



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 28, 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 – LIVING CHRISTMAS TREE**
- 6. APPROVAL OF AGENDA**
- 7. PUBLIC HEARINGS**
 - A. ADOPTION OF FY2014-FY2019 CAPITAL IMPROVEMENTS PROGRAM
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
 - B. APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM –
AUTHORIZATION FOR BONDING (REQUIRES 2/3 MAJORITY VOTE)
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
 - C. APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS (REQUIRES 2/3 MAJORITY VOTE)
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**
 - D. ESTABLISHMENT OF SCHOOL FACILITIES CAPITAL RESERVE FUND
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**
 - E. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**
 - F. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**
 - G. ESTABLISHMENT OF SCHOOL ATHLETICS CAPITAL RESERVE FUND
(CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 28, 2012**
Meeting Time: **7:00 pm**

H. REPROGRAMMING UNEXPENDED BOND PROCEEDS FOR VARIOUS CIP PROJECTS AND APPROPRIATE BOND PREMIUM (REQUIRES A 2/3 MAJORITY VOTE) (CITY COUNCIL VOTE ON DECEMBER 12, 2012) SPONSORED BY MAYOR TREFETHEN BY REQUEST

I. CHAPTER 170 – UPDATES TO THE ZONING ORDINANCE SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE

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. November 7, 2012 – Workshop**
- B. November 14, 2012 – Regular Meeting**

11. MAYOR'S REPORT

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING
CHAPTER 170 – UPDATES TO THE ZONING ORDINANCE
SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS – None

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE-GREAT BAY FIGURE SKATING CLUB**
- 2. RAFFLE-DOVER POLICE CHARITIES AND A SAFE PLACE OF N.H.**
- 3. RAFFLE-AMY'S TREAT**
- 4. GREATER DOVER CHAMBER OF COMMERCE**

- 5. RESOLUTION: AWARD OF ADDITIONAL SCOPE OF SERVICE INFILTRATION AND INFLOW REDUCTION**
SPONSORED BY MAYOR TREFETHEN BY REQUEST



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 28, 2012**
Meeting Time: **7:00 pm**

**6. RESOLUTION: B12049 ADDITIONAL SCOPE OF SERVICES SILVER STREET
CONSULTING SERVICES
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

B. RESOLUTIONS

1. **LEGISLATIVE DELEGATION SUPPORT FOR FULL FUNDING OF STATE AID
GRANT PROGRAM FOR MUNICIPAL INFRASTRUCTURE
SPONSORED BY COUNCILOR GARRISON**
2. **PRIORITY BASED BUDGETING PROCESS
SPONSORED BY COUNCILOR WEEDEN**
3. **COVERED PEDESTRIAN BRIDGE RELOCATION FUNDING (TO BE
REFERRED TO PUBLIC HEARING ON DECEMBER 12, 2012 AND VOTE TO
OCCUR AT LEAST 15 DAYS AFTER)
SPONSORED BY COUNCILORS WEEDEN AND CRAGO**

14. COUNCIL CORRESPONDENCE

A. LETTER FROM DIRECTOR PARKER

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7 A
Public hearing only

Resolution Number: **R – 2012.10.24 – 132**
Resolution Re: Adoption of FY2014-2019 Capital Improvements Program


- WHEREAS: The Capital Improvements Program (CIP) serves as the City's long range planning document for the purchase or construction of capital assets; and
- WHEREAS: The CIP anticipates the scheduling and financing over the course of the next six years of individual capital related projects with an estimated annual aggregate cost of \$25,000 or more and useful life of three years or greater; and that
- WHEREAS: The CIP is updated annually following review by the Planning Board and adoption by the City Council;

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

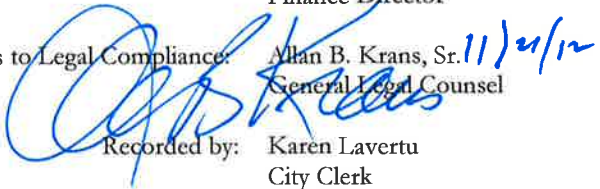
The Proposed Capital Improvements Program for Fiscal Year 2014-2019 reflected in the attached document is hereby adopted.

NOTE: This resolution requires a duly advertised public hearing.

AUTHORIZATION

Approved as to Funding:  Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved as to Legal Compliance:  Allan B. Krans, Sr. 11/21/12
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

Document Created by: Finance
Document Posted on: November 21, 2012

R-2012.10.24 FY2014-2019 CIP Adoption
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7 A
Public hearing only

Resolution Number: **R – 2012.10.24 – 132**
Resolution Re: **Adoption of FY2014-2019 Capital Improvements Program**

First Reading Date:
Approved Date:

Public Hearing 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#: 7 A
Public hearing only

Resolution Number: **R – 2012.10.24 – 132**

Resolution Re: Adoption of FY2014-2019 Capital Improvements Program

RESOLUTION BACKGROUND MATERIAL:

This resolution establishes the FY2014 through FY2019 Capital Improvements Program. This resolution only recognizes and adopts a financial and operational planning document for the City's equipment and infrastructure over the course of the next six years and does NOT authorize funding for projects. The FY2014 – FY2019 CIP projects and their anticipated schedule for funding are reflected in the attached document.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

7B-public hearing only

Resolution Number: **R – 2012.11.14 - REVISED**
Resolution Re: **Appropriation For FY2014 Capital Improvements Program and Authorization for Bonding**

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

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

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

Item #	Description	Proposed Appropriations	Life/Yrs	Department	Fund
1	New Police Facility - Design & Construction	9,900,000	20	Police	General
2	Downtown Traffic Efficiency Improvements	200,000	15	Comm Serv - PW	General
3	Mast Rd/Spruce Lane - Sidewalk	650,000	20	Comm Serv - PW	General
4	Street Reconstruction - Lisa Beth Drive & Circle	675,000	20	Comm Serv - PW	General
5	Street Reconstruction - Tolend Road	2,500,000	20	Comm Serv - PW	General
6	Street Reconstruction - Union Street	255,000	20	Comm Serv - PW	General
7	Downtown Parking Facility	100,000	20	Police - Parking	Parking Activity
8	Parking Deck - School Street	300,000	20	Police - Parking	Parking Activity
9	Water Main - Willand Pond	1,500,000	15	CS - Water	Water
10	WWTP - Facility Upgrade	9,000,000	20	CS - Sewer	Sewer
11	Leighton Way Pump Station Replacement	355,000	20	CS - Sewer	Sewer
	Total	<u>\$25,435,000</u>			

AND FURTHER BE IT RESOLVED THAT:

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

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#:
7B-public hearing only**

Resolution Number: **R – 2012.11.14 - REVISED**
Resolution Re: **Appropriation For FY2014 Capital Improvements Program and Authorization for Bonding**

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch*
Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved as to Legal Form: *Alan B. Krans* 11/21/12
Alan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	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#:
7B-public hearing only**

Resolution Number: **R – 2012.11.14 - REVISED**
Resolution Re: **Appropriation For FY2014 Capital Improvements Program and Authorization for Bonding**

RESOLUTION BACKGROUND MATERIAL:

This resolution makes appropriations for the projects of the FY2014 Capital Improvements Program financed by debt and authorizes the sale of bonds.

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

Debt Authorization versus Debt Retirement

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

Description	General						Total
	City	School	Fund	Parking	Water	Sewer	
FY2014 Authorization	14,180,000	0	14,180,000	400,000	1,500,000	9,355,000	25,435,000
FY2014 Retirement	3,966,420	2,400,691	6,367,111	55,000	977,000	1,045,350	8,685,951
Net Change	10,213,580	(2,400,691)	7,812,889	345,000	523,000	8,309,650	16,749,049

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2012 and this authorization, against the legal debt limits.

