contracts when the same or lower price is extended for another year or part of a year.

H.
Purchases under intergovernmental agreements or contracts which require use of procurement procedures consistent with the provisions of this section

I.
Expert consulting for litigation

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.12.

Ordinance Number: **O – 2012.09.12 – 23 - n9**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 3, entitled "Administrative Code"

2. AMENDMENT
Chapter 3 entitled "Administrative Code" is hereby amended as follows:

ARTICLE I
GENERAL PROVISIONS

3-1. Legislative authority.

A.
This Administrative Code is established in accordance with the provisions of RSA 49-C:21. The Administrative Code may be amended from time to time pursuant to the provisions of RSA 49-C:21.

B.
Should any section or provision of the Administrative Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Administrative Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

C.
The City Manager may issue administrative regulations promulgating procedures, administrative policies and programs of the City to supplement this Administrative Code. These regulations, together with the Administrative Code and any other standard operating procedures established by subordinate departments, shall conform to the requirements of the ordinances of the City of Dover, existing collective bargaining agreements and all other applicable state and federal laws.

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.12.

Ordinance Number: **O – 2012.09.12 – 23 - n9**
Ordinance Title: Chapter 3, Administrative Code
Chapter: 3

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Karen Lavertu, City Clerk

Sponsored by: Councilor Michael Crago
Councilor Catherine Cheney
Councilor Michael Weeden

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 Dorothy 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:
Article I of the Administrative Code did not have a Legislative Authority Section. This section is not needed as The New Hampshire Constitution through Article 39 points to a Charter wherein our Charter Article C5-9 describing our Administrative Code. Prior to 07-14-2010 all further authorities to the City Manager and Department Heads is found in other parts of the Administrative Code:

Article I Departmental Organization
- 3-2 Powers and duties of department heads
- 3-3 Appointment of department heads; compensation
- 3-4 Department staff

Article II Executive Department

ARTICLE I

GENERAL PROVISIONS

3-1. Legislative authority.

a. A. This Administrative Code is established in accordance with the provisions of RSA 49-C:21. The Administrative Code may be amended from time to time pursuant to the provisions of RSA 49-C:21.

b. B. Should any section or provision of the Administrative Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Administrative Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

c. C. The City Manager may issue administrative regulations promulgating procedures, administrative policies and programs of the City to supplement this Administrative Code. These regulations, together with the Administrative Code and any other standard operating procedures established by subordinate departments, shall conform to the requirements of the ordinances of the City of Dover, existing collective bargaining agreements and all other applicable state and federal laws.

Sent to Police 9/13/12

CITY OF DOVER
12 SEP 10 PM 3:52

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: Cocheco Quilt Guild (non-profit)
Federal Tax ID number for Organization: 22-2534286
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Nancy Starks-Chemy Time Telephone: 603-292-6234
603-591-1597-cell
Address: 12 Britton Lane, Durham NH Email Address

Purpose of Permit: Selling raffle tickets for our Raffle Quilt @ Apple Harvest Day

Date of Event: 10/6/2012 Specific Time: all day

Location of Event: City of Dover near Henry Law Park - (booth # has not yet been assigned)

(Raffle Permit only)
Prize (s) To Be Awarded: Quilt - bed size

Amount of Donation: $1.00/chance Date of Drawing: 10/14/2012 Specific Time: 4 PM

Place of Drawing: Rochester Senior Center, Rochester, NH

* 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: Nancy Starks-Chemy Date: 9/10/2012

Licensing Board approval Date: 9/12/12

Revised 03/17/08

All set with Charitable Trusts Unit

CITY OF DOVER
12 AUG 23 PM 1:56

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: DOVER KNIGHTS OF COLUMBUS COUNCIL 807 OUR LADY OF THE ROSARY
Federal Tax ID number for Organization: _____
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: PAUL K. MCMANUS Day Time Telephone: (603) 742-3748

Address: 5 ARROWBROOK RD. DOVER NH 03820 Email Address SURFERBUZZ@COMCAST.NET

Purpose of Permit: TO QUIETLY DEMONSTRATE FOR PRO-LIFE CAUSE

Date of Event: OCTOBER 7TH Specific Time: 2-3 PM.

Location of Event: IN FRONT OF ST. CHARLES CHURCH - ON SIDEWALK EXTENDING IN BOTH DIRECTIONS UP & DOWN CENTRAL AVE. DEPENDING ON HOW MANY PEOPLE SHOW-UP

****

(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.

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

Signature: Paul K. McManus Date: 8/23/2012

Licensing Board approval _____ Date: 9/7/12
Revised 03/17/08

Traffic Bureau OK. No road closures. (MES) okay. DC

Send to Police 9/17

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: Moms on the Run
Federal Tax ID number for Organization: Can provide Zebra Crossings tax ID if needed 80-0456257
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Nicole Kane **Day Time Telephone:** 742-0350

Address: P.O. Box 1408 Dover **Email Address** Kane4@comcast.net

Purpose of Permit: 5K road race

Date of Event: Sunday May 12th, 2013 **Specific Time:** 8:00 a

Location of Event: Dover High School

****

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

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

Place of Drawing: _____

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

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

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

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

Signature: Nicole Kane **Date:** 9/5/12

2012 SEP -5 P 2:00

Licensing Board approval _____ **Date:** 9/14/12

Revised 03/17/08

RECEIVED
DOVER CITY CLERK
DOVER, NH

Traffic Bureau OK (MES)

All set w/ Charitable Trusts Var. DC

CITY OF DOVER

12 AUG 21 AM 9:33

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: Angels of Hope American Cancer Society Relay For Life Rochester NH

Federal Tax ID number for Organization: 27-0826703

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

Contact Person: Liz Lowe cc Tara Dickey Day Time Telephone: 603 692 7460

Address: 43 Lily Pond Rd Somersworth, NH Email Address LizNak@comcast.net

Purpose of Permit: Road Toll at Central Avenue and Oak Street (MES)

Date of Event: Oct. 7, 2012 Specific Time: 8AM - 5PM

Location of Event: Central Avenue at Oak Street (MES)

****

(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: Elizabeth Lowell Date: Aug 20, 2012

Licensing Board approval _____ Date: 9/10/12

Revised 03/17/08

Traffic Bureau OK. (MES)

All set with Charitable Trusts Unit.

Internal Revenue Service
United States Department of the Treasury

EIN Assistant

Your Progress: 1. Identity 2. Authenticate 3. Addresses 4. Details **5. EIN Confirmation**

Congratulations! Your EIN has been successfully assigned.

EIN Assigned: **27-0826703**

Legal Name: **ANGELS OF HOPE**

Your confirmation letter will be mailed to you. This letter will be your official IRS notice and will contain important information regarding your EIN. Allow up to 4 weeks for your letter to arrive by mail.

We strongly recommend you print this page for your records.

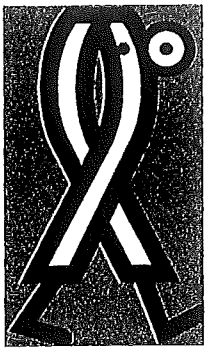
Click "Continue" to get additional information about using your new EIN. Continue >>

Help Topics

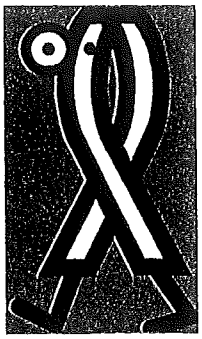
Can the EIN be used before the confirmation letter is received?

TAX Number For Angels of Hope

K. Yowell
6927460



Toll Road Ahead



Please Donate

RELAY FOR LIFE
American Cancer Society

Help Us Fight Cancer

American Cancer Society

Relay For Life – Rochester, NH

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

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

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

Organization Name: Dover Youth Football League Inc.
Federal Tax ID number for Organization: 20-1507167
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Marc Normandeau Day Time Telephone: 603-817-2548

Address: 94 Dover Neck Rd Dover Email Address MARCN1@Comcast.NET

Purpose of Permit: Raise Funds For Equipment

Date of Event: oct. 18,19,20 Specific Time: oct18 4-8 oct19 4-8 oct20 8-6

Location of Event: Dover

****

(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: Marc Normandeau Date: 9-6-12

2012 SEP -6 P 2:29
DOVER, NH
DOVER CITY CLERK
RECEIVED

Licensing Board approval _____ Date: 9/10/12

Revised 03/17/08

All set w/ NH AG's Charitable Trusts Unit.
DL

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

CITY OF DOVER

Resolution Number: **R – 2012.09.26 – 118**
Resolution Re: B13009- Expansion of Downtown Form Base Code Action Plan Professional Consulting Service & Acceptance of Grant

WHEREAS: The City of Dover has been awarded a grant in the amount of $50,000 from the New Hampshire Housing Finance Authority Community Planning Grant Program; and

WHEREAS: Sealed bid B13009 was requested and received for professional consulting services for the expansion of the downtown form base code action plan on August 30, 2012 at 2:00 pm; and

WHEREAS: Three qualified firms responded with varying hourly rates and man hours for the project in its entirety. The proposals were evaluated and interviews were conducted on September 13, 2012; and

WHEREAS: The proposal deemed most advantageous to the city and meeting specifications was submitted by Jeffrey H Taylor and Associates Inc of Concord NH at varying hourly rates for a total amount not to exceed $50,000 and it is the recommendation by the evaluating committee to award to this vendor.

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

The City of Dover accepts the New Hampshire Housing Finance Authority Community Planning Grant in the amount of $50,000.

AND FURTHER BE IT RESOLVED:

The Purchasing Agent is hereby authorized to issue a Purchase Order Jeffrey H Taylor & Associates Inc for consulting services given the rates provided in conjunction with B13009 in an amount not to exceed $50,000. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
2110.1.180.41910.4339.02508.13	NH Housing Finance Authority Grant	50,000.00	50,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch 9/20/12
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr. 9/20/12
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

Resolution Number: **R – 2012.09.26 – 118**

Resolution Re: B13009- Expansion of Downtown Form Base Code Action Plan Professional Consulting Service & Acceptance of Grant

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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

Resolution Number: **R – 2012.09.26 – 118**

Resolution Re: B13009- Expansion of Downtown Form Base Code Action Plan Professional Consulting Service & Acceptance of Grant

RESOLUTION BACKGROUND MATERIAL:

On July 9th, the New Hampshire Housing Finance Authority announced its first round of awards to New Hampshire cities and towns through the Community Planning Grant (CPG) Program. The City of Dover was selected to receive one of those grants to build on the success it had in 2010 in developing the first Form Based Code in New Hampshire, by expanding this innovative zoning infrastructure. This expansion will be along major roadways feeding into Dover's historic downtown area. This zoning project is aimed at revamping and reenergizing 20+ year old zoning along these corridors. The grant is for $50,000, for which the City is matching $5,000, as approved in the FY13 budget, and in kind services of staff time.

The New Hampshire Housing Finance Authority created this program to help New Hampshire cities and towns improve their land use regulations and create more resilient local economies. Funding is provided through a cooperative agreement with the U.S. Department of Housing and Urban Development (HUD). New Hampshire Housing is one of 27 state and local agencies to be awarded a share of $28 million in FY2011 grants through HUD's Community Challenge Grant program, which aims to reform and reduce barriers to achieving affordable and economically vital communities.

Dover's award will involve residents of various gateways to downtown reviewing the zoning along those roadways. It is anticipated that the resulting zoning amendments proposed will build from the 2010 drafted Form Based Code for the downtown commercial district. This grant will support property owners and residents in determining if the form based code zoning is appropriate for how citizens want their community gateways to develop, and redevelop.

The area to be studied will be the five corridors entering downtown Dover (see Appendix A):

- Central Avenue
  - North from the intersection with Birchwood Place towards Silver Street
  - North from Ham street towards Abbey Sawyer Memorial Highway
- Broadway
  - East from Ham Street to the Rollinsford town line
- Portland Avenue
  - East from Chapel Street to the Rollinsford town line
- Sixth Street
  - West from Grove Street towards Hillside Drive
- Silver Street
  - East from Exit 8 off the Spaulding Turnpike to Central Avenue

Currently these areas are zoned either Office or Commercial/Retail. These zones have been in place for over 20 and in some cases over 30 years, and a goal of this project is to work with property owners, business owners and residents to ensure that the areas are zoned appropriately. Finally, the project will be structured similar to the downtown zoning, in that it will determine the character that the community wants for the area,

and then through the development of amendments to the zoning code, ensure that the character is clearly communicated and reinforced when redevelopment occurs.