Description	City	School	Water	DBIDA-IP	DBIDA-IB	Exempt	Total
Debt Outstanding	37,226,320	26,097,769	10,083,800	0	0	17,136,399	90,544,288
Authorized - Unissued	7,500,000	1,900,056	4,200,000	0	0	6,545,922	20,145,978
Total Issued & Unissued	44,726,320	27,997,825	14,283,800	0	0	23,682,321	110,690,266
This Authorization	14,180,000	0	1,500,000	0	0	9,755,000	25,435,000
Grand Total	58,906,320	27,997,825	15,783,800	0	0	33,437,321	136,125,266
Legal Debt Limit	81,427,620	189,997,780	271,425,399	4,000,000	NA	NA	
Unused Capacity	22,521,300	161,999,955	255,641,599	4,000,000			
Percent Unused	27.7%	85.3%	94.2%	100.0%			

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:
7B-public hearing only

Resolution Number: **R – 2012.11.14 - REVISED**
Resolution Re: **Appropriation For FY2014 Capital Improvements Program and Authorization for Bonding**

Multi-Year Projects Proposed Bonding Schedule

The following table summarizes the bonding schedule for the proposed debt authorizations. This table shows that for multi-year projects the issuance of bonds will be done based on cash flow requirements per the projects' proposed segments as presented in the Capital Improvements Program.

Item #	Description	Proposed			
		Appropriations	FY2014	FY2015	FY2016
1	New Police Facility - Design & Construction	9,900,000	9,900,000		
2	Downtown Traffic Efficiency Improvements	200,000	50,000	75,000	75,000
3	Mast Rd/Spruce Lane - Sidewalk	650,000	300,000	350,000	
4	Street Reconstruction - Lisa Beth Drive & Circle	675,000	675,000		
5	Street Reconstruction - Tolend Road	2,500,000	2,500,000		
6	Street Reconstruction - Union Street	255,000	30,000		225,000
7	Downtown Parking Facility	100,000	100,000		
8	Parking Deck - School Street	300,000	300,000		
9	Water Main - Willand Pond	1,500,000	300,000		1,200,000
10	WWTP - Facility Upgrade	9,000,000	3,000,000	3,000,000	3,000,000
11	Leighton Way Pump Station Replacement	355,000	30,000		325,000
Total		25,435,000	17,185,000	3,425,000	4,825,000

Rate Impacts

The following tables summarize the change from year to year on the Property Tax Rate and the Utility Rates, net of existing debt service and aid, related to the projects proposed to be bonded in FY14. The top table reflects the impact of the new CIP projects only; the second set reflects the combined impact of the new CIP projects and anticipated debt related to prior year authorizations. The rate changes have been adjusted for any amendments to projects from the proposed CIP.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

7B-public hearing only

Resolution Number: **R – 2012.11.14 - REVISED**
 Resolution Re: **Appropriation For FY2014 Capital Improvements Program and Authorization for Bonding**

CIP Only
Net Change in Property Tax Rates

	2014	2015	2016
City	0.12	0.50	0.48
School	-	-	-
Total Change	0.12	0.50	0.48
Est Tax Rate	25.64	26.14	26.62
% Change City	1.24%	5.09%	4.70%
% Change School	0.00%	0.00%	0.00%
% Change Total	0.48%	1.98%	1.87%

CIP Only
Net Change in Utility Rates

	2014	2015	2016
Water	0.01	0.03	0.03
Sewer	0.08	0.31	0.31
Total Change	0.09	0.34	0.34
Est Utility Rate	10.23	10.57	10.91
% Change Water	0.23%	0.69%	0.68%
% Change Sewer	1.38%	5.29%	5.09%
% Change Total	0.96%	3.58%	3.49%

Including Prior Year Authorizations
Net Change in Property Tax Rates

	2014	2015	2016
City	(0.02)	0.29	0.20
School	(0.04)	(0.02)	0.01
Total Change	(0.06)	0.27	0.21
Est Tax Rate	25.46	25.73	25.94
% Change City	-0.21%	2.99%	2.00%
% Change School	-0.39%	-0.19%	0.10%
% Change Total	-0.24%	1.06%	0.81%

Including Prior Year Authorizations
Net Change in Utility Rates

	2014	2015	2016
Water	0.14	0.50	0.16
Sewer	0.37	0.50	0.47
Total Change	0.51	1.00	0.63
Est Utility Rate	10.65	11.65	12.28
% Change Water	3.21%	11.11%	3.29%
% Change Sewer	6.40%	8.13%	7.48%
% Change Total	5.03%	9.39%	5.66%

Rate per \$1,000 of Assessed Value

Rate per 100 Cubic Feet of Water Consumption

The table below reflects the net change from year to year, and the total change after 3 years, for an average single family home for taxes and user fees, based on the FY13 assessed value at \$249,356 with 75 HCF of average water usage.

Impact to Average Single Family Home

Description	Yr1	Yr2	Yr3	Change After
				3 Years
CIP Only				
Property Tax	30	125	120	274
Water Fees	1	2	2	5
Sewer Fees	6	23	23	53
Total Avg SFH Impact	37	150	145	332
Including PY Authorizations				
Property Tax	5	72	50	127
Water Fees	11	38	12	60
Sewer Fees	28	38	35	101
Total Avg SFH Impact	43	147	97	288



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7C
Public hearing only**

Resolution Number: **R – 2012.11.14 – 137**
Resolution Re: **Appropriation For FY2014 Capital Improvements
Program – Non-Debt Financed Projects**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	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#: 7C
Public hearing only**

Resolution Number: **R – 2012.11.14 – 137**
Resolution Re: **Appropriation For FY2014 Capital Improvements
Program – Non-Debt Financed Projects**

RESOLUTION BACKGROUND MATERIAL:

This resolution appropriates reserve trust funds and special revenue funds to finance a portion of the FY14 Capital Improvements Program. In addition, it authorizes the transfer of Reserve Trust Fund moneys.

The following table reflects the amount to be appropriated from the various funds and their projected balances as of 6/30/2013:

Description	Proposed Appropriation	Balance 6/30/2013
Trust Reserve Funds CIP		
General Fund Capital Reserve *	826,000	381,332
Cemetery Maintenance Reserve	30,000	38,594
Transportation Improvements	75,000	307,965
Parks Improvements Reserve **	110,000	40,323
Water Capital Reserve	385,000	2,817,139
Sewer Capital Reserve	500,000	764,082
Totals	<u>\$1,926,000</u>	

* The General Fund Capital Reserve will have sufficient funds for the appropriations as a transfer from the General Fund of \$575,000 into the reserve is proposed in the CIP FY 2014-2019 to be budgeted during FY2014.

** The Parks Improvements Capital Reserve will have sufficient funds for the appropriation as a transfer from the Recreation Field Construction (Sand & Gravel) Fund of \$112,500 into the reserve is proposed in the CIP FY 2014-2019 to be budgeted during FY2014.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7C
Public hearing only

Resolution Number: **R – 2012.11.14 – 137**
Resolution Re: **Appropriation For FY2014 Capital Improvements Program – Non-Debt Financed Projects**

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

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

The following capital outlays are appropriated as part of the FY14 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item	Description	Appropriation	Funding	Fund
1	Police Vehicle Replacement	\$126,000	General Fund Capital Reserve	Trust
2	Fire Quint/Pumper Replacement	500,000	General Fund Capital Reserve	Trust
3	Public Works Heavy Equipment	200,000	General Fund Capital Reserve	Trust
4	Cemetery Improvements	30,000	Cemetery Maintenance Reserve	Trust
5	TIP - Traffic Signal Upgrades	75,000	Transportation Reserve	Trust
6	Indoor Pool Roof Replacement	110,000	Park Improvements Reserve	Trust
7	Smith Well Replacement	135,000	Water Fund Capital Reserve	Trust
8	Water Exploration	100,000	Water Fund Capital Reserve	Trust
9	Wellhead Protection	100,000	Water Fund Capital Reserve	Trust
10	Water Main Replacement - Lisa Beth Circle	50,000	Water Fund Capital Reserve	Trust
11	Inflow/Infiltration Mitigation	300,000	Sewer Fund Capital Reserve	Trust
12	Sewer Main - Henry Law Avenue	200,000	Sewer Fund Capital Reserve	Trust
	Total	<u>\$1,926,000</u>		

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

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

Recorded by: Karen Lavertu
City Clerk

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7D.
Public hearing only**

Resolution Number: **R – 2012.11.14 – 138**
Resolution Re: Establishment of School Facilities Capital Reserve Fund

WHEREAS: The Dover School Board is responsible for the care and maintenance of the Dover school facilities; and

WHEREAS: The City Council adopts the City's annual Capital Improvements Program, which may include appropriations for capital outlay and funding capital reserve funds; and

WHEREAS: The City Council is authorized to establish capital reserve funds, and direct the Board of Trustees of Trust Fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 34, a capital reserve fund is established titled School Facilities Capital Reserve for the purpose of acquisition, construction and/or rehabilitation of school facilities that have been identified as a project within the City's annual Capital Improvements Program. Moneys deposited into the capital reserve fund are to be held in custody by the Board of Trustees of the Trust Funds.

AND, FURTHER BE IT RESOLVED;
The School Board is designated as the agent to carry out the purposes of the reserve, only after approval of a majority vote of the City Council to expend funds for each project as identified within the City's Capital Improvements Program. The total expenditures in any one year from the School Facilities Capital Reserve shall not exceed 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019.

AUTHORIZATION

Approved as to Funding:	 Daniel R. Lynch Finance Director	Sponsored by:	Councilor Karen Weston At Large
Approved as to Legal Compliance:	 Allan B. Krans, Sr. City General Counsel		Councilor Edward Spuler Ward 1
Recorded by:	Karen Lavertu City Clerk		

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7D.
Public hearing only**

Resolution Number: **R – 2012.11.14 – 138**
Resolution Re: Establishment of School Facilities Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

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

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

This resolution restricts expenditure from the Capital Reserve to no more than 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019. This will allow the fund time to accumulate resources to be utilized for future CIP projects.

The School Facilities Capital Reserve Fund is to be established for funding the acquisition, construction and/or rehabilitation of school facilities as identified and approved in the City's annual Capital Improvements Program.

The School Facilities Capital Reserve fund will be financed from annual appropriations approved by the City Council in adopting the operating budget; not debt financing. Other funding sources may include user fees or other sources voted by the Council at a future date.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7E
Public hearing only**

Resolution Number: **R – 2012.11.14 – 139**
Resolution Re: Establishment of School Curriculum Capital Reserve Fund

- WHEREAS: The Dover School Board approved a February 23, 2012 resolution requesting the City Council adopt the creation of a School Curriculum Capital Reserve fund; and
- WHEREAS: The City Council adopts the City’s annual Capital Improvements Program, which may include appropriations for capital outlay and funding capital reserve funds; and
- WHEREAS: The City Council is authorized to establish the capital reserve fund, and direct the Board of Trustees of Trust Fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
 In accordance with NH RSA 34, a capital reserve fund is established titled School Curriculum Capital Reserve for the purpose of acquisition of curriculum materials including equipment that has been identified as a project within the City’s annual Capital Improvements Program. The funds are to be used for the purpose of purchasing school curriculum materials and equipment as planned for and documented by a multi-year curriculum development plan. Moneys deposited into the capital reserve fund are to be held in custody by the Board of Trustees of the Trust Funds.

AND, FURTHER BE IT RESOLVED;
 The School Board is designated as the agent to carry out the purposes of the reserve, only after approval of a majority vote of the City Council to expend funds for each project as identified within the City’s Capital Improvements Program. The total expenditures in any one year from the School Curriculum Capital Reserve shall not exceed 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019.

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch*
 Daniel R. Lynch
 Finance Director

Sponsored by: Councilor Karen Weston
 At Large

Approved as to Legal Compliance: *Alan B. Krans, Sr.*
 Alan B. Krans, Sr.
 City General Counsel

Councilor Edward Spuler
 Ward 1

Recorded by: *Karen Lavertu*
 Karen Lavertu
 City Clerk

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7E
Public hearing only

Resolution Number: **R – 2012.11.14 – 139**
Resolution Re: Establishment of School Curriculum Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

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

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

This resolution restricts expenditure from the Capital Reserve to no more than 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019. This will allow the fund time to accumulate resources to be utilized for future CIP projects.

The School Curriculum Capital Reserve Fund is to be established for purchasing curriculum materials and equipment as approved in the City's annual Capital Improvements Program and supported by a multi-year curriculum development plan.

The School curriculum Capital Reserve fund will be financed from annual appropriations approved by the City Council in adopting the operating budget; not debt financing. Other funding sources may include user fees or other sources voted by the Council at a future date.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7F
Public hearing only**

Resolution Number: **R – 2012.11.14 – 140**

Resolution Re: **Establishment of School Technology Capital Reserve Fund**

- WHEREAS: The Dover School Board approved a February 23, 2012 resolution requesting the City Council adopt the creation of a School Technology Capital Reserve fund; and
- WHEREAS: The City Council adopts the City's annual Capital Improvements Program, which may include appropriations for capital outlay and funding capital reserve funds; and
- WHEREAS: The City Council is authorized to establish the capital reserve fund, and direct the Board of Trustees of Trust Fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
 In accordance with NH RSA 34, a capital reserve fund is established titled School Technology Capital Reserve for the purpose of acquisition of technology equipment or improvement that has been identified as a project within the City's annual Capital Improvements Program. The funds are to be used for the purpose of purchasing school technology equipment and improvements as planned for and documented by a multi-year acquisition plan. Moneys deposited into the capital reserve fund are to be held in custody by the Board of Trustees of the Trust Funds.

AND, FURTHER BE IT RESOLVED;
 The School Board is designated as the agent to carry out the purposes of the reserve, only after approval of a majority vote of the City Council to expend funds for each project as identified within the City's Capital Improvements Program. The total expenditures in any one year from the School Technology Capital Reserve shall not exceed 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019.

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch*
 Daniel R. Lynch
 Finance Director

Sponsored by: Councilor Karen Weston
 At Large

Approved as to Legal Compliance: *Alan B. Krass, Sr.* 11/21/12
 Alan B. Krass, Sr.
 City General Counsel

Councilor Edward Spuler
 Ward 1

Recorded by: Karen Lavertu
 City Clerk

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7F
Public hearing only**

Resolution Number: **R – 2012.11.14 – 140**
Resolution Re: **Establishment of School Technology Capital Reserve Fund**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Dean Trefethen		
Deputy Mayor Robert Carrier, At Large		
Councilor 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#: 7F
Public hearing only

Resolution Number: **R – 2012.11.14 – 140**
Resolution Re: Establishment of School Technology Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

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

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

This resolution restricts expenditure from the Capital Reserve to no more than 85% of the current year contribution until after Fiscal Year 2019. This will allow the fund time to accumulate resources to be utilized for future CIP projects.

The School Technology Capital Reserve Fund is to be established for purchasing technology equipment and improvements approved in the City's annual Capital Improvements Program and supported by a multi-year technology acquisition plan.

The School Technology Capital Reserve fund will be financed from annual appropriations approved by the City Council in adopting the operating budget; not debt financing. Other funding sources may include user fees or other sources voted by the Council at a future date.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item 7G.
Public hearing only**

Resolution Number: **R – 2012.11.14 – 141**
Resolution Re: Establishment of School Athletics Equipment Capital Reserve Fund

- WHEREAS: The Dover School Board approved a February 23, 2012 resolution requesting the City Council adopt the creation of a School Athletics Equipment Capital Reserve fund; and
- WHEREAS: The City Council adopts the City’s annual Capital Improvements Program, which may include appropriations for capital outlay and funding capital reserve funds; and
- WHEREAS: The City Council is authorized to establish the capital reserve fund, and direct the Board of Trustees of Trust Fund to hold and invest the amounts so designated until such time as the funds are needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
In accordance with NH RSA 34, a capital reserve fund is established titled School Athletics Equipment Capital Reserve for the purpose of acquisition of athletic equipment that has been identified as a project within the City’s annual Capital Improvements Program. The funds are to be used for the purpose of purchasing school athletic equipment as planned for and documented by a multi-year acquisition plan. Moneys deposited into the capital reserve fund are to be held in custody by the Board of Trustees of the Trust Funds.

AND, FURTHER BE IT RESOLVED;
The School Board is designated as the agent to carry out the purposes of the reserve, only after approval of a majority vote of the City Council to expend funds for each project as identified within the City’s Capital Improvements Program. The total expenditures in any one year from the School Athletics Equipment Capital Reserve shall not exceed 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019.