A critical element of this project will be developing and implementing a plan to identify marginalized and underrepresented populations, and to reach out and ensure the opportunity for this group to contribute and realize the benefits of local planning and how their participation is beneficial to the community and themselves. The public involvement efforts are required not only by the terms of the CPG funding, but are also based on the principle that the best plan the community can develop is one that the citizens are administratively supported and develop together themselves. This project is based upon the principle that our community includes not just property owners and business owners, but all of our residents regardless of their status.

This project was discussed with the City Council as part of the recent budget hearings when the local match money required was considered for elimination from the budget. The discussion centered around the grant process and goal for working with the public and property owners along the roadways leading into and from Dover's historic downtown. Staff believes that an outcome of this project will be to reduce regulatory barriers and encourage flexibility in the zoning along these roadways. The previous work reduced the permitted uses from 40 + detailed uses to 7, which offer flexibility and encourage more market based determinations on uses allowed in the districts. Additionally, the form centered style of zoning requires context sensitive development, where existing characteristics and historic development patterns are respected and reinforced.

A bid was released on August 2nd, and bids were due August 30th. Three bid responses were received. All three respondents were interviewed on September 13, 2012, and Jeffery Taylor and Associates was selected to complete the work. This firm worked with the community to draft the original Form Based Code, and the selection team felt it was the best choice for completing the expansion due their understanding of New Hampshire's strong property right's background, Dover's rich history, and the firms experience encouraging public participation and involvement. The work will begin in the fall and continue through 2013. Ultimately, any zoning amendments that result from the work must be approved by the Planning Board and City Council, after an extensive public participation process. This vendor has been approved by the New Hampshire Housing Finance Authority.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	yes
Invitations Mailed:	302 planners & Engineer	**Number of Responses:**	3
Warranty:	na	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	until completion	**Estimated Delivery:**	As needed
Recommended Award to:	Jeffrey H Taylor & Associates Inc	**Fund:**	NHHFA Grant
Other Approvals Required:	Yes NHHFA	**References Checked:**	Satisfactory

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2012.09.26 – 118**
Resolution Re: B13009- Expansion of Downtown Form Base Code Action Plan Professional Consulting Service & Acceptance of Grant

Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List
https://online.ci.dover.nh.us/energie/financeRequests.php

RFP Results

Vendor	*Estimated costs*
The Cecil Group Inc Hawk Planning Resources 241 A St Ste 500 Boston Ma 02210	$48,600
Howard Stein-Hudson Assoc 38 Chauncy St Boston MA 02111	$49,720
Jeff Taylor & Associates 136 No Main St Ste 4 Concord NH	$48,000 & $2,000 expenses

NH Community Planning Grant Program

GRANT AGREEMENT

This agreement ("Agreement"), executed this 6th day of September 2012, is by and between New Hampshire Housing Finance Authority, 32 Constitution Drive, Bedford, NH 03110, (hereinafter "NHHFA") and the Town of Dover, New Hampshire (hereinafter "the Municipality").

WHEREAS, NHHFA has been granted a United States Department of Housing and Urban Development (HUD) Cooperative Agreement (Instrument Number CCPNH0061-11) with associated funding for the purpose of creating and administering the NH Community Planning Grant Program (hereinafter "the CPG Program");

WHEREAS, pursuant to a competitive application process NHHFA desires to provide a grant to the Municipality for a project to develop new or revised land use regulations as proposed in its CPG Program application (hereinafter "the Project"); and

WHEREAS, the Municipality is willing to undertake and complete the Project pursuant to the terms and conditions of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. PROJECT PERFORMANCE AND CONSULTANT SELECTION. The Municipality agrees to perform work to complete the Project pursuant to the terms and conditions of the Scope of Work (attached as Exhibit A). The Municipality's application to the CPG Program is considered part of this Agreement and any commitments included within the application shall be binding on the Municipality. CPG Program grant application instructions, forms, and the question & answer series are also conditions to this agreement.

The Municipality represents, warrants, and agrees that it will subcontract with a qualified consultant to perform the work of the Project and the Municipality acknowledges that no grant funds are to be used to pay for the Municipality's staff costs or other general administrative expenses. The Municipality may contract with its Regional Planning Commission ("RPC") for Project services without engaging in a competitive process, as the RPC is deemed by NHHFA to be qualified to undertake the Project work. If the Municipality wishes to use the services of a consultant other than its RPC, it must at a minimum issue and advertise a formal Request for Qualifications ("RFQ"), with notice to be provided to NHHFA for public Internet-based dissemination. The Municipality may choose to advertise its RFQ through other means, but this is not required; the Municipality may choose to engage in a formal Request for Proposals ("RFP") process, but this is not required.

If the Municipality choses a consultant other than its RPC, it must submit the consultant's qualifications to NHHFA for its review and written approval prior to entering into a subcontract with the consultant. NHHFA reserves the right to assess the qualifications of such consultants

and to reject those it deems to be unqualified to perform the proposed work. Regardless of the choice of consultant, whether RPC or otherwise and irrespective of NHHFA's review and approval of a consultant's qualifications, the Municipality shall at all times be responsible for Project performance under this Agreement. All Project work shall be performed in compliance with all applicable local, state and federal laws, regulations and rules.

The Municipality's contractor may subcontract Project work only upon NHHFA's review of subcontractor's qualifications and NHHFA's written approval. NHHFA reserves the right to assess the qualifications of such subcontractors and to reject those it deems to be unqualified to perform the proposed work. Any such approval for the use of a subcontractor will not release the Municipality from any of its obligations, duties or responsibilities under this Agreement and the Municipality shall insure such subcontractor's adherence to and compliance with all terms and conditions of this Agreement.

The Municipality will hold a public listening session at the outset of the Project. The Municipality will hold public hearings prior to adoption of regulatory measures as required by state statutes. Throughout the Project, the Municipality will conduct an ongoing outreach and education process to maximize input of community members, including traditionally underrepresented populations, and to ensure that the Municipality's citizens are fully informed of the Project and its resulting regulatory proposals.

2. PROGRESS REPORTS. The Municipality shall report on monthly progress toward implementing its proposed Scope of Work, completed tasks, and metrics of success including documentation on public meetings, workshops and hearings, public participation levels, and additional outreach efforts. The Municipality shall submit a progress report to NHHFA that includes a draft of any proposed regulations for the purpose of allowing NHHFA to comment on the draft prior to notice of public hearings held by the Municipality's planning board or other cognizant body.

3. POST-COMPLETION PROJECT REPORTS. If the Municipality's proposed regulations are adopted, the Municipality shall report on permitting and development activity under the regulations for a period of five (5) years after Project term completion in a form prescribed by NHHFA.

4. GRANT AMOUNT AND REIMBURSEMENT OF MUNICIPALITY'S COSTS. The amount of the grant to be made by NHHFA to the Municipality is $50,000.00. Grant funds will be paid as reimbursement by NHHFA to the Municipality for its costs within 30 days of presentation of an invoice to NHHFA by the Municipality. NHHFA reserves the right to request further information in support of the Municipality's invoice; such requests will toll the reimbursement period until requested information is provided by the Municipality.

In addition to consulting services, the Municipality may expend grant funds for the purpose of acquiring materials and services necessary to perform tasks identified in the Scope of Work, including but not limited to costs of public notices for meetings and food and beverages for public meetings.

Food and beverage costs will qualify for grant fund reimbursement under the following circumstances and may be incurred directly by the municipality:

A. The food and beverages purchased with grant funds will be provided at a meeting where the primary purpose is to disseminate information about the municipality's project, or to gather information from the public regarding the project.
B. The meeting will be open to the general public and the general public will be provided with meaningful advance notice of the meeting.
C. Prior to the meeting, the purchase of the food and beverages is approved by NHHFA. A grantee can secure approval for a recurring series of meetings in a single request. A meeting agenda must be provided showing that items A and B above will be met.
D. The cumulative amount of funds used to purchase food and beverages will not exceed 2.5 percent of the grantee's total project budget.
E. Grant funds cannot be used for the purchase of alcoholic beverages.

5. MATCH. The Municipality must demonstrate an additional match commitment of 25% of grant funds. A minimum of one-quarter of that match must be in the form of cash expenditures for consultant services, supplies, or other costs directly associated with the proposed project, but excluding the Municipality's payment of salary or wages to staff members. The remainder of committed match (up to three-quarters) may be in the form of in-kind services, such as staff expenses or volunteer time, including participation by local board members.

For the purposes of this Agreement, "match" is defined as financial contribution toward the total project costs made by the Municipality and may consist of direct appropriations and in-kind services contributed by the Municipality specifically for the approved scope of work, financial gifts, private financial contributions, or grant funds from other sources, except that Federal funding may not be used as match under any circumstances.

In-kind services may be paid staff time or volunteer time that is directly related to implementation of the Project. Volunteer hours are valued at $21.79 per hour (Independent Sector, www.independentsector.org), unless a person is volunteering services in his or her professional capacity. In this case, the volunteer rate is the person's professional billable rate for the service.

State, local, and private funds used as match cannot be counted twice. If the Project receives funds from several sources that each require match, the same contributions (cash or in-kind services) that have been counted as a match for another source cannot be used as a match for this Project.

Proof of match must be documented and submitted with invoices. The documentation should demonstrate how the amount claimed as match was calculated. It should specify sources of match and should relate sources to completion of work tasks specified in the attached Scope of Work. Match should be expended (if cash) or documented (if in-kind) on a regular basis. Prior to requesting reimbursement for the last 25% of the grant award, the Municipality must demonstrate that at least 75% of its committed match has been expended and/or documented. At

that time, the Municipality must also demonstrate a clear plan for providing the remaining 25% of its committed match.

6. PROJECT TERM. The Municipality shall ensure that the Project work is performed in a manner that is consistent with the time periods set forth in the attached Scope of Work. The Municipality may request additional time to perform the Project work, but in no circumstance will the requested additional Project completion time extend beyond June 30, 2014.

The Municipality acknowledges that it is responsible to complete all Project work and that it shall deliver to NHHFA (a) all required work under the Scope of Work; (b) all required documentation under the Scope of Work; and (c) all other requirements, duties, obligations and responsibilities of the Municipality under the Scope of Work. The Municipality acknowledges and agrees that NHHFA shall have the sole authority and discretion to determine if the Municipality has met the requirements set forth in this Agreement.

7. COMPLIANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL LAWS, REGULATIONS, AND RULES. The Municipality acknowledges and agrees that the CPG Program is governed by certain local, state and federal laws, regulations, and rules which shall include, but are not limited to, the provisions of the form HUD-1044 (attached as Exhibit B) and the Cooperative Agreement Terms and Conditions (attached as Exhibit C) and all applicable obligations and requirements under HUD and the Office of Management and Budget. The Municipality warrants and agrees that it has reviewed and familiarized itself with the terms, conditions, requirements and provisions of the form HUD-1044 and the Cooperative Agreement Terms and Conditions and all referenced laws, regulations and rules in such documents and the Municipality covenants and agrees that it shall fully comply with all applicable provisions of these documents as well as all other applicable local, state and federal laws, regulations and rules that may be applicable to the services provided hereunder.

8. LIABILITY AND HOLD HARMLESS. NHHFA shall not be liable for the action or inaction of the Municipality in the performance of its duties under this Agreement. Further, the Municipality shall indemnify and hold NHHFA and its employees, members, officers, counsel, and other representatives harmless from all claims, causes of action, liability, loss, damage, or expense arising or resulting from the Municipality's actions, including, but not limited to negligence and willful or intentional conduct in performing the work contemplated under this Agreement or arising in any way under this Agreement.

9. NHHFA'S RIGHT TO TERMINATE AGREEMENT. In the event of a violation of any term or condition of this Agreement by the Municipality, NHHFA shall have the right to terminate this Agreement by giving the Municipality ten (10) days written notice of such termination. NHHFA will reimburse the Municipality for its Project expenses incurred prior to the effective termination date indicated in its written notice.