AUTHORIZATION

Approved as to Funding:  Daniel R. Lynch
Finance Director

Approved as to Legal Compliance:  Allan B. Krass *11/26/12*
City General Counsel

Recorded by: Karen Lavertu
City Clerk

Sponsored by: Councilor Karen Weston
At Large

Councilor Edward Spuler
Ward 1

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item 7G.
Public hearing only**

Resolution Number: **R – 2012.11.14 – 141**
Resolution Re: Establishment of School Athletics Equipment Capital Reserve Fund

RESOLUTION BACKGROUND MATERIAL:

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

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

This resolution restricts expenditure from the Capital Reserve to no more than 85% of the current year contribution to the Capital Reserve fund until after Fiscal Year 2019. This will allow the fund time to accumulate resources to be utilized for future CIP projects.

The School Athletic Equipment Capital Reserve Fund is to be established for purchasing athletic equipment approved in the City's annual Capital Improvements Program and supported by a multi-year acquisition plan.

The School Athletic Equipment Capital Reserve fund will be financed from annual appropriations approved by the City Council in adopting the operating budget; not debt financing. Other funding sources may include user fees or other sources voted by the Council at a future date.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 7 H
Public hearing only

Resolution Number: **R - 2012.11.14 – 142**
Resolution Re: **Reprogramming Unexpended Bond Proceeds for Various CIP Projects and Appropriate Bond Premium**

In accordance with NH Municipal Finance Act, RSA33 and City Charter Provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution. The PUBLIC HEARING to be held on November 28, 2012. This resolution must be approved by a 2/3 majority vote of the city council.

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

Approved for Legal Compliance:

Allan B. Kraus 11/21/12
Allan B. Kraus, Sr.
General Legal Counsel

Recorded by:

Karen Lavertu
Karen Lavertu
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing 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.

Document Created by: Finance
Document Posted on: November 21, 2012

Reprogram Unexpended Bond Proceeds for Various CIP
Projects
Page 2 of 4



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7 H
Public hearing only**

Resolution Number: **R - 2012.11.14 – 142**
Resolution Re: **Reprogramming Unexpended Bond Proceeds for Various CIP Projects and Appropriate Bond Premium**

WHEREAS: Annually the City Council desires to make public improvements and finance these improvements with the sale of general obligation bonds and limit the issuance of new CIP debt to an amount equal to, or less than, the amount being retired; and

WHEREAS: The city has identified certain CIP projects have been completed under budget and therefore there are unexpended bond proceed to be utilized toward other CIP projects; and there are certain CIP projects that can be deferred to future years and funding is not anticipated to be needed at this time; and the City Council desires to effectively use unexpended bond proceeds;

WHEREAS: The City Council approved refinancing the City’s 2003 and 2004 General Obligation Bonds, which resulted in the City receiving \$697,521.12 in unexpended bond premium as part of the May 2012 bond refinancing transaction;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The City Council approves reprogramming bond proceeds as follows:

ACCOUNT	DESCRIPTION	APPROPRIATION	AVAIL. BOND PROCEEDS	AMT RE - PROGRAMMED
4009.1.300.43112.4715.05205.09.700	Willand Pond Remediation	\$500,000.00	\$500,000.00	(\$500,000.00)
4009.1.210.42170.4720.02389.09.700	Police – New Facility			\$500,000.00
4009.1.300.43121.4751.03143.09.700	CS Streets – Recon. Ela Area	\$300,000.00	\$300,000.00	(\$300,000.00)
4009.1.300.43121.4751.03173.09.700	CS Streets – Mast Rd/ Spruce			\$300,000.00
4007.1.300.43121.4751.03140.07.700	CS – Broadway St Reconstruct	\$200,000.00	\$200,000.00	(\$105,000.00)
4007.1.300.43121.4751.03173.07.700	CS – Mast Rd/Spruce Lane			\$105,000.00
4001.1.300.43150.4730.03185.01.700	CS – Broadway Drainage Impr	\$100,000.00	\$95,475.15	(\$95,475.15)
4001.1.300.43121.4751.03173.01.700	CS – Mast Rd/Spruce Lane			\$95,475.15
5320.1.300.43250.4741.04585.05.700	Sewer – WWTP UV Unit	\$250,000.00	\$62,764.33	(\$62,764.33)
5320.1.300.43250.4725.04590.05.700	WWTP Facility Upgrade			\$62,764.33
5320.1.300.43250.4741.04572.06.700	River Street Pump Station	\$973,000.00	\$580,968.67	(\$355,000.00)
5320.1.300.43250.4741.04574.06.700	Leighton Way Pump Station			\$355,000.00
5300.1.300.43320.4757.03573.07.700	Bouchard Well & Treatment	\$2,700,000.00	\$83,633.14	(\$83,633.14)
5300.1.300.43320.4757.03552.07.700	Water Main – Willand Pond			\$83,633.14
5300.1.300.43320.4757.03535.06.700	Dover Point Rd Water Main	\$150,000.00	\$27,668.20	(\$27,668.20)
5300.1.300.43320.4741.03510.06.700	Water Meter Replacement			\$27,668.20

AND FURTHER BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The City Council hereby appropriates \$697,521.12 in unexpended bond premiums, received from the May 2012 refinancing transaction of 2003 and 2004 bonds, as follows:

ACCOUNT	DESCRIPTION	APPROPRIATION
4013.1.210.42170.4720.02389.13	Police – New Facility	\$697,521.12



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7 H
Public hearing only**

Resolution Number: **R - 2012.11.14 – 142**
Resolution Re: **Reprogramming Unexpended Bond Proceeds for
Various CIP Projects and Appropriate Bond Premium**

RESOLUTION BACKGROUND MATERIAL:

Annually, in accordance with City Charter, the City Manager shall prepare and submit for approval to the City Council a six-year capital improvements program (CIP). Annually the City Council has approved the CIP and an Authorization for Bonding to finance certain projects contained within the CIP.

The City has reviewed CIP project authorizations and has identified certain CIP projects that have unexpended bond proceeds that will not be utilized and can be use towards other CIP projects.

This resolution will not increase the amount of existing debt obligations of the City.

Unexpended bond proceeds of \$500,000.00 from the Willand Pond Remediation project will be reprogrammed to New Police Facility. These bond proceeds are available because the City successfully obtained grants to fund the work for Willand Pond. Reprogramming these funds to the New Police Facility will reduce the amount necessary to be bonded as presented in the FY14 CIP.

Unexpended bond proceeds of \$300,000.00 from the Ela Area Street Reconstruction project will be reprogrammed to the sidewalk project for Mast Road and Spruce Lane. These bond proceeds are available because at this time the City is deferring work on the Ela Area street project until the project can be coordinated with other roadway reconstruction projects within the adjoining areas as presented in the FY14-FY18 CIP. Reprogramming these funds to the Mast Road/Spruce Lane project will reduce the amount necessary to be bonded as presented in the FY14 CIP.

Unexpended bond proceeds of \$105,000.00 from the Broadway Street reconstruction project will be reprogrammed to the sidewalk project for Mast Road and Spruce Lane. These bond proceeds are available because design costs for the Broadway street project are to be less than the amount originally budgeted. Reprogramming these funds to the Mast Road/Spruce Lane project will reduce the amount necessary to be bonded as presented in the FY14 CIP.

Unexpended bond proceeds of \$95,475.15 from Broadway Area Drainage project will be reprogrammed to the sidewalk project for Mast Road and Spruce Lane. These bond proceeds are available because design costs for the Broadway street project are to be less than the amount originally budgeted. Reprogramming these funds to the Mast Road/Spruce Lane project will reduce the amount necessary to be bonded as presented in the FY14 CIP.

Unexpended bond proceeds of \$62,764.33 from the WWTP UV Unit Upgrade project will be reprogrammed to the WWTP Facility Upgrade project. The bond proceeds are available



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7 H
Public hearing only**

Resolution Number: **R - 2012.11.14 – 142**
Resolution Re: **Reprogramming Unexpended Bond Proceeds for
Various CIP Projects and Appropriate Bond Premium**

because the UV Unit project was completed under budget. Reprogramming these funds to the WWTP Facility Upgrade project will reduce the amount necessary to be bonded as presented in the FY14 CIP.