10. MUNICIPALITY'S ADMINISTRATIVE AND FINANCIAL REPORTS AND INFORMATION. The Municipality represents, warrants and agrees that it shall maintain full and accurate accounts and records, including personnel, property and financial records, adequate to identify and account for all costs and expenses pertaining to the work performed by the

Municipality pursuant to this Agreement and such other records and information as may be deemed necessary by NHHFA and/or HUD to assure proper accounting and use for all CPG Program funds whether federal, non-federal and/or matching funds. The Municipality shall provide written copies of all invoices, vouchers, statements and financial records pertaining to this CPG Program to NHHFA at the Municipality's sole expense upon written notice from NHHFA. All such information and records shall be retained for five (5) years after expiration of this Agreement unless permission to destroy them is granted in writing by NHHFA.

11. NO INTELLECTUAL PROPERTY RIGHTS. The Municipality represents, warrants and agrees that any and all reports, plans, drawings or other documents produced or generated in whole or in part under this Agreement shall not be the subject of an application for copyright or other intellectual property right in or protection by, through or on behalf of the Municipality, i.e. the Municipality shall have no intellectual property rights whatsoever in or claims upon or to such reports, plans, drawings or other documents produced or generated in whole or in part under this Agreement.

12. NO AGENCY. The Municipality acknowledges and agrees that it has no authority to act on behalf of NHHFA as its agent, representative or in any other capacity whatsoever and that it will not hold itself out as an agent or representative of NHHFA. Further, the Municipality acknowledges and agrees that the Municipality does not and shall not claim or assert to have the right to act for, bind or take any action whatsoever in any capacity whatsoever on behalf of NHHFA.

13. AUTHORITY. NHHFA is a public benefit corporation duly organized under the laws of the State of New Hampshire, and has full power and authority to enter into this Agreement. The Municipality is a political subdivision of the State of New Hampshire and has full power and authority to enter into this Agreement.

14. WAIVER. The waiver of a breach of any provision of this Agreement by either party or the failure of either party otherwise to insist upon strict performance of any provision hereof shall not constitute a waiver of any subsequent breach or of any subsequent failure to perform.

15. NOTICE. Any notice required under this Agreement shall be given as follows:

Notice to NHHFA:

Benjamin D. Frost, Esq., AICP
CPG Program Administrator
New Hampshire Housing
32 Constitution Drive
Bedford, NH 03110

Notice to the Municipality:

City of Dover
288 Central Avenue
Dover, NH 03820

16. APPLICABLE LAW AND VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of New Hampshire. Any legal proceeding relating to this Agreement shall be brought in the proper state or federal court in the State of New Hampshire.

17. SEVERABILITY. If any provision of this Agreement is for any reason held illegal, void or invalid, such illegality or invalidity shall not affect the remaining provisions hereof, and this Agreement shall be construed and enforced as if such illegal, void or invalid provisions(s) were not a part hereof.

18. ENTIRE AGREEMENT. This writing along with the exhibits and attachments constitutes the entire agreement of the parties and all other writings, statements, agreements, or representations whether oral or written are superseded and replaced hereby. No alteration, change or modification of this agreement shall be made except in writing signed by all parties.

19. BINDING EFFECT. This Agreement shall be binding upon the parties hereto and upon their successors, heirs, personal representatives and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

New Hampshire Housing Finance Authority

By: _____
Dean J. Christon, Executive Director

City
~~Town~~ of Dover, New Hampshire

By: _____
[Name and Title] J. Michael Joyal Jr.
Duly Authorized City Manager

NH Community Planning Grant Round 1
Scope of Work
City of Dover

Project Summary:
Dover intends to review opportunities for expansion of Dover's Form Based Code along major corridors feeding into Dover's historic downtown area.

Project Deliverables:

The project will develop concepts, based upon public input for how the corridors may and should develop. From those concepts, the consultant will develop regulations that will be presented to the Planning Board and City Council for addition to the City's Zoning Code. Deliverables will include notices sent to property owners and residents of the neighborhoods, as well as engagement with historically underrepresented populations.

Project Tasks:

Task No.	Description	Schedule	Budget	Responsible Party
1	Project Management	10/12 – 6/14	$6,000	Staff
2	Define Goals and Outcomes	End of Oct 2012	$700	Consultant
3	Survey Area of Interest	End of Oct 2012	$3,000	Consultant
4	Inventory and Analysis	End of Dec 2012	$20,500	Consultant
5	Charrette and Stakeholder Interviews	End of Dec 2012	$8,600	Consultant
6	Outreach to Marginalized Population	End of Dec 2012	$1,600	Staff
7	Draft Regulations	End of Dec 2013	$24,000	Consultant
8	Review Draft	End of Jan 2014	$2,000	Staff
9	Second Draft	End of Feb 2014	$5,400	Consultant
10	Planning Board Review	End of March 2014	$2,000	Consultant
11	Outreach to Marginalized Population	End of April 2014	$1,600	Staff
12	Outreach to Public	End of April 2014	$600	Staff
13	Planning Board Vote	End of April 2014	n/a	Staff
14	Presentation to City Council	End of Jun 2014	$1,000	Consultant

Assistance Award/
Amendment

U.S. Department of Housing
and Urban Development

Office of Administration

EXHIBIT B

1. Assistance Instrument ☒ Cooperative Agreement ☐ Grant	2. Type of Action ☐ Award ☒ Amendment
3. Instrument Number CCPNH0061-11	4. Amendment Number 1
5. Effective Date of this Action 01/15/2012	6. Control Number
7. Name and Address of Recipient New Hampshire Housing Finance Authority 32 Constitution Drive Bedford, NH: New Hampshire 03110-6000 Phone: 603-472-8623 Fax: 603-488-0893	8. HUD Administering Office HUD, Office of Sustainable Housing and Communities 451 Seventh Street, SW Room 10180 Washington, DC 20410
	8a. Name of Administrator Thaddeus D. Wincek 8b. Telephone Number 202-402-6617
10. Recipient Project Manager Benjamin Frost	9. HUD Government Technical Representative Naomi E. Friedman, 202-402-3011, Naomi.E.Friedman@hud.gov
11. Assistance Arrangement ☒ Cost Reimbursement ☐ Cost Sharing ☐ Fixed Price 12. Payment Method ☐ Treasury Check Reimbursement ☐ Advance Check ☒ Automated Clearing House	13. HUD Payment Office CFO Accounting Center Administrative Accounting Division, 6AFF P.O. Box 901013 Fort Worth, TX 76101

14. Assistance Amount			15. HUD Accounting and Appropriation Data		
Previous HUD Amount	$	0.00	15a. Appropriation Number 861/30162	15b. Reservation Number	
HUD Amount this action	$	1,000,000.00			
Total HUD Amount	$	1,000,000.00	Amount Previously Obligated	$	0.00
Recipient Amount	$	937,605.11	Obligated by this action	$	1,000,000.00
Total Instrument Amount	$	1,937,605.11	Total Obligated	$	1,000,000.00

16. Description

Employer Identification Number: 02-6046088 Program: CCP

This instrument (the HUD-1044, HUD-1044 Continuation Sheet) sets forth a legally binding agreement between the parties as to all amounts, deliverables, tasks, period of performance, terms and conditions, here within, whether implicitly stated or referenced. The Recipient certifies that all administrative and financial provisions of this instrument are in and will continue to be in compliance for the duration of the period of performance. All covenants, referenced or stated, are agreed to by the recipient upon signing this instrument.

This Cooperative Agreement instrument consists of the following, some of which are incorporated by reference:

1. Cooperative Agreement Provisions (FY2011 Terms and Conditions)
2. HUD 424-CBW, Total Budget Summary
3. Grant Deliverables (See HUD 1044 Continuation Sheet)
4. Work Plan/Logic Model (Tasks within work plan are considered deliverables)
5. OMB Circular A-87, A-133 and A-102, 24 CFR Part 85, 24 CFR Part 84
6. Notice of Funding Availability

Period of Performance is from January 15, 2012 to January 15, 2015 (36 months)

17. ☒ Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office.		18. ☐ Recipient is not required to sign this document. (Single Signer)	
19. Recipient (By Name): Benjamin Frost		20. HUD (By Name): Thaddeus D. Wincek	
Signature & Title Director, Public Affairs EXECUTIVE DIRECTOR	Date: 2/7/12 2/7/12	Signature & Title Thaddeus D. Wincek Grant Officer	Date: 01/15/2012

Previous editions are obsolete

form HUD 1044 (8/90)
ref. Handbook 2210.17

Partnership(s)	Match/Leverage Contributions:
NH Preservation Alliance	22,000.00
NH Legal Assistance	25,000.00
UNH Cooperative Extension	63,072.00
NH Community Loan Fund	18,000.00
Community Development Finance Authority	40,000.00
NH Department of Environmental Services	9,500.00
NH Office of Energy and Planning	17,400.00
NH Department of Transportation	9,000.00
NH Municipal Association	15,000.00
Plan NH	13,950.00
Total	$232,922.00

D) Commitment to participate in performance measurement and evaluation conducted by third party.

E) Activities pertaining to the Fair Housing Equity Assessment as Referenced in the NOFA.

4. INDIRECT COST RATE

35.00%

Note: Grantee has agreed to process an indirect cost proposal following HUD's procedures and process should begin no later than 90 days of the execution of this grant agreement if a provisional indirect rate is provided.

5. KEY PERSONNEL

Name	Title	% of time on the grant
William Ray	Managing Director	5%
Daniel Smith	Director, Housing Research	5%
Benjamin Frost	Director, Public Affairs	25%
George Reagan	Program Administrator	15%
Bridget McMahon	Communications Administrator	5%
Cindy Morse	Administrative Assistant	5%

6. PERIOD OF PERFORMANCE

36 months

7. AUDIT INFORMATION

The New Hampshire Housing Finance Authority submitted an audit report conducted by Baker/Newman/Noyes for the year ending 06/30/2011. The audit report attests to New Hampshire Housing Finance Authority's practice of generally accepted accounting principles and compliance with laws and regulations relating to government auditing standards. The internal control structure has been reviewed in accordance with OMB Circular A-133 and found to be in compliance with requirements that are applicable to certain of its major federal programs.

8. SPECIAL CONDITIONS

N/A

EXHIBIT C

U.S. Department of Housing and Urban Development
Office of Sustainable Housing And Communities

COOPERATIVE AGREEMENT PROVISIONS

TABLE OF CONTENTS

A. GENERAL

1. Overview of Award Implementation
2. Purpose
3. Definitions

B. PROGRAM REQUIREMENTS

1. Allowable Costs
2. Administrative Requirements
3. Advance Payment by Treasury Check or Electronic Funds Transfer
4. Amendments
5. Amount of Cost Share (Estimated Cost and Payment – Leveraging)
6. Budget
7. Central Contractor Registration (CCR)
8. Certifications and Assurances
9. Changes
10. Closeout
11. Collection of Data
12. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act)
13. Conduct of Work
14. Confidentiality
15. Contact Information Updates
16. Copyrights
17. Default and Disputes
18. Deliverable Products
19. Equipment
20. Estimated Cost and Payment - Line of Credit Control System (LOCCS)
21. Environmental Review
22. Fair Housing and Civil Rights Laws
23. Flow Down Provisions
24. HUD's Right to Audit and Disallow and Recover Funds
25. HUD's Substantial Involvement
26. Incurrence of Costs
27. Indirect Costs
28. Inspection and Acceptance
29. Inspector General Referrals
30. Limitation of Consultant Payments
31. Limitation on Payments to Influence Certain Federal Transactions
32. Lobbying Activities Prohibition
33. Management and Work Plan

34. Monitoring
35. Order of Precedence
36. Patent Rights (Small Business Firms and Nonprofit Organizations)
37. Period of Performance and Extensions and Incurring Costs or Obligating Federal Funds Beyond the Expiration Date
38. Personnel
39. Profit/Fee
40. Program Income
41. Prohibited Use of Funds
42. Publications and News Releases
43. Reporting
44. Reproduction of Reports
45. Review of Deliverables
46. Scope of Services
47. Section 508 Compliance
48. Single Audit Transparency Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients.
49. Special Conditions
50. Sub-recipient Monitoring and Management
51. Whistleblower Protection

A. GENERAL

1. Overview of Award Implementation

This cooperative agreement/grant (also referred to as *Agreement*) is between the Grantee *(Recipient)* identified in Block 7 of the form HUD-1044, and the U.S. Department of Housing and Urban Development. The award agreement consists of the form HUD-1044, any special conditions, and these Cooperative Agreement Terms and Conditions.

In signing this *Agreement*, the Grantee agrees to comply with all the requirements and conditions contained herein.

The provisions of the Notice of Funding Availability (NOFA) are hereby incorporated into this *Agreement.*

The Grantee's rights under this *Agreement* may not be assigned without the prior written approval of HUD.

The Grantee shall complete and submit a revised management and work plan, deliverables outcomes and budget within 60 calendar days after the effective date of the grant. These revisions shall update the general/basic plan submitted with the proposal and include any changes to the proposed work plan, budget, performance measures and deliverables, negotiated between HUD and the grantee. These revisions should be developed according to the instructions provided by the HUD Government Technical Representative identified on the form HUD-1044. Should you not address these specific issues, your grant may be terminated on the basis of failure to conclude negotiations or to provide HUD with requested information, in accordance with the General Section of the NOFA for which you applied.

2. Purpose

The purpose of this *Agreement* is as stated in the "Purpose of the Program" section of the NOFA.

3. Definitions

a. "Cooperative Agreement" means an agreement in which the Federal Government provides funding authorized by public statute where the government plays a substantial role in assisting the funding recipient.

b. "Equipment" means a tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.

c. "DUNS" means Dun and Bradstreet Data Universal Numbering System.

d. "Grant Officer (GO)" means the HUD individual who is responsible for processing and executing grant award, change in key personnel, change of scope, budget transfers, change of period of performance, and other administrative changes that would require a modification to the agreement. This term also refers to designated HUD Officials authorized to execute and/or administer this grant.

e. "Government Technical Representative (GTR)" means the HUD individual who is responsible for the technical administration of the grant, the evaluation of performance under the grant, the acceptance of technical reports or projects, and other such specific responsibilities as may be stipulated in the grant.

f. "Government Technical Monitor (GTM)" means the individual responsible for assisting a Government Technical Representative (GTR) in the latter's performance of his/her duties. The GTM is also the responsible individual that will comply with the Office of Sustainable Housing and Communities devolution of authority under our Continuity of Operations Plan (COOP). Should the National Capital Region become non-operational due to emergency conditions, the approval of vouchers and the authority to pay vouchers will transfer to the GTM until such time as the designation is lifted. The Government Technical Representative (GTR) will continue to be the point of contact for day-to-day management issues and responsibilities described above. In a state of emergency, HUD reserves the right to designate a GTR for COOP purposes.

g. "Grantee" as used herein refers to the recipient of this cooperative agreement.

h. "NOFA" means the Notice of Funding Availability, which announced the availability of funding for this grant.

i. "NOPI"means Notice of Public Interest

j. "OSHC" means the HUD Office of Sustainable Housing and Communities, or its successor Office, if any.

k. "Publication" includes:

(1) Any document containing information for public consumption; or

(2) The act of, or any act which may result in, disclosing information to the public.

l. "Recipient" Any entity other than an individual that received grant funds in the form of a grant, cooperative agreement or loan directly from the Federal government.

m. "Subaward" means:

(1) A legal instrument to provide support for the performance of any portion of the substantive project or program for which the recipient received this award and that:

(a) The recipient awards to an eligible sub-recipient; or

(b) The sub-recipient at one tier awards to a sub-recipient at the next lower tier.

(2) The term does not include the recipient's procurement of property and services needed to carry out the project or program (see, generally, §_.210 of the attachment to OMB Circular A-133 (2 CFR Part 180), "Audits of States, Local Governments, and Non-Profit Organizations").

(3) A subaward may be provided through any legal agreement, including an agreement that the recipient or a sub-recipient considers a contract.

n. "Sub-recipient" means a non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary to such a program. The sub-recipient may also be a recipient of other Federal awards directly from the Federal awarding agency. Guidance on distinguishing between a sub-recipient and a vendor is provided in §___.210 of OMB Circular A-133 (2 CFR Part 180).

o. "Total Instrument Amount" is the amount under line item 14 of the HUD Form-1044 (Total Instrument Amount). This is the sum of the federal award and grantee match.

p. "Work Plan" refers to the Grantee's plan for addressing a specific service delivery need, and consists of designated work activities including tasks and subtasks as required by the program office; a timeline for completing the work; performance measures; outputs and outcomes identified to achieve the performance measures/goals; budget; and resources designated to complete the work.

B. PROGRAM REQUIREMENTS

1. Allowable Costs

a. This is a cost reimbursement award; the Grantee shall be reimbursed for certain costs, as described below, incurred in the performance of work in an amount not to exceed the obligated amount shown in block 15 on the Assistance Award Form (form HUD-1044). In the event the Grantee incurs costs in excess of the prescribed amount, the excess shall be borne entirely by the Grantee.

b. HUD shall reimburse the Grantee for costs incurred in the performance of this award which are determined by the GTR and the Grant Officer to be allowable, allocable, and reasonable in accordance with applicable Federal cost principles as follows:

Cost Principles for State, Local, and Indian Tribal Governments	OMB Circular A-87	Relocated to 2 CFR, Part 225; http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html
Cost Principles for Non-profit Organizations	OMB Circular A-122	Relocated to 2 CFR, Part 230; http://www.whitehouse.gov/omb/fedreg/2005/083105_a122.pdf
Cost Principles for Educational Institutions	OMB Circular A-21	Relocated to 2 CFR, Part 220; http://www.whitehouse.gov/omb/fedreg/2005/083105_a21.pdf
Audits of States, Local Governments, and Non-Profit Organizations	OMB Circular A-133	Relocated to 2 CFR Part 180; http://www.whitehouse.gov/omb/fedreg/2005/083105_a133.pdf
Cost Principles for Commercial/For-profits	Federal Acquisition Regulations at 48 CFR Part 31.2	http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200948

c. Direct Costs are the allocable portion of allowable costs incurred directly for the purposes of the grant. Detailed explanations of direct costs are provided in applicable OMB Circulars (A-21 (2 CFR Part 220), Cost Principles for Educational Institutions, A-87 (2 CFR Part 225), Cost Principles for State, Local, and Indian Tribal Governments, or A-122 (2 CFR Part 230), Cost Principles for Nonprofit Organizations, as applicable) that can be accessed at the White House website, www.whitehouse.gov/omb/circulars_default

2. Administrative Requirements

The grantee must adhere to all respective uniform administrative rules for Federal grants and cooperative agreements and subawards as follows:

Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations	24 CFR Part 84	http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_36446.doc
Administrative Requirements for Grants	24 CFR Part 85	www.hud.gov/offices/lead/librar

and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments		y/lead/24_CFRPART_85.pdf
Grants and Cooperative Agreements with State and Local Governments	OMB Circular A-102	http://www.whitehouse.gov/omb/circulars_a102
Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations	OMB Circular A-110 (Relocated to 2 CFR Part 215)	http://www.whitehouse.gov/omb/fedreg/2005/083105_a110.pdf
Audits of States, Local Governments, and Non-Profit Organizations; and	OMB Circular A-133 (Relocated to 2 CFR Part 180),	http://www.whitehouse.gov/omb/fedreg/2005/083105_a133.pdf

3. Advance Payment By Treasury Check Or Electronic Funds Transfer

Advance payments by Treasury check or electronic funds transfer are hereby authorized under this grant. A Grantee that is subject to existing State program accreditation requirements may request an advance payment in writing, if applicable. HUD may provide to the Grantee a one-time cash advance that shall not exceed 10 percent of the grant amount, and shall be limited to the minimum amount needed for the actual, immediate cash requirements of the Grantee in carrying out the start up activities of this agreement and as agreed to by the Grant Officer. Neither these HUD funds nor non-HUD funds may be used for conducting interventions, remediation, rehabilitation, renovation or other activities that would physically alter any structure or property in any way. Refer to 24 CFR 58.34(a) for a list of exempt activities.

4. Amendments

This grant may be modified at any time by written amendment. Amendments, which reflect the rights and obligations of either party, shall be executed by both HUD (the Grant Officer) and the Grantee. Administrative amendments, such as changes in appropriation data, may be issued unilaterally by the Grant Officer.

5. Amount of Cost Share (Estimated Cost And Payment – Leveraging) (See Block 14 of form HUD-1044)

The estimated cost for the performance of this grant is the **"Total Instrument Amount"**.

The Grantee shall be reimbursed by HUD for costs incurred in the performance of this grant. HUD shall not be obligated to reimburse the Grantee in excess of the **"Total HUD Amount"**. HUD reserves the right to withhold five-percent (5%) of the Federal grant amount pending the receipt and approval of a final progress report. See clause entitled "Final Report" for

more information. The proposed contribution to supplement HUD funds is the "Recipient Amount." The Grantee agrees to bear without reimbursement by HUD the **"Recipient Amount"** of the total costs. The Grantee is not obligated to contribute more than the **"Recipient Amount"**. However, the Grantee shall be solely responsible for any costs in excess of the estimated cost of the **"Total Instrument Amount"**.

The Grantee must satisfy all leveraging requirements in the NOFA. If the Grantee's actual leveraging contribution is less than **"Recipient Amount"** under Block 14 of the HUD 1044, the Government reserves the right to negotiate new line items and/or amounts to satisfy the Grantee's leveraged funds requirement, or to reduce the Government's share proportionally. The Grantee shall notify the Government at any time it believes it will not meet its leveraged funds requirement by the completion of the grant. If the Grantee exceeds the leveraged amount, there will be no impact on the Federal share. HUD reserves the right to withhold payments if leveraged funds are not spent.

Any funds requested by the Grantee shall be requested in accordance with the clause entitled, "Estimated Cost and Payment - Line Of Credit Control System (LOCCS)."

HUD reserves the right to withhold payment if leveraged resources are not spent.

6. Budget

The Grantee shall incur costs in conformance with the original or negotiated budget, presented with the proposal for this grant. The Grantee shall not commingle any funds computed under this grant with any other existing or future operating accounts held by the Grantee.

If the Grantee has been contacted to submit documents to support the application that were not received prior to the execution of this grant, the Grantee will not be allowed to draw down funds in excess of 10% of the federal amount, until such time that the requirements have been met. HUD reserves the right to terminate an award if the required documents are not provided within 1 month from the date the written request was made.

Standard Form 425, Federal Financial Report (24 CFR Part 84.52 and/or 85.52), detailing leveraged funds or in-kind contributions shall be submitted on a bi-annual basis. As part of the closeout process a final narrative and a final Standard Form 425 detailing the progress made in achieving the purpose of the grant and adequate documentation of the total federal funds expended in support of the activities to achieve this purpose are due to the GTR 90 days after the end of the period of performance (See clause entitled "Closeout").

The Federal Financial Report (Standard Form 425) shall be submitted on a bi-annual basis and is due 30 days after the reporting period.

7. Central Contractor Registration (CCR)

Recipients and their first-tier sub-recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards.

8. Certifications and Assurances

The certifications and assurances submitted in the Grantee's application are hereby incorporated into this agreement. They include:

a. Standard Form 424 or HUD 424, Application for Federal Assistance
b. Certification and Disclosure Form Regarding Lobbying (SF-LLL)
c. Applicant/Recipient Disclosure Update Report (HUD-2880)
d. Certification Regarding Parties Excluded From Procurements
e. Certification Prohibiting Excessive Force Against Non-Violent Civil Rights Demonstrators
f. Certification/Disclosure Regarding federal Debt
g. Certification Regarding a Drug-Free Workplace
h. Codes of Conduct and Conflict of Interest

A grantee must notify the GTR of any changes in the status or information on the above items.

9. Changes

In accordance with 24 CFR 85.30 or 84.25, as applicable, Grantees or sub-grantees must obtain the prior approval of the awarding agency whenever any programmatic changes are anticipated, including but not limited to the following:

a) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).
b) Budget revisions that are 10% or more of the total HUD amount among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed 10% of the current total approved budget, whenever the awarding agency's share exceeds $100,000.
c) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency.
d) Under non-construction projects, contracting out, subgranting (if authorized by law) or otherwise obtaining the services of a third party to perform activities, which are central to the purposes of the award.