Unexpended bond proceeds of \$355,000.00 from the River Street Pump Station Upgrade project will be reprogrammed to the Leighton Way Pump Station Upgrade project. These bond proceeds are available because the City utilized the State of NH Clean Water State Revolving Fund and ARRA Stimulus Grant funding to finance the upgrade to the River Street Pump station. Reprogramming the bond proceeds to the Leighton Way Pump Station project will avoid the need to bond any funds for the project as initially presented in the FY14 CIP.

Unexpended bond proceeds of \$83,633.14 from the Bouchard Well & Treatment facility project will be reprogrammed to the Willand Pond Water Main project. The Bouchard Well project was completed below the amount originally budgeted for the project. Reprogramming these funds to the Willand Pond Water Main project will reduce the amount necessary to be bonded for the project as initially presented in the FY14 CIP.

Unexpended bond proceeds of \$27,668.20 from the Dover Point Road Water Main project will be reprogrammed to Water Meter Replacement. The Dover Point Road Water Main project was completed below the amount originally budgeted for the project. Reprogramming these funds for Water Meter replacement will assist in expediting the transition to improve meter reading functions and the related billing for water usage to utility customers. The City has been in the process of incrementally transitioning from old obsolete meters to new meters.

The City Council approved refinancing the City's 2003 and 2004 General Obligation Bonds, which resulted in the City receiving \$697,521.12 in unexpended bond premium as part of the May 2012 bond refinancing transaction. In accordance with the NH Municipal Finance Act and Federal regulations the bond premium needs to be expended on a capital improvement item. This resolution proposes to appropriate and expend the bond premium on the New Police Facility project. The utilization of the bond premium on this project will reduce the amount necessary to be bonded for the project as initially presented in the FY14 CIP.

CITY MANAGER'S REPORT



November 28, 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 expand at a modest pace. Most retail and manufacturing contacts report sales or revenue gains from a year earlier, although manufacturers say growth is slower than earlier in the year and some have seen actual declines. Advertising and consulting firms are still upbeat, with results depending on the specific client industries. Residential real estate contacts note increases in sales, particularly in the lower price ranges with only modest changes in median sale prices. Commercial real estate leasing has slowed slightly with the exception of one major lease finalized in Dover. Investment conditions remain positive as sidelined stock investors look to park their money during stock market uncertainty. Most firms are doing only modest hiring, but locally, the Dover unemployment rate dropped from 5.1% to 4.6% in the last month. Concerns are being expressed about the current and future uncertainty attributed to the U.S. and foreign sovereign debt situation and the fiscal cliff, taxes, and healthcare costs and the looming federal elections. Local contacts indicate it is only in commercial real estate leasing that current activity levels are measurably dampened by such concerns.

Retail:

Retailers report sales through mid to late September are slightly above 2011. Year-over-year sales increases in recent months range from low single digit to high single digit percentage gains. Furniture sales have picked up after declining during the summer. Apparel and household items remains strong. Contacts express some concern that consumer sentiment could be negatively affected by domestic politics and the fiscal cliff. This increases their concern that about how well the end-of-year 2012 holiday season will turn out. While these concerns lead retailers to expect the U.S. economy will remain flat over the next 6 to 8 months, respondents are nonetheless cautiously optimistic that 2012 revenues will come in slightly ahead of 2011 levels.

Tourism continues to benefit from a rebound in business travel, both domestic and international. Our local hotels have occupancy rates in the mid to high 90% range. Leisure travel has seen a small drop in advance bookings over the last 6 months. Tourism venues are forecasting a solid 2013 in sales and bookings.

Manufacturing and Related Services:

Regional manufacturers describe the economy as growing slowly, but still growing. About half of the contacts report a substantial slowdown in growth or outright fall in sales in the most recent period. Some slowing in semi-conductor related business is being experienced. Christmas orders for toys are coming in later and later largely because lead times have contracted and firms can still order in September for November delivery. Healthcare related manufacturers continue to experience strong sales and some growth and hiring. 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. picked up slightly while international demand fell off with high unemployment in the Euro Zone. Doubts were expressed about how long U.S. spending levels would sustain. Economic uncertainty on the part of customers appears to be pervasive in businesses in this sector. So far, these concerns do not appear to have triggered domestic layoffs or curtailment of planned capital investments.

Looking ahead to 2013, most firms are tentative and are planning for 1-2% growth, saying slow growth is "the new normal".

Hiring and investment continues to be limited due to demand uncertainty and cost reduction pressures in uncertain times. Local unemployment has declined from 5.1% to 4.6% in the past month and there is a small movement from temporary to permanent employment despite benefits future costs uncertainty.

Selected Business Services:

Consulting and Advertising firms report a still positive, but not exuberant growth. Those firms serving larger customers are experiencing more stable programs while smaller businesses are pulling out of longer term projects. Specific client bases and industry segmentation are determining current activity levels. Marketing firms are currently under performing business consulting firms in this market.

Employment growth in these firms, quite robust in the recent past, has slowed significantly. Uncertainty in the economy, government debt and healthcare costs growth have 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.

The multi-family sector remains strong across the region and locally. Future projects may be delayed indefinitely awaiting rent discovery and existing inventory audits. One concern is the inevitable eventual increase in interest rates in the long term when net operating incomes may not increase enough to offset increasing financing costs when loans currently being underwritten at very low rates require refinancing.

Residential Real Estate:

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.

Low interest rates, reasonable prices, improved conditions for borrowers, and rising rents continue to push growth in this segment. Contacts still describe this growth as fragile.

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

Office of General Legal Counsel
Summary of Matters
Allan Krans

GENERAL SUMMARY OF MATTERS OF THE OFFICE OF GENERAL LEGAL COUNSEL

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

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

REVIEW OF LEGAL SUPPORT SERVICES FOR THE MONTH: October 2012

	Current Month	FY2013	FY2012	FY2011
Legal Matters/Questions Handled	43	121	360	245
Document Creation & Review	15	67	126	140
Right to Know Requests Processed	3	14	61	40
Resolutions	4	16	23	-
Ordinances	0	3	12	-

SIGNIFICANT DEVELOPMENTS, TRENDS AND MATTERS:

Right to Know requests pursuant to RSA 91-A in October:

- Manchester, NH – inquiry for background for lawsuit
- Dover, NH – water and sewer investment fees
- Dover, NH – trip incident

- Assistance to the City Council: drafting/review of resolutions, and ordinance revisions;
- attendance at meetings; virtual meetings
- Assistance to Schools: football program; student records request

- Assistance to the Community Services Department: Republican National Committee; fluoride; investment fees; conflict of interest
- Assistance to the Planning Department: subdivision matter; community garden; merger of lots restoration process; paper streets; MOU; waterfront payments; conflict of interest; rooming house
- Assistance to Finance Department: yearly audit; bankruptcy matter; water and sewer investment fee; waterfront assignment; welfare payments ; bankruptcy protocols; water/sewer liens
- Assistance to Executive: Code style; Charter Resolution history; LGC refund inquiry; litigation inquiry; oath of office for volunteers; town statutes; waterfront development; registering City Seal; polling; approval of agenda items
- Assistance to Fire and Rescue: clinical agreement
- Assistance to the City Manager: review of documents for signature; review of litigation; 91-A requests
- Assistance to Police: non-public meetings

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, November 7, 2012**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Weston led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

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

Absent: Councilor Weeden.

5. DISCUSSIONS

A. CAPITAL IMPROVEMENT PROGRAM (CIP)

Superintendent Jean Briggs Badger gave a PowerPoint presentation to the Council regarding the School's CIP projects.

Mayor Trefethen started a discussion regarding the process of approving the CIP and its affect on the budget.

B. CITY MANAGER GOALS

Mayor Trefethen referred to the list of FY2013 Expectation by Mayor & City Council for the City Manager. He created it from the discussions from previous workshops. He went through the list.

Item 1 – Agree

Item 2 – Agree as amended (

Item 3 – Strike all.