10. Closeout

The Grantee shall provide the Grant Officer with closeout documentation 90 days after to the end of the performance period, consisting of the following five elements:

- Narrative Final Report summarizing activities conducted under the award, including significant outcomes resulting from the activities and problems encountered during the performance period;
- Federal Financial Report (SF-425) of the total Federal Funds expended;
- Completed Inventions, Patents, and Copyright Statement; and
- Completed Closeout Certification.

HUD will notify the Grantee in writing when the grant is closed. The Grantee has three areas of continuing responsibility after closeout of the grant:

- Records and materials must be kept in a safe place and be accessible to auditors and other government officials for three years after the grantee and all subgrantees/subcontractors make final payments and all other pending matters are closed. (If the grant is covered by 24 CFR Part 84, see related record retention requirements in 24 CFR 84.85(c)(2).) This requirement also extends to all subcontracts the Grantee has executed.
- Accountability for property continues as long as the Grantee holds the property, or for the period of time established by the agreement. Disposal of property must be in accordance with the rules established in the Property Management Standards referred to in the award. Program income, including royalties, must be used to support eligible activities.
- Notification to the Grant Officer if, at any time during the three-year period after project completion, the Grantee organization is discontinued or changes location. The Grant Officer should be notified immediately of the new address or the address of the party retaining all records.

11. Collection Of Data

Collection of data from ten or more respondents and sponsored by HUD shall be subject to the Paperwork Reduction Act (44 U.S.C. 3501—3520). If a survey instrument for a collection of data sponsored by HUD is proposed, it will be subject to review and approval by the Office of Management and Budget (OMB). Such review and approval must be obtained prior to the use of the survey instrument. Also, a time element is involved here, which may considerably lengthen the time required for completion of the project proposed. Careful consideration should be given to any proposal, which requires the use of a survey or other information collection sponsored by HUD. The collection of data is deemed to be sponsored by HUD only under the following conditions (5 CFR 1320.3):

a) The Grantee is conducting the collection of information at the specific request of HUD; or

b) The terms and conditions of the grant require specific approval by HUD of the collection of information or collection procedures. Note that if the Grantee decides on its own to collect information and it does not need HUD approval to do so, then HUD is not the "sponsor" of the information collection.

12. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act)

Applicants receiving an award from HUD should be aware of the requirements of the Transparency Act. The Transparency Act requires the establishment of a central website that makes information available to the public regarding entities receiving federal financial assistance, by not later than January 1, 2008. In fulfillment of the requirements of the Act, OMB launched http://www.USAspending.gov in December 2007. The website makes information available to the public on the direct awards made by the federal government. The Transparency Act also requires, beginning not later than January 2009, that data on subawards be made available on the same website.

In anticipation of the implementation of this requirement, HUD is placing awardees of its FY2010 competitive funding on notice of these requirements and that, once implemented, grantees will be required to report their subaward data to HUD or a central federal database. The only exceptions to this requirement under the Transparency Act are:

1) Federal transactions below $25,000;
2) Credit card transactions prior to October 1, 2008;
3) Awards to entities that demonstrate to the Director of OMB that the gross income of such entity from all sources did not exceed $300,000 in the previous tax year of such entity; and
4) Awards to individuals. Guidance for receiving an exception under item (3) above has not been finalized by OMB.

HUD is responsible for placing award information for direct grantees on the government website. The reporting of subaward data is the responsibility of the grantee. Grantees should be aware that the law requires the information provided on the federal website to include the following elements related to all subaward transactions, except as noted above:

1) The name of the entity receiving the award;
2) The amount of the award;
3) Information on the award, including the transaction type, funding agency, the North American Industry Classification System (NAICS) code or Catalog of Federal Domestic Assistance (CFDA) number (where applicable), program source, and an award title descriptive of the purpose of each funding action;
4) The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country;

5) A unique identifier of the entity receiving the award and of the parent entity of the recipient (the DUNS number), should the entity be owned by another entity; and
6) Any other relevant information specified by OMB.

13. Conduct of Work

During the effective period of this grant, the GTR and/or the GTM identified in Block 9 of the HUD-1044 shall be responsible for monitoring the technical effort of the Grantee, unless the Grantee is notified in writing by the Grant Officer of a replacement.

Only the Grant Officer has the authority to authorize deviations from this grant, including deviations from the Work Plan. In the event the Grantee does deviate without written approval of the Grant Officer, such deviation shall be at the risk of, and any costs related thereto shall be borne by, the Grantee.

14. Confidentiality

The service provider (e.g., the Grantee and any subgrantees, subcontractors or vendors) must maintain confidential files on individual program beneficiaries served. Recipient staff must keep paper files in a locked filing cabinet and protect all electronic files related to individual beneficiaries with a personal password.

The service providers shall maintain primary access to individual beneficiary files. Other project management staff may have access to these files only if they contain a "release of information" consent form signed by the individual beneficiary. A release of information form must clearly indicate which parties may have access to an individual beneficiary's file. Such parties might include the management staff and HUD staff. Recipient staff must only share individual beneficiary files with those parties listed on the signed form. If an individual beneficiary has not signed the consent form the parties listed may not read that individual beneficiary's file.

These categories serve as guidelines to recipient staff and management staff. The recipient must determine if the individual beneficiary's confidential information will significantly affect the safety and security of that individual or the recipient organization itself.

15. Contact Information Updates

The Grantee shall inform the Grant Officer and GTR of any changes in contact information, including the organization's name, address, telephone, e-mail, and key personnel.

16. Copyrights

HUD reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal government purposes: (a) the copyright in any work developed under this award, sub-award, or contract awarded under this

grant; and (b) any rights of copyright to which a Grantee or sub-grantee or a contractor purchases ownership with award funds.

17. Default and Disputes

The Grantee is in default if one or more of the following occurs:

1. Any use of award agreement funds for a purpose other than as authorized by this Agreement;
2. Any material noncompliance with Federal, State, or local laws or regulations as determined by HUD;
3. Any other material breach of this award agreement, or
4. Any misrepresentation in the application submissions which, if known to HUD, would have resulted in this award not being provided.
5. Failure to meet any reporting requirement.

If HUD determines preliminarily that the recipient is in default as described in items 1-5, above, HUD will give the recipient notice of this determination and the corrective or remedial action proposed by HUD. The recipient shall have an opportunity to demonstrate, within the time prescribed by HUD (not to exceed 30 days from the date of the notice), and on the basis of facts and data, that it is not in default, or that the proposed corrective or remedial action is inappropriate, before HUD implements the corrective or remedial action.

Where HUD determines that corrective or remedial actions by the recipient have not been undertaken as instructed, or will not be effective to correct the default and to prevent further default, HUD may take the following additional corrective and remedial actions under this award agreement:

1. Reduce the award in the amount affected by the default.
2. Take action against the recipient under 24 CFR Part 24 and Executive Order 12549 with respect to future HUD or Federal grant awards.
3. Demand repayment of all award amounts.
4. Initiate litigation or other legal proceedings designed to require compliance with the statute, regulations, any terms or conditions of this award agreement, or other pertinent authorities.
5. Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee.
6. Withhold further payments.
7. Take any other remedial action legally available.

During performance of the grant, disagreements may arise between the Grantee and the Grant Officer on various issues. If a dispute concerning a question of fact arises, the Grant Officer shall prepare a final decision, taking into account all facts and documentation presented. The decision shall be mailed to the Grantee. The Grantee may appeal the decision in writing within thirty (30) days to the Deputy Secretary of HUD, or his or her designated representative,

the Director, Office of Sustainable Housing and Communities.

Failure to comply with the requirements established in the award and these provisions, including failure to submit reports on time and in accordance with the requirements contained in these provisions, may result in HUD taking action to limit access to program funds. Actions by HUD may include, but are not limited to: requiring that reports and financial statements be submitted to the Grant Officer/GTR for approval before drawing down any funds; removing the Grantee from the eLOCCS; suspending the ability to incur costs or draw funds; and/or suspending or terminating the Grant for non-performance.

HUD may, on reasonable notice to the Grantee, temporarily suspend the award and withhold further payments pending corrective action by the Grantee. The award may be terminated in whole or in part before the end of the performance period for cause when the Grantee has failed to comply with the terms, conditions, standards, or provisions of this award. The award may be terminated for convenience when both parties agree that the continuation of the award would not produce beneficial results.

18. Deliverable Products

During the performance period, the recipient is required to submit to the GTR Official Work Products. These include but are not limited to progress reports; financial reports, closeout documentation; products specified in the Work Plans, such as reports for HUD and the public on activities conducted and results achieved, etc. Failure to submit required documents on time may cause the Grant Officer to take action to suspend or terminate the award.

19. Equipment

When acquiring equipment, the Grantee shall comply with the requirements set forth in 24 CFR 84.34 or 24 CFR 85.32, whichever is applicable, OMB Circular A-87 (2 CFR Part 225), and OMB Circular A-122 (2 CFR Part 230).

20. Estimated Cost and Payment - Line Of Credit Control System (LOCCS/eLOCCS)

The Grantee shall be reimbursed for costs incurred in the performance of work under this grant in an amount not-to-exceed **"Total HUD Amount"** in Block 14 of the HUD 1044. In the event the Grantee incurs cost in excess of this amount, the excess shall be borne entirely by the Grantee.

Incurred costs shall be reimbursed through HUD's Line of Credit Control System (LOCCS) using the eLOCCS web based system. Each day LOCCS generates a payment tape for the Department of the Treasury, which disburses the payments via the Automated Clearinghouse (ACH) Payment System and a Voucher and Schedule of Payments. All payments are certified by HUD and forwarded to Treasury for processing.

Before receiving funds from the eLOCCS, the Grantee must designate a financial institution for HUD to make direct deposit payments through the ACH system. In the event the Grantee, during the performance of this grant, elects to designate a different financial institution for the receipt of any payments, notification of such change and the related information must be received by the Grant Officer 30 days prior to the date such change is to become effective.

To have access to LOCCS and the eLOCCS, the Grantee shall obtain a Security ID and Password from HUD's LOCCS Security Officer, using the form HUD-27054, LOCCS Voice Response /eLOCCS Access Authorization Form.

The Grantee shall submit the original vouchers for work performed to the GTR identified in Block 9 of the form HUD-1044. The voucher shall be supported by a detailed breakdown of the cost(s) claimed (Grantees are to use the Part 3 Financial Reporting Attachment included in Policy Guidance 2001-03). In order to assure proper payment, it is important that the voucher is in accordance with the payment amount requested through the eLOCCS. Payment requires the Grantee to go to eLOCCS and provide the Security ID number and requested information. Detailed instructions for using the LOCCS/eLOCCS were provided in HUD's Transmittal Letter for your award.

Funds advanced to the Grantee shall be maintained in an interest bearing account. Any interest earned by the Grantee as a result of the advanced funds shall be promptly returned to HUD.

All check remittances should be sent to the new Miscellaneous Lockbox as follows:

Bank of America
DHUD P.O. Box 277303
Atlanta, GA 30384-7303

If the Grantee is a State, local government or Indian Tribe, the Grantee may retain up to $100.00 of interest earned per Grantee's fiscal year for administrative expenses (24 CFR 85.21).

If the Grantee is a University, non-profit or for profit organization, the Grantee may retain up to $250.00 of interest earned per Grantee's fiscal year for administrative expenses (24 CFR 84.22).

State universities and hospitals shall comply with the Cash Management Improvement Act (CMIA), as it pertains to interest.

Other funds due to HUD after the end date of the grant or close-out, as a result of internal audit or other reasons, will be returned to the GTR identified in Block 9 of the form HUD-1044 of this grant.

Should the Grantee demonstrate an unwillingness or inability to establish procedures that will minimize the time elapsing between advances and disbursements, or fail to provide any

required progress report in a timely manner, the authorization for advance payments may be revoked. The Grantee may then be required to finance the project with its own working capital and payment to the Grantee may be made by Treasury check to reimburse it for actual cash disbursements that are approved by the GTR.

21. Environmental Review

This Environmental Review section applies to grantees that will conduct site control or land acquisition (Category 2- Detailed Execution Plans and Programs), as described in the NOFA.

Activities that involve site control or acquisition are subject to HUD environmental review under 24 CFR Part 50. For projects involving these activities, HUD's notification of award constituted only a preliminary approval by HUD subject to the completion of an environmental review of the proposed site(s). Selection for participation and the execution of this Agreement do not constitute approval of the proposed site(s). Each proposal involving site control or acquisition is subject to a HUD environmental review, and the Grantee's proposal may be modified or the proposed sites rejected as a result of that review.

The Grantee shall not acquire, rehabilitate, demolish, convert, lease, repair, or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. An option agreement on a proposed site or property is allowable prior to the completion of the environmental review if the option agreement is subject to a determination by HUD on the desirability of the property for the project as a result of the completion of the HUD environmental review and the cost of the option is a nominal portion of the purchase price.

The Grantee shall assist HUD in complying with 24 CFR Part 50; shall supply HUD with all available, relevant information necessary for HUD to perform an environmental review for each property, as requested by HUD; and, shall carry out mitigating measures required by HUD or select alternate eligible property if required by HUD..

22. Fair Housing and Civil Rights Laws

a) The Grantee represents, warrants, and certifies to HUD that it shall comply with all applicable Federal statutes, regulations, and requirements relating to non-discrimination and equal opportunity identified in HUD's regulations at 24 CFR § 5.105(a), and assure such compliance of any of its sub-grantees under this Agreement, including the following:

   1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d-2000d-4) and implementing regulations at 24 CFR part 1, Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development - Effectuation of Title VI of the Civil Rights Act of 1964;

2. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681:1683, 1685:1688) and implementing regulations at 24 CFR part 3, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance;

3. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations at 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development;

4. Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*) and implementing regulations at 28 CFR part 35;

5. The Fair Housing Act (42 U.S.C. §§ 3601-19) and implementing regulations at 24 CFR Part 100, Discriminatory Conduct Under the Fair Housing Act;

6. Executive Order 11063, as amended by Executive Order 12259, and implementing regulations at 24 CFR part 107, Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063; and

7. The Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107) and implementing regulations at 24 CFR part 146, Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance.

b) The Grantee represents, warrants, and certifies to HUD that it shall administer its grant in a manner that affirmatively furthers fair housing and that, at a minimum, it shall carry out all actions to affirmatively further fair housing as proposed in its application for financial assistance under the Sustainale Communities Initiative Grant Programs.

c) The Grantee represents, warrants, and certifies to HUD that it shall ensure that employment, contracting, and other economic opportunities generated by the Sustainale Communities Initiative Grant Programs shall, to the greatest extent feasible, be directed to low- and very low-income persons pursuant to Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing regulations at 24 CFR part 135.

d) Grantees are required to cooperate and assist HUD in its nondiscrimination and equal opportunity compliance activities and are required to maintain and submit racial, ethnic, disability, and other demographic data pursuant to HUD's nondiscrimination and equal opportunity regulations including those at 24 CFR §§ 1.6, 8.55, 107.30, and 121.2.

23. Flow Down Provisions

If the Grantee contracts or subawards funds under this agreement with a person or entity to perform work under this award, the Grantee shall include in the contract or subaward agreement such provisions as may be necessary to ensure that all contractors and subgrantees comply with the requirements of the grant and reporting provisions as set forth in these terms and conditions or as established by HUD and the Office of Management and Budget (OMB)

The Terms and Conditions of this agreement flow down to all tiers of subgrantees. First tier sub-grantees are required to obtain a DUNS numbers (or update its existing DUNS record), and register with the Central Contractor Registration (CCR; www.ccr.gov) no later than 120 days after execution of this agreement.

24. HUD's Right to Audit and Disallow and Recover Funds

The government reserves the right to seek recovery of any funds that were not expended in accordance with the requirements or conditions of this agreement based upon HUD review, the final audit, or any other special audits or reviews undertaken. HUD has the right to order a special audit, even if the Grantee's auditor or a cognizant agency has already conducted one.

25. HUD's SUBSTANTIAL INVOLVEMENT

HUD's Office of Sustainable Housing and Communities will work in partnership with its grantees to advance the program objectives of the grant program. The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables.

Anticipated substantial involvement by HUD staff may include, but will not be limited to:
Studies and Reports

- Review potential amendment recommendations to the study design and/or Workplan.
- Review and provide recommendations in response to bi-annual progress reports (e.g., amendments to study design based on preliminary results).
- Review and provide recommendations on the final report/study, including final interpretation of study results.

Approvals and Reviews

- Authority to halt activity if specifications or work statements are not met;
- Review and approval of one stage of work before another can begin;
- Review and approval of substantive provisions of proposed sub-grants or contracts beyond existing Federal policy;
- Approval of workplan adjustments based on changing conditions and needs documented in the cohort targeted for capacity building.
- Review and approval of key personnel

Participation and Monitoring

- Monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects;
- HUD and recipient collaboration or joint participation;
- Implementing HUD requirements which limit recipient discretion;
- Coordination of complementary activities from respective capacity building intermediaries, including determining if workplans require adjustments based on changing conditions;
- Where appropriate substantial, direct HUD operational involvement or participation during the assisted activity.

26. Incurrence of Costs

The Grantee is allowed to incur costs for activities beginning the effective date of the award as stated on the HUD-1044 under period of performance. Any costs incurred before the date are not allowable unless specifically authorized in writing by the Grant Officer or GTR.

At a minimum, grantees are required to drawdown funds on a quarterly basis. An e-LOCCS Request Voucher for Grant Payment (HUD form 27053) must be used to be reimbursed for award funds. Any funds requested by the Grantee shall be requested in accordance with the clause entitled, "Estimated Cost and Payment - Line of Credit Control System (LOCCS)."

27. Indirect Costs

For grantees without a federally approved indirect cost rate, a provisional indirect cost rate, pending establishment of a final rate, will be applied to this grant. Reimbursement will be made on the basis of the provisional rate. By accepting this agreement, the Grantee agrees to bill at the provisional indirect cost rate until an approved indirect rate agreement becomes effective. Adjustments will be made from the provisional rate to the final rate. However, such adjustments must be within the total amount of the award as stated in Block #15 of the HUD-1044.

28. Inspection and Acceptance

Inspection, review, correction, and acceptance of all deliverables under this award shall be the responsibility of the GTR. The GTR may receive recommendations from assigned GTMs.

29. Inspector General Referrals

The Grantee or any subgrantee, subcontractor or other sub-recipient awarded funds shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

30. Limitation on Consultant Payments

Per the requirements of the NOFA, federal funds may not be used to pay or to provide reimbursement for payment of the salary of a consultant, whether retained by the federal Government or the Grantee, at a rate more than the equivalent of General Schedule 15, Step 10 base pay rate. See the Office of Personnel Management Website, www.opm.gov, and its Salaries and Wages link for the current base rate, which may be lower than the local rate.

31. Limitation on Payments to Influence Certain Federal Transactions

Section 1352 of Title 31 of the U.S. Code provides in part that no appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

32. Lobbying Activities Prohibition

The Grantee is subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), implemented in HUD regulations at 24 CFR Part 87 and to the provisions of the Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995).

33. Management and Work Plan

The management and work plan, deliverables and budget revisions shall comply with the requirements established by the NOFA. The Grantee shall complete and submit a detailed management and work plan within 60 days after the effective date of the grant; this plan is subject to review and approval by HUD. The revisions to the general plan submitted in the proposal shall include any negotiated changes of the work plan or budget if applicable. The plan shall be developed according to the instructions that will be provided by the GTR.

The management and work plan consist of the goals and time-phased objectives and deliverables for each of the major tasks to be undertaken by the program. A revised budget, in accordance with the final negotiation, shall be submitted (if necessary).

34. Monitoring

The responsible Departmental official, GTR, or designee may review and monitor the practices of the Grantee to determine whether it is in compliance with this Agreement or other requirements that arise as a result of the Grant Award. The GTR will also provide performance monitoring by tracking Grantee's progress in meeting the goals and objectives of the program.

35. Order of Precedence

In the event of any inconsistency among any provisions of this grant, the following order of precedence shall apply:

a) HUD 1044 Cooperative Agreement
b) NOFA
c) Management and Work Plan.
d) Uniform Administrative Requirements.
e) Grantee's Proposal (if incorporated)

36. Patent Rights (Small Business Firms And Nonprofit Organizations)

Patent rights are as specified in 37 CFR Part 401, entitled "Rights to Inventions made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Agreements." Inquiries regarding this Patent Rights clause should be in writing and directed to:

Grant Officer
Office of Sustainable Housing and Communities
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 10180
Washington, DC 20410-3000

37. Period of Performance and Extensions and Incurring Costs or Obligating Federal Funds Beyond the Expiration Date

a) The Grantee shall provide all services stipulated in this cooperative agreement for the period of months specified in the form HUD 1044, "Assistance Award/Amendment," or its Continuation Sheet, from the effective date stipulated in Block #5 of the HUD 1044. Grantees are to comply with the requirements of 24 CFR 84.28 or 24 CFR 85.23 (Period of availability of funds), as applicable, in charging costs to the grant. All obligations incurred under the award must be liquidated within the period of performance.

b) The Grantee shall not incur costs or obligate federal funds for any purpose pertaining to the operation of the project or program, 30 days prior to the end of the period of performance. The only costs which are authorized during the last 30 days of the period of performance are those strictly associated with closeout activities. Closeout activities are normally limited to the preparation of final progress, financial, and required project audit reports unless otherwise approved in writing by the Grant Officer.

The Office of Sustainable Housing and Communities has no obligation to provide any additional prospective funding. Any amendment of the award to increase funding is at the sole discretion of that Office.

38. Personnel

The personnel, specified as key personnel in the original or amended HUD form 2010 (Rating Factor Form), Factor 1, Capacity of the Applicant and Relevant Organizational Experience, are considered to be essential to the work being performed hereunder. Prior to diverting any of the specified individuals to other work, the Grantee shall notify the Grant Officer and GTR reasonably in advance in writing and shall submit justification (including proposed substitutions (with the qualifications and experience of the substitute personnel)) in sufficient detail to permit evaluation of the impact on the work effort. No diversion shall be made by the Grantee without the written consent of the Grant Officer.

39. Profit/Fee

No increment above cost, fee, or profit may be paid to the Grantee or any subgrantee under this award.

40. Program Income

Any program income derived as a result of this award shall be added to funds committed under the award to further activities eligible for assistance under this agreement. If not contained in the Work Plan or under Special Conditions itemized in these provisions, prior to using program income to further the objectives of the grant program, the parties shall mutually agree by written amendment on the use of program income. Program income received after the period of performance must be used to further the objectives of the applicable grant program for which this grant is awarded in accordance with 24 CFR 84.24 or 85.25, as applicable.

41. Prohibited Use of Funds

You may not use funds for the following ineligible activities:

(a) Ineligible administrative activities under OMB Circular A-102 (24 CFR Part 85), Grants and Cooperative Agreements with States and Local Governments; OMB Circular A-110 (2 CFR Part 215) Uniform Administrative Requirements for Grants and Cooperative Agreement with Institutions of Higher Education, Hospitals and other Non-Profit Organizations;

(b) Ineligible costs under OMB Circular A-87 (2 CFR Part 225), Cost Principles for State and Local and Indian Tribal Governments; and OMB Circular A-122 (2 CFR Part 230), Cost Principles for Non-Profit Organizations;

(c) Developing plans that would assist business or industry to relocate to an area to the detriment of communities where the business or industry is currently located. This funding restriction does not apply to businesses that are displaced as a result of Category 2 projects. The requirements of the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) (codified at 49 CFR Part 24) cover any person who moves permanently from real property or moves personal property from real property as a result of direct acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance (See the General Section).

(d) Substitution of Sustainable Communities funds for funding already pledged to support community development; housing; watershed, air and water quality; transportation planning; food production and distribution planning; and other planning activities eligible under the sustainable communities planning program.

42. Publications and News Releases and Social Media

The results of work conducted under the award may be made available to the public through dedication, assignment by HUD, or other means, as HUD shall determine.