Item 4 – Agree

Item 5 – Agree

Item 6 – Agree

Item 7 – Agree as amended (add “verbally”)

Item 8 – Agree

Item 9 – Agree

Item 10 – Agree

Item 11 – Agree

Item 12 – Agree as amended (change date to February 28, 2013)

Item 13 – Agree as amended (change date to December 31, 2012)

Item 14 – Agree



CITY OF DOVER

CITY COUNCIL - MINUTES

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

Added Item 15 - Define and identify core city service deliverables in accordance with a best management framework. Place copies of these goals, the City Council goals and the Framework with the Council Rules binders in Council Chambers.

Resolution will be completed for the November 14, 2012 City Council agenda.

6. CITIZEN'S FORUM

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

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

7. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weston.
Vote: 8/0.

Superintendent Briggs Badger's presentation has been archived with the Minutes.
FY2013 Expectations by Mayor & City Council for City Manager has been archived with the Minutes. Resolution to be voted on November 14, 2012 will incorporate all edits made.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 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: Mayor Trefethen, Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Spuler, Councilor Weeden, and Councilor Weston.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Deputy Mayor Carrier moved to substitute as a whole Item #13.B.3.; seconded by Councilor Weeden.

Vote: 9/0.

Deputy Mayor Carrier moved to add to the agenda as Item 13.B.9. Reprogramming Unexpended Bond Proceeds for Various CIP Projects and Appropriate Bond Premium; seconded by Councilor Spuler.

Vote: 9/0.

Deputy Mayor Carrier moved to add the Appointments Committee Report; seconded by Councilor Spuler.

Vote: 9/0.

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

Vote: 9/0.

7. PUBLIC HEARINGS – None

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.

Matthew Johnson, 26 Sunset Drive: He spoke in support of the Skateboard Park.

Stephen Stripto, 9 Sonnett Street: He spoke in support of the Skateboard Park.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

Human, 55 Union Street: He talked about how he figured out what was wrong with the City. He said it was arrogance. He said as his first act of humility he has changed his own name from David Montenegro to Human. His second act humility was to volunteer his services for an adoptive policy for citizen's workshop.

Arthur Burke, 2 Union Street: He urged to Council to consider two proposals. First, explore renewing the Memorial Day Parade. Second, consider memorial to Dover's men and women who served in WWII, because Dover does not have a fitting monument.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing, but had a few items to bring to the Council's attention. He spoke about his attendance at the International City Manager Association (IMCA) conference. He participated in planning the event and judged programs. He wanted to make the Council aware that he was approached by a group that is looking to build a new aquatic center in Dover. He said the Northend Water Project is now online, which has increased water pressure in the area, increased fire protection, and has increased the City's reservoir.

Councilor Cheney started a discussion regarding the new water meter Scada system.

Councilor Weeden started a discussion regarding the new aquatic center.

City Manager Joyal recommended a workshop to inform the Council of the possible options being looked at.

Councilor Weston started a discussion regarding the Arch Street rezoning and Planning Board Report.

Councilor Garrison asked if the new Northend water project was treated water, and discussed the Willand Pond water supplying the new tower.

City Manager Joyal said the water is treated and discussed the two pressure systems in the City. Deputy Mayor Carrier moved to approve the City Manager's Report; seconded by Councilor Weston.

Vote: 8/0. (Councilor Weeden was absent from Council Chambers.)

10. APPROVAL OF MINUTES

A. October 17, 2012 – Workshop

B. October 24, 2012 – Regular Meeting

Deputy Mayor Carrier moved to approve the minutes; seconded by Councilor Hooper.

Vote: 8/0. (Councilor Weeden was absent from Council Chambers.)



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

11. MAYOR'S REPORT

Mayor Trefethen listed the ribbon cuttings for the Greater Dover Chamber of Commerce that Councilor Weston attended. He congratulated the citizen's turnout for the General Election. He said the Leadership Academy has finished and thanked the Chamber of Commerce for their work. He attended the Caring and Sharing program, and learned that 60 students are considered homeless and the school's work to help them. He attended the Veterans Day ceremony. He has been approached by the assistant to New York City Mayor Bloomberg regarding a program against illegal guns. He said he didn't feel comfortable signing onto this program without the guidance of the Council. He gave an overview of the program to the Council.

Deputy Mayor Carrier thanked City Clerk Lavertu and her staff for their work on the election. Councilor Crago said he was moved by the Mayor's speech during the Veterans Day ceremony. Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Hooper. Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING – None

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. SKATEBOARD PARK RELOCATION FUNDING

SPONSORED BY MAYOR TREFETHEN, DEPUTY MAYOR CARRIER, AND COUNCILOR WEEDEN

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

13. NEW BUSINESS

A. CONSENT CALENDAR

COMMITTEE REPORTS

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

Deputy Mayor Carrier moved to approved the Consent Calendar; seconded by Councilor Garrison.

Mayor Trefethen asked the Council if they had items they would like pulled for further discussion.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

Councilor Hooper asked to pull the School Board Report.
Deputy Mayor Carrier asked to pull the Appointments Committee Report.

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

Deputy Mayor Carrier discussed the Appointments Committee Report and asked for the Council's approval of reappointments for Thomas Parks to the Ethics Commission and Joseph Tenuta to the Recreation Advisory Board. He said they also appointed Justine Roberts as a regular member of the Arts Commission. He made motion to accept the appointments; seconded by Mayor Trefethen.

Mayor Trefethen reminded the Council that Justine Roberts was not a Dover citizen.
Councilor Cheney said she thought it was going to be an ex-officio position for the Director of the Children's Museum.

Mayor Trefethen said that would commit any future director to be a member of the Arts Commission. He said it would also require a revision to the ordinance. He said they are allowed to appoint a non-resident and it would be an exception that is noted.

Councilor Cheney said she felt it was setting precedence.

Councilor Cheney said she would like to separate the question.

Mayor Trefethen said they could separate the question, but they could not vote on making it an ex-officio position without revising the ordinance. He recommended a no vote to appoint Ms. Roberts to the Arts Commission.

Councilor Spuler said she doesn't live in Dover, but she is vested in Dover.

Mayor Trefethen asked for a vote to reappoint Mr. Parks to the Ethics Commission and Mr. Tenuta to the Recreation Advisory Board.

Vote: 9/0.

Mayor Trefethen asked for a vote to appoint Ms. Roberts to the Arts Commission.

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

B. RESOLUTIONS

1. AUTHORIZATION TO COMMIT FUNDS TO THE NUTRIENT CRITERIA, GREAT BAY ESTUARY COALITION SPONSORED BY MAYOR TREFETHEN BY REQUEST

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

City Manager Joyal gave an overview of the resolution to the Council.

Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

**2. ESTABLISHMENT OF FY 2013 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER
SPONSORED BY MAYOR TREFETHEN**

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

**3. APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM –
AUTHORIZATION FOR BONDING (REQUIRES 2/3 MAJORITY VOTE)
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Substituted as a whole.

Deputy Mayor Carrier moved to refer to a public hearing on November 28, 2012;
seconded by Councilor Crago.
Vote: 9/0.

**4. APPROPRIATION FOR FY2014 CAPITAL IMPROVEMENTS PROGRAM –
NON-DEBT FINANCED PROJECTS (REQUIRES 2/3 MAJORITY VOTE)
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY MAYOR TREFETHEN BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on November 28, 2012;
seconded by Councilor Crago.
Vote: 9/0.

**5. ESTABLISHMENT OF SCHOOL FACILITIES CAPITAL RESERVE FUND
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**

Councilor Weston moved to refer to a public hearing on November 28, 2012; seconded
by Councilor Spuler.
Vote: 9/0.

**6. ESTABLISHMENT OF SCHOOL CURRICULUM CAPITAL RESERVE FUND
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**

Councilor Weston moved to refer to a public hearing on November 28, 2012; seconded
by Councilor Spuler.
Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

**7. ESTABLISHMENT OF SCHOOL TECHNOLOGY CAPITAL RESERVE FUND
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**

Councilor Weston moved to refer to a public hearing on November 28, 2012; seconded by Councilor Spuler.
Vote: 9/0.