All interim and final reports and any other specified deliverables shall be owned by the government and held for the benefit of the public which shall include Grantee and Grantee's sub-recipients.

Interim and final reports (including, if applicable, scientific manuscripts) may not be published by the Grantee or any sub-recipients participating in the work for a period of sixty days after acceptance of the deliverables by the GTR.

All deliverables, or any part thereof, and any independent products and special products arising from this award, when published by the Grantee or other participants in the work shall contain the following acknowledgment and disclaimer:

The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government."

Copies of all press releases, formal announcements, and other planned, written issuances containing news or information concerning work products or activities of this award that may be made by the Grantee or its staff, or any sub-grantee or other person or organization participating in the work of the award, shall, be provided to the GTR for review and comment before the planned release. Whenever possible, these should be provided to the GTR for review and comment at least two weeks before the planned release, but in no event simultaneously with the release.

The use of Social Media, such as web feeds, wikis, blogs, photo and video-sharing, podcasts, and microblogs is acceptable under OSHC grant programs. Information to be released

through Social Media must be provided to the GTR for review and comment at least 2 business days before the planned release.

43. Reporting

a) Deliverables

The Grantee shall include a schedule listing all significant project milestones, and dates for submission of all project deliverables including biannual project reports, interim reports where appropriate, the final report, and financial reports utilizing Standard Form 425, the Federal Financial Report. Upon approval of the Work Plan, the Grantee should ensure all deliverables identified in the Work Plan are delivered on time.

b) Bi-Annual Progress Reports

A template to be used in the preparation of each biannual report will be provided by HUD after grant award. Bi-annual reports must reflect activities undertaken, obstacles encountered and solutions achieved, and accomplishments. Contracts, training materials and protocols, rosters of persons trained, outreach and educational materials prepared, and other significant products developed to implement, analyze or control the project or disseminate information are to be submitted with the biannual reports as attachments.

Grantees shall submit reports as specified in this clause. The reports submitted to HUD require the submission of a work plan with specific, time phased, and realistic goals, objectives established. Bi-annual status reports that show progress and measure performance of the program in meeting approved work plan goals, objectives are to be submitted.

Grantees are advised that failure to submit timely biannual progress reports will result in not having their "eLOCCS Request Voucher for Grant Payment" processed and also may result in a low performance rating, which could result in grant termination. Reports are due 30 days after the reporting period.

c) Required Reports

- Grantees are required to submit biannual progress reports. Reporting requirements are specified in the Notice of Funding Availability and these Terms and Conditions. In case of conflict, the more-stringent provisions apply.

- Economic Opportunities for Low- and Very Low-Income Persons (Section 3). The HUD Form 60002, Economic Opportunities for Low- and Very Low-Income Persons (Section 3) must be submitted by January 10th, and yearly thereafter.

- Federal Financial Report (Standard Form 425)

d) Final Report

A final report shall be submitted. The final report shall summarize the applicant's plans, execution of the plans, achievements noted, and lessons learned. The report need not be lengthy, but should be of a quality and detail to provide freestanding description to any outside reader of all of the applicant's work and achievement under the grant. See clause entitled "Closeout" for the specific elements to be included with your final report. Specific and detailed guidance on preparing the forms and the narratives may be obtained from the GTR.

44. Reproduction of Reports

BRANCH PROCUREMENT OF CERTAIN KINDS OF PRINTING; "PRINTING" DEFINED

Pub. L. 102-392, title II, Sec. 207(a), Oct. 6, 1992, 106 Stat. 1719, as amended by Pub. L. 103-283, title II, Sec. 207, July 22, 1994, 108 Stat. 1440; Pub. L. 104-201, div. A, title XI, Sec. 1112(e)(1), Sept. 23, 1996, 110 Stat. 2683, provided that:

1) None of the funds appropriated for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including printed forms), unless such procurement is by or through the Government Printing Office.

2) Paragraph (1) does not apply to (A) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, if the work is included in a class of work which cannot be provided more economically through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, National Imagery and Mapping Agency, or the National Security Agency, or (C) printing from other sources that is specifically authorized by law.

As used in this section, the term "printing" includes the processes of composition, platemaking, presswork, duplicating, silkscreen processes, binding, microform, and the end items of such processes.

45. Review of Deliverables

a) Definition - For the purpose of this clause, "Deliverables" include:

1) All interim and final reports;
2) Survey instruments required by Work Plan, if applicable;
3) Other physical materials and products produced directly under the Work Plan of this grant, if applicable; and
4) In-kind and leverage commitments, if applicable.

b) General

1) The GTR shall have the sole responsibility for HUD review, correction, and acceptance of the deliverables of this grant. Such review(s) shall be carried out promptly by the GTR, so as not to impede the work of the Grantee.
2) The Grantee shall carry out the required corrections, if any, provided by the GTR and shall promptly return a revised copy of the product to the GTR.
3) The basis for acceptance shall be the Grantee's good faith efforts to complete the deliverables of this grant.
4) The GTR's review, correction, and acceptance of deliverables shall be limited to: (i) corrections of omissions or errors of fact, methodology, or analysis; ii) deletion of irrelevant materials; and (iii) improvements in style readability.
5) In the review and acceptance of deliverables, the GTR may not require any change in the Grantee's stated views, opinions, or conclusions.
6) Should there be any disagreement between the Grantee and the GTR as to any correction, or the methodology or analysis on which any conclusion is based, the GTR may require the Grantee to insert a Government dissent(s) in the appropriate place(s). The inclusion of such dissent(s) in an Official Product of Work, otherwise found acceptable by GTR, and the return to the GTR of a revised copy containing the dissent(s), shall satisfy the requirements for acceptance of the Official Product of Work under this clause. Such dissent(s) shall not apply to any independent publication by the Grantee of Independent Products that may arise from the work or findings of this grant.

46. Scope of Services

The Grantee shall furnish the necessary personnel, materials, services, equipment, facilities (except as otherwise specified herein) and otherwise do all things necessary for or incidental to the performance of the work set forth in the original/revised application under the this NOFA, as well as the subsequent Management and Work Plan schedule.

47. Section 508 Compliance

Section 508 of the Rehabilitation Act of 1973 requires all Federal electronic and information technology to be accessible by people with disabilities. All Products of Work that will be posted on HUD's website must meet HUD's Web Publication Standards and Procedures at www.**hud**.gov/assist/webpolicies.cfm.

48. Single Audit Transparency Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients.

a) Uniform Administrative Requirements for Grants and Agreements" and OMB A-102 (24 CFR Part 85) Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of funds.

b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133 (2 CFR Part 180), "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133 (2 CFR Part 180).

c) Recipients agree to separately identify to each sub-recipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of funds.

d) Recipients agree to require their sub-recipients to include on their SEFA. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

49. Special Conditions

Special Conditions to this award are listed in the form HUD-1044 Continuation Sheets.

50. Sub-recipient Monitoring and Management

Recipients will be responsible for the monitoring and management of all sub-recipient awards. Management and reporting requirements applied to direct recipients tier-down to employees, affiliates, sub-recipients, and subcontractors, and recipients will be responsible for ensuring compliance and submitting required reports to HUD. Recipients may incorporate all sub-recipient reporting into a consolidated report with the exception of the requirements established for compliance with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282) also known as FFATA or the Transparency Act.

51. Whistleblower Protection

Each grantee or sub-grantee awarded funds made available shall promptly refer to the HUD Office of Inspector General any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. Complaints can be made to the HUD Office of Inspector General through any of the following means:

Calling toll-free at 1-800-347-3735; persons who have hearing or speech disabilities may reach this number from the Federal Relay Service, at 1-800-877-8339.
Faxing at (202) 708-4829
E-mailing to hotline@hudoig.gov
Writing to HUD OIG Hotline (GFI), 451 7th Street, SW, Washington, DC 20410

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2012-09-26 – 119**

Resolution Re: **B13013 Segregation and Recycling of Construction Debris and Demolition Waste**

WHEREAS: Sealed bid B13013 was requested and received for the segregation and recycling of construction debris and demolition waste on September 12, 2012 at 2:00 p.m; and

WHEREAS: Responses received from two vendors were reviewed and evaluated with the bid deemed most advantageous being submitted by Aggregate Recycling Corp. in the amount of $69.00 per ton; and

WHEREAS Following considerations for travel costs and other operations factors by the Community Services Waste Recycling Division, it is the recommendation to award the project to Aggregate Recycling Corp. at $69.00 per ton for an estimated 900 tons with estimated annual expenditures totaling $62,100.00.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Aggregate Recycling Corp of Eliot ME given the rate of $69.00 per ton provided in conjunction with B13013 on September 12, 2012. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000.1.300.43240.4421.0000.00	CS Recycling Mgmt Waste Disposal	82,000.00	63,734.50

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch 9/20/12
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr. 9/20/12
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2012-09-26 – 119**

Resolution Re: **B13013 Segregation and Recycling of Construction Debris and Demolition Waste**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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.7.

Resolution Number: **R – 2012-09-26 – 119**

Resolution Re: **B13013 Segregation and Recycling of Construction Debris and Demolition Waste**

RESOLUTION BACKGROUND MATERIAL:

The Community Service Department has solicited to several companies that provide segregation and recycling of construction debris and demolition waste services. The city has moved away from sending construction debris waste to land fills and toward recycling as much of this material as possible. The city generates approximately 900 tons of debris annually and has two dumpsters that it will fill and haul to Aggregate Recycling in Eliot ME for segregation and recycling. Another vendor, twice the distance from the City, submitted a response with lower rates and a cost analysis was done by City Personnel to determine the most advantageous bid reply. The analysis included fuel cost, wages for time to travel and wear on city vehicles. Aggregate Recycling Corporation is the closest distance from the Mast Rd Recycling facility in Dover and therefore, saving wear and tear on the vehicle, as well as gas, oil and tires and employee wages.

Bid Information:

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

Award Information:

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

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	49	**Number of Responses:**	2
Warranty:	None	**Terms:**	Net 30, FOB Dover
Work Bonded:	NA	**Contract:**	No
Prices will hold for:	One year	**Estimated Delivery:**	As needed
Recommended Award to:	ARC	**Fund:**	Recy management
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

Vendor Solicitation List:

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

Bid Results

Vendor	Price Per Ton
ERRCO Recycling Epping NH 03042	$ 60.00
Aggregate Recycling Corp Eliot ME 03903	$ 69.00

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2012.09.26 – 120**
Resolution Re: Consulting Services for Griffin & Ireland Well Study

WHEREAS: The City of Dover in cooperation with the owner of the metal recycling facility, formally known as Madbury Metals, have agreed to work in cooperation to address the water quality issues and capacity in the Pudding Hill aquifer which supplies the Ireland and Griffin wells; and,

WHEREAS: The city currently retains Emery & Garrett Groundwater, Inc for consulting services for the Willand Pond and therefore, requested a scope of services and cost estimate to investigate ways to increase capacity and address contaminate issues at this site. An offer in the amount of $38,500 was received and reviewed; and

WHEREAS: In an effort to proactively address the potential water quality issues and enhance the water quantity at the Griffin well the City reached out to the current owner of the metal recycling facility. The cost of this initial work in the amount of $38,500 will be shared equally between the City and Schnitzer.

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 Emery & Garrett Groundwater Inc of Meredith NH in the amount of $38,500 with reimbursement of $19,250 from Schnitzer. The amount of this authorization shall be limited so as to not exceed available funding.

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4757.03571.12	Water Exploration	100,000.00	99,762.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch 9/20/12
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance: Allan B. Krans, Sr. 9/20/12
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2012.09.26 – 120**
Resolution Re: Consulting Services for Griffin & Ireland Well Study

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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.8.

Resolution Number: **R – 2012.09.26 – 120**
Resolution Re: Consulting Services for Griffin & Ireland Well Study

RESOLUTION BACKGROUND MATERIAL:

The proposed study seeks to address water capacity and water quality issues in the Pudding Hill aquifer which is the source for both the Griffin and Ireland water supply wells.

The City has used the wells since the 1960's when the City acquired the property. A recharge system was constructed in the 1980's when the City realized the benefit a gravel washing operation located at an adjacent gravel pit had provided by increasing the yield at the Griffin well. Once the gravel washing ceased the well capacity diminished. Water was taken from the Bellamy River and seeps into the sand and becomes available water supply. Pruven restated the gravel washing in the 1990's obviating the need for the City to operate its recharge operation until 2011 when the Pruven gravel pit was sold and gravel washing stopped. The City needs to begin recharging again to increase the well capacity at the Griffin well.

The auto recycling facility, formerly known as Madbury Metals was identified as the source of volatile organic compounds reaching the Griffin well rendering it unusable for a water supply. An air stripper was added to the existing water treatment plant to remove those contaminants in the late 1990's. Several years ago the chemical compound known as 1,4 dioxane was identified as a human carcinogen. The maximum allowed concentration allowed in drinking water was set at 3 parts per billion. 1,4 dioxane has been consistently detected at .5 parts per billion in the Griffin well water. EPA is reevaluating the standard and is considering lowering the 1,4 dioxane standard to .3 parts per billion. If the standard is adopted the Griffin well will not meet the new standard.

In an effort to proactively address the potential water quality issue and enhance the water quantity at Griffin well the City reached out to the current owner of the metal recycling facility, Schnitzer proposing a cooperative effort to address the issue. Schnitzer has agreed to work in cooperation with the City of Dover and we jointly met with Emery and Garrett Groundwater (EGGI) to discuss potential options to solve the problems. EGGI developed a proposed work scope that will investigate ways to increase capacity and address the potential 1,4 dioxane issue. The cost of the initial work is $38,500 and will be shared equally between the City and Schnitzer.

Tasks include:

PHASE I -- DETERMINE BEST MEANS FOR IMPROVING GROUNDWATER QUALITY OF THE WATER PUMPED FROM THE GRIFFIN WELL AND ASSESS THE POTENTIAL TO DEVELOP *"ADDITIONAL"* GROUNDWATER RESOURCES FROM THE PUDDING HILL AQUIFER

Task 1 – Evaluation of All Existing Background Data

Task 2 – Conduct a Preliminary Short-term Pumping Test and TV Video Log on the Existing 12-inch-diameter Well that was drilled in 1958

Task 3 -- Conduct Field Inspection/Geologic Mapping of Surficial Deposits to more accurately define the Geologic Contacts between the Delta Deposits and Glacial Marine Deposits

Task 4 -- Conduct Geophysical Surveys within Local Area – Assess Subsurface Characteristics of the Pudding Hill Aquifer

Task 5 -- Meeting with NHDES

Task 6 -- Presentation of Recommended *"Next Steps"* for this Investigation

EGGI will prepare a brief summary report that will summarize our findings of this investigation and provide recommendations for improving the water quality of the water produced from the Griffin Well. This will include recommendations for the possible use of a third well to blend water with the Griffin Well and the best means of re-establishing Artificial Recharge within the Pudding Hill Aquifer. All pertinent technical data will be portrayed on GIS-based map products.

The total estimated cost to complete this work is $38,500. Work can begin within two weeks of written authorization to proceed.

Purchasing Information:

Type:	Purchase Order	Advertised:	NA
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	As contracted	Estimated Delivery:	As needed
Recommended Award to:	Emery & Garrett Groundwater Inc	Fund:	Water CIP/Schnitzer
Other Approvals Required:	Schnitzer	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

To: Dover City Council

From: Dorothea Hooper

Re: School Board Report

The Dover School Board met in regular session September 10, 2012

Citizen's Forum: No one spoke

Consent Agenda: Passed

Student Representative Report: the representative noted that there was high morale at DHS, the new food service company was getting high marks, and the new schedule was working well.

Committee Reports:

1) Dover Adult Education Center ---It was reported that they had just begun their new session and they felt things had gone well for the students coming in new.
2) Horne Street School JBC --- They are having their last meeting in September.

Policy Changes:

These changes were to address the possibility of sexual harassment in the schools. They separated the issue into student/student and adult/employees. They used the aid of an attorney to be sure they were complying with the varied laws on the issue.

Bills: Voted to pay

New Teacher's Induction Program: This was reported on by Sue Vitko who has been working with new teachers in the district for several years. The object is to ease new staff into the culture, climate and academics of the Dover School District. It was a two day workshop showing teachers how to get up and running in their first days in Dover. These teachers are supported throughout the year

with monthly workshops (done by 2nd and 3rd year teachers) and non-threatening observations of classroom instruction. The program gets continuous feedback and is evaluated annually.

Dover High School Annual Homecoming: Mrs. Vitko also reported on the Homecoming on September 29th. The agenda for the day will include a historical display, volley ball, a classic car show, face painting, live bands, merchandise from the school store and a football game. Food will be provided by the 13 Flying Pigs (DH teachers).

School Capital Improvement Program: Superintendent Briggs-Badger brought the proposed CIP for 2014 to 2019 to the board for discussion. The majority of the board agreed that the high school would take priority. There were a couple of board members that were concerned that Garrison School renovations had been taken out of the plan. The result of all of the discussion was that $50,000 would be set aside each year for district improvements. In 2015 the architectural plans for the high school will be drawn up based on what will the school need for the 21st Century. The high school renovations will include the CTC wing as they will be eligible for state funds (that is an area that was not cut). The CIP passed the board.

Michael Limanni, Director of Finances, gave the board an update on the budget. It was announced that through frugal spending and district retirements there was going to be a surplus of monies left in the 2012 budget. The district administrators met with the building principals and established priorities for which the money could be used. The School Board Chair was informed of this plan. Board member Kathy Baker inquired as to the bidding process, did the spending done by the board go out to bid appropriately. The answer was yes. Board member Doris Grady questioned the authority of the administration to spend money without the board acting on it. Both district administrators explained that when buying things like books for curriculum it is not necessary to go through the board. This has been the process followed in the district for years. The board chair expressed his thankfulness that the district was able to implement the social studies curriculum with these funds and that ten year old texts were replaced for

students. A few other things that had been cut were able to be restored. The majority of the board were supportive of the district administrator's careful budgeting, noted that a new staff was working with the former finance director's budget, and were happy to be able to restore some of the cuts that had been necessary.

Items of board interest: Chair Rocky D'Andrea apologized for "losing his cool" during the discussion.

Meeting was adjourned.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2012.09.26 – 121**
Resolution Re: **Release of Legal Opinion of August 30, 2012**

WHEREAS: RSA 91-A:5 states that confidential government records are exempt from disclosure; and

WHEREAS: General Legal Counsel produced an opinion for the City Council dated August 30, 2012; and

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

The City Council shall release and make public the attorney letter dated August 30, 2012 from General Legal Counsel

AND:

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

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		

DOCUMENT HISTORY:

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2012.09.26 – 121**

Resolution Re: **Release of Legal Opinion of August 30, 2012**

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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.		

BACKGROUND:

This resolution pertains to a confidential legal opinion.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2012.09.26 – 122**
Resolution Re: **Release of Legal Opinion of August 24, 2012**

WHEREAS: RSA 91-A:5 states that confidential government records are exempt from disclosure; and

WHEREAS: General Legal Counsel produced an opinion for the City Council dated August 24, 2012; and

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

The City Council shall release and make public the attorney letter dated August 24, 2012 from General Legal Counsel

AND:

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

AUTHORIZATION

Approved as to Funding: Daniel R Lynch 9/20/12 Daniel R. Lynch, Finance Director

Sponsored by: Mayor Dean Trefethen, By request

Approved for Legal Compliance: Allan B. Krans, Sr. 9/20/12, 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.2.

Resolution Number: **R – 2012.09.26 – 122**
Resolution Re: **Release of Legal Opinion of August 24, 2012**

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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.		

BACKGROUND:

This resolution pertains to a confidential legal opinion.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2012.09.26 – 123**
Resolution Re: **Release of Legal Opinion of September 4, 2012**

WHEREAS: RSA 91-A:5 states that confidential government records are exempt from disclosure; and

WHEREAS: Attorney Ciandella has produced an opinion for the City of Dover dated September 4, 2012; and

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

The City Council shall release and make public the attorney opinion dated September 4, 2012 from Attorney Ciandella;

AND:

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

AUTHORIZATION

Approved as to Funding: Daniel R Lynch 9/20/12 — Daniel R. Lynch, Finance Director

Sponsored by: Mayor Dean Trefethen, By request

Approved for Legal Compliance: Allan B. Krans, Sr. 9/20/12 — 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.3.

Resolution Number: **R – 2012.09.26 – 123**
Resolution Re: **Release of Legal Opinion of September 4, 2012**

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
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.		

BACKGROUND:

This resolution pertains to a confidential legal opinion.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2012.09.26 – 124**
Resolution Re: Skateboard Park Relocation Funding

WHEREAS: The proposed waterfront development creates a need to relocate the skateboard park; and

WHEREAS: Financial Policy #20 *Use of One-Time Revenues* identifies that use of one-time revenues shall be for limited purposes, or non-recurring capital expenditure and/or contributing towards building established stabilization funds; and

WHEREAS: In accordance with NH RSA 31:95-d the City Council is authorized to restrict revenues from a specific source for specific purposes; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 31:95-c, the amount of $5,000.00 per month up to a total of $30,000.00 over six (6) months, representing a portion of the monthly revenue received from Dickinson Development Corporation for exercising their rights for an extension to the Initial Closing Deadline for the waterfront development project shall be deposited into the special revenue fund to be known as the Skateboard Park Relocation Fund, separate from the General Fund. The monies in said fund are to be used for the purposes of funding the relocation of the skateboard park to Maglaras Park. Any balance in said fund shall not be deemed part of the General Fund and shall be expended only after a vote of the City Council.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch 9/20/12
Daniel R. Lynch
Finance Director

Approved as to Legal Form: Allan B. Krans, Sr. 9/20/12
Allan B. Krans, Sr.
City General Counsel

Recorded by: Karen Lavertu
City Clerk

Sponsored by: Mayor Dean Trefethen

Deputy Mayor Robert Carrier
At Large

NOTE: This resolution requires a public hearing 15 days before vote of the City Council.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2012.09.26 – 124**
Resolution Re: Skateboard Park Relocation Funding

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.B.4.

Resolution Number: **R – 2012.09.26 – 124**
Resolution Re: Skateboard Park Relocation Funding

RESOLUTION BACKGROUND MATERIAL:

In accordance with NH RSA 31:95-c and 31:95-d a City Council may establish a Special Revenue Fund to restrict revenues to be expended for specific purposes. In accordance with these statutes a public hearing is required to be held at least 15 days but not more than 30 days before a vote of the City Council.

This resolution will create a special revenue fund to be known as the Skateboard Park Relocation Fund. This fund is separate from the General Fund.

This resolution intends to restrict $5,000.00 a month up to a total of $30,000.00 over six months be placed into the Special Revenue Fund. This revenue is derived from a portion of any monthly payment made by Dickinson Development Corporation to exercise their right to extend the Initial Closing Date on the waterfront development project.

The intent of this resolution is to allow for the revenue to be set aside and allowed to accumulate for a designated non-recurring expenditure. Expenditure of the monies in said fund will be authorized by vote of the City Council.

The Recreation Advisory Board supports this resolution since there is a clear cause and effect relationship with the proposed waterfront development and the movement of the skateboard park. Any additional funding for the relocation of the skateboard park would come from donations from outside supporters or through the Recreation budget.

Comcast

September 5, 2012

Dover City Council
City of Dover
288 Central Avenue
Dover, NH 03820

Re: Channel Line Up

Dear Council Members:

I am writing to inform you of some changes that will be taking place to the channel lineup in your community.

On or shortly after October 8, 2012:

- NH Public TV Prime will move from ch 11 to ch 2.
- NH Public TV Explore will move from ch 296 to ch 11.
- NH Public TV Prime HD will move from ch 801 to ch 802 and be replaced by NH Public TV Explore HD on ch 801.
- WGBH ch 2 and HD ch 802 will no longer be carried.

NH Public TV has requested Comcast make these changes to better serve you. Additional information can be found at http://connect.wgbh.org/NHPTVupdates.

Customers are receiving advance notice of these changes via bill messages.
Please feel free to contact me with any questions at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen

Bryan Christiansen
Sr. Manager of Government & Regulatory Affairs