**8. ESTABLISHMENT OF SCHOOL ATHLETICS CAPITAL RESERVE FUND
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012, WITH A
CITY COUNCIL VOTE ON DECEMBER 12, 2012)
SPONSORED BY COUNCILORS WESTON AND SPULER**

Councilor Weston moved to refer to a public hearing on November 28, 2012; seconded by Councilor Spuler.
Vote: 9/0.

**9. REPROGRAMMING UNEXPENDED BOND PROJECTS FOR VARIOUS CIP
PROJECTS AND APPROPRIATE BOND PREMIUMS (REQUIRES A 2/3
COUNCIL MAJORITY VOTE)
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012)**

Deputy Mayor Carrier moved to refer to a public hearing on November 28, 2012; seconded by Councilor Weeden.
City Manager Joyal gave an overview of the resolution to the Council.
Vote: 9/0

C. ORDINANCES IN 1ST READING

**1. CHAPTER 170 – UPDATES TO THE ZONING ORDINANCE
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 28, 2012)
SPONSORED BY MAYOR TREFETHEN, PLANNING BOARD REPRESENTATIVE**

Mayor Trefethen moved to refer to a public hearing on November 28, 2012; seconded by Councilor Hooper.

Mayor Trefethen gave an overview of the Ordinance to the Council.

Mayor Trefethen moved to waive the mailing to the entire City; seconded by Deputy Mayor Carrier.

Vote: 9/0.

Mayor Trefethen asked for a vote to refer to a public hearing on November 28, 2012
Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, November 14, 2012**
Meeting Time: **7:00 pm**

14. COUNCIL CORRESPONDENCE

A. LETTER FROM XFINITY, DATED OCTOBER 24, 2012

Deputy Mayor Carrier moved to receive the correspondence and place on file; seconded by Councilor Weeden.

Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Garrison talked about grant funding from the State and his intention to draft a resolution to support the efforts of the State Legislature. He talked about inviting the state reps and senators for a Council Workshop to welcome them and talk with them about issues that concern the Council.

Councilor Weston talked about "Plaid" Friday being sponsored by Dover Main Street and the possibility of having free parking for November 23, 2012.

City Manager Joyal recommended they get the Parking Commission's recommendation. They are meeting Tuesday, November 20, 2012.

Councilor Weston moved to recommend to the Parking Commission to allow free parking on November 23, 2012; seconded by Councilor Cheney.

Vote: 9/0.

Councilor Weston thanked the Fire Department for their help during hurricane Sandy. She said a tree fell on her house and they went above and beyond to help her and other residents on French Cross Road.

Councilor Cheney talked about the progress of the Ordinance Codification and Verification Committee.

Councilor Spuler spoke about attending the Veterans Day ceremony at the New Hampshire Aviation Museum, where they honored Joseph McConnell. He mentioned the passing of Richard Sedgewick.

Mayor Trefethen reminded the Council that November 24, 2012 is National Small Business Day.

Councilor Crago announced that the Children Museum will be hosting a Pizza event/Silent Auction on Friday.

16. ADJOURNMENT

Deputy Mayor Carrier moved to adjourn; seconded by Councilor Weston.

Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

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

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

WHEREAS: Wright Pierce Engineers has designed the replacement sewer and prepared the bid specifications for this project and provided construction oversight services to rehabilitate the sewer lines at West Knox March, Silver St Ext and Bellamy Rd in the amount of \$31,600 and was approved by council on 02/23/2011; and

WHEREAS: The City received amendment #1 to the contract with Wright Pierce to add Renaud Ave area which includes 5850 LF of mainline pipe for cleaning and CCTV and to review the result reports and make recommendations on rehabbing methods to use on sewers services and manholes in the Renaud Ave area in an amount not to exceed \$30,875.

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

The Purchasing Agent is hereby authorized to issue a Purchase order in the amount of \$30,875.00 to Wright Pierce Engineers. The amount of this authorization shall be limited so as not to exceed the available funding.

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4757.04570.12	Inflow & Infiltration Utility	250,000.00	194,920.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

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#:13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

RESOLUTION BACKGROUND MATERIAL:

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

This is an amendment to original contract passed by council on 2/23/2011 adding Renaud Ave area.

Award Information:

A purchase order will be issued to the vendor approved by the State of NH to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	yes
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Project completion	Estimated Delivery:	immediately
Recommended Award to:	Wright-Pierce	Fund:	CIP Sewer
Other Approvals Required:	Yes State NH DES	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

See contract amendment under separate attachment.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

Ordinance Number: **O –2012.11.14 – 24**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

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

2. AMENDMENT

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

“APPLICANT means ~~the owner of the property to be excavated or the owner's agent, so designated in writing as part of the EXCAVATION application.~~ any person, agent, firm, association, partnership or corporation that makes application to a land use board, pursuant to the rules and regulations of this chapter.”

AND

“BLOCK means ~~the aggregate of private LOTS, passages, alleys and Lanes, circumscribed by public streets.~~ a tract of land bounded by STREETS or by a combination of STREETS and public land, railroad rights of way, waterways or other barriers to the continuity of a development.”

AND

“CERTIFICATE OF OCCUPANCY – See Chapter 68 of the Code of the City of Dover, titled “Building Construction”, Section 68-15.”

AND

“DWELLING UNIT means ~~a BUILDING or entirely self contained portion thereof containing complete housekeeping facilities not in common with any other DWELLING UNIT, except for vestibules, entrance halls, porches or hallways.~~ one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.”

AND



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

Ordinance Number: **O –2012.11.14 – 24**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

“LOT means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory buildings or uses customarily incidental to it, together with such OPEN SPACES and yards as are required by this chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, multi-family dwelling developments, and OPEN SPACE subdivisions as approved by the PLANNING BOARD.”

AND

“LOT, CORNER means a LOT abutting upon two (2) or more STREETS at their intersection. The side of the corner lot that fronts on the street that provides the address for the property shall be considered the front, and the side(s) of the CORNER LOT that front on any other streets shall be considered the abut-a-street.”

AND

“LOT LINE means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other public space.”

AND

“ROOMING HOUSE means any BUILDING in which not more than five (5) ROOMS are rented, leased or otherwise made available for compensation to not more than ten (10) persons, for longer than one night, but not requiring a long term lease. Ssaid ROOMS being for a sleeping purpose for compensation, and containing communal bathroom facilities and cooking facilities.”

AND

“PLANNING BOARD means the PLANNING BOARD of the City of Dover, as provided in the New Hampshire Revised Statutes Annotated 36:15.”

AND

“PLAT means a professionally rendered plan for the subdivision of land illustrating all provisions as outlined in this Chapter and Chapter 155, entitled "Subdivision of Land, of



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

Ordinance Number: **O –2012.11.14 – 24**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

the Code of the City of Dover." map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of the Zoning Ordinance (Ch. 170), the Site Review Regulations (Ch. 149), and the Subdivision Regulations (Ch.155) of the City of Dover."

AND

"RIGHT- OF- WAY means ~~the strip of land over which facilities such as highways, railroads, or power lines are built.~~ a public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency."

AND

"RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY."

3. AMENDMENT

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

"The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-residential (RM-U) to Central Business District (CBD) – General Commercial an area of approximately 2 acres located along Central Avenue, Ham Street and Milk Street, consisting of lots 27-1*, 27-2*, 27-3*, 27-4*, 27-5*, 27-6*, 27-8*, 27-15, 30-116*, 30-116A*, 30-117, 30-118*, 30-125A*, and 30-125B*.

*** = only those portions within the RM-U zone are being adjusted."**

AND

"The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Office (O) to Central Business District (CBD) an area of approximately 3 acres located along Central Avenue consisting of lots 27-1*, 27-2*, 27-3*, 27-4*, 27-5*, 27-6*, 27-7, 27-8*, 30-116*, 30-116A*, 30-117*, 30-118*, 30-125A*, and 30-125B*.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

Ordinance Number: **O –2012.11.14 – 24**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

* = only those portions within the O zone are being adjusted.”

4. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) to Office District (O) an area of approximately 3.67 acres located along the western side of Central Avenue, from Abbott Street to Ash Street and along the eastern side of Central Avenue, north of Hill Street, consisting of lots 29-23*, 29-22*, 29-21*, 29-20*, 29-19*, 29-17*, 29-16*, 29-10*, 29-9*, 29-7, 29-6, 29-5, 29-2*, 29-1, 27-222*, 27-223*, 27-224*, 27-225**, and 27-227* .

* = only those portions within the R-12 District are being adjusted.

** = only that portion between 100 and 160 feet of the Central Avenue right-of-way is being changed to the Office District.”

5. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-residential (RM-U) to Office District (O) an area of approximately 3.07 acres located along the both sides of Central Avenue, from Ash Street to Ham Street consisting of lots 30-139*, 30-138*, 30-137*, 30-136*, 30-135*, 30-134**, 30-133*, 30-132*, 30-131*, 30-130*, 30-129-1, 30-127*, 30-126*, 27-143*, 27-144*, 27-145*, 27-146*, 27-147*, 27-148*, 27-149*, and 27-150*.

* = only those portions within the RM-U District are being adjusted.

** = only that portion between 100 and 168 feet of the Central Avenue right-of-way is being changed to the Office District.”

6. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

Ordinance Number: **O –2012.11.14 – 24**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

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

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Office District (O) to a new Hospital District (H) an area of approximately 37.5 acres located along the north side of Central Avenue, Old Rollinsford Road and the north side of Abbey Sawyer Memorial Highway consisting of lots 28-1, 28-2, 28-3, 28-4, 28-5, 28-6, 28-6A, 28-32*, 28-37, 37-1, 37-1A, 37-2A, 37-4, 37-5, 37-6, 37-13, 37-13A, 37-13B, 37-13C, 37-13D, and 37-16.

* = only those portions within the Office District are being adjusted.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of districts”, Section A), by adding “H Hospital District” to the list of Mixed Use Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of districts”, Section B) subsection 3) by adding new part d) to read as follows:

“d) Hospital District (H)

The purpose of the hospital district is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding a new Hospital (H) District Table that reads as follows:

[SEE TABLE AT END OF DOCUMENT]



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item 12A1.

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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses Table in the Office District to delete the use **Hospital**.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Building Height in the Office (O) District from 65 feet to 45 feet.

7. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) to Thoroughfare Business District (B-3) an area of approximately 8.36 acres located along Portland Avenue and Oak Street consisting of lots 25-43F*, 25-43E*, 25-43H*, 25-43*, 25-43A and 25-43D.

* = only those portions within the R-12 District are being adjusted.”

8. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Neighborhood Business (B-1) District to a new zoning district, Little Bay Waterfront (LBW) District an area of approximately 19.02 acres located on Dover Point Road and Leighton Road, consisting of lots 7-29A, 8-13-A-1, 8-14, 8-16*, 8-25*, 8-25A, 8-28, 8-29, 8-38, 8-38A, 8-38B, 8-38C, 8-38D, 8-39, 8-39B, 8-44, 8-44A, 8-45, 8-48, and 8-47.



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* = only those portions within the B-1 District are being adjusted.”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Low-Density Residential (R-20) District to a new zoning district, Little Bay Waterfront (LBW) District an area of approximately 13.1 acres located on Dover Point Road and Leighton Road, consisting of lots 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8A, 8-8, 8-8B, 8-9, 8-10, 8-11, 8-12, 8-16* and 8-25*.

* = only those portions within the R-20 District are being adjusted.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of districts”, Section A), by adding “LBW Little Bay Waterfront District” to the list of Mixed Use Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of districts”, Section B) subsection 3) by adding new part e) to read as follows:

“e) Little Bay Waterfront District (LBW)

The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various sized commercial uses, with water related uses, such as marinas, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use building. Businesses that take advantage of the unique location along Little Bay are encouraged.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding a new Little Bay Waterfront (LBW) District Table that reads as follows:



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[SEE TABLE AT END OF DOCUMENT]

9. AMENDMENT

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

“AGRICULTURE - See NH RSA 21:34-a.II. AGRICULTURE shall not include marketing or selling at wholesale or retail, except where permitted as part of a ROADSIDE FARM STAND or where the retail sale of agricultural or farm products raised on site is a permitted use. One single family dwelling shall be permitted as an accessory to the principle use.”

AND

“FARM - See NH RSA 21:34-a.I. See also definition of AGRICULTURE.”

AND

“~~LIVESTOCK, POULTRY AND SWINE FARM ANIMALS~~ means animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.”

AND

“ROADSIDE FARM STAND means an accessory use where permitted AGRICULTURE products grown on site are sold.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **FARM** as a Permitted Use in the R-12, RM-SU, and I-2 districts with the following footnote:

“# Shall not include the raising and sale of FARM ANIMALS; the breeding, boarding, and training of equines, and equine riding instruction; the commercial



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raising, harvesting, and sale of fresh water fish or other aquaculture products; and/or the breeding of poultry or game birds.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **ROADSIDE FARM STAND** as a permitted use in the R-12 district with the following footnote:

“# ROADSIDE FARM STANDs shall be set back a minimum of twenty (20) feet from all abutting vehicular rights-of-way. The area of any BUILDING associated with the ROADSIDE FARM STAND shall not be greater than 200 hundred (200) sq. ft. in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed four hundred (400) sq. ft. Off-street parking shall be provided in the amount of one (1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **FARM** as a Permitted Use in the R-40 district with the following footnote:

“# FARM ANIMALS permitted, provided that the tract upon which such animals are kept shall support a minimum land area of one hundred thousand (100,000) square feet. In no instance shall the shelters used to contain said animals be closer than one hundred (100) feet from any property boundary.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **FARM** as a Permitted Use in the R-20 district with the following footnote:



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“# FARM ANIMALS permitted, provided that the tract upon which such animals are kept shall support a minimum land area of one hundred thousand (100,000) square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than one hundred (100) feet from any property boundary.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by deleting **ROADSIDE FARM STAND** as a use permitted by Special Exception in the R-20 and RM-SU districts, and adding **ROADSIDE FARM STAND** as permitted use in the R-20 and RM-SU districts with the following footnote:

“ROADSIDE FARM STANDS or sales facilities, where agriculture products raised on site are sold, shall be set back a minimum of forty twenty (20) feet from all abutting vehicular rights-of-way. The area of any BUILDING area of said facility associated with the ROADSIDE FARM STAND shall not be greater than eight two hundred (8200) square feet in area, and shall be considered an accessory structure if a residence is also located on the property. For each roadside stand there shall be a minimum of six (6) off-street parking spaces, which The total of the display area and building area shall not exceed six hundred (600) sq. ft. Off-street parking shall be provided in the amount of one (1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by replacing the Permitted Use **Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site** with the Permitted Use **Retail Sale of AGRICULTURE Products Raised on Site** in the R-20, R-40, B-4, I-1, I-2, I-4, and ETP districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **Farm** as a Permitted Use in the following B-4 and I-1 districts.



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding **Farm** as a Permitted Use in the I-4 and ETP districts with the following footnote:

“# Where FARM ANIMALS are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by deleting the following permitted uses from every zoning district in which they currently appear: **Agriculture, Horticulture and Floriculture; Farm Livestock, Poultry and Swine; and Farm Produce.**

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Principal Building Setback for Front/Abut a Street in the Hotel/Retail (B-4) District from 75 feet to 50 feet and revising the parking area setback from property lines in the Hotel/Retail (B-4) District from 25 feet to 20 feet.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses Table in the Hotel/Retail (B-4) District to revise the footnote for Eating and Drinking Establishment from (7) to (8) and by revising the Sign Regulations Table in the B-4 District to revise the Wall/Awning from “Yes” to “(7)”, and revise footnotes 6 and 7 and add footnote 8 as follows:

“[6] Max. size: 60 sf Max. height is 16’. One Sign per side of frontage. Freestanding signs shall be located on low planter walls or be monument signs. Signs shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any sign package. Paint sign backgrounds and sign cabinets to complement building colors.



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[7] Provide building signage that is proportional to the SCALE of the tenant façade. Signs should be designed to further the design theme of the building and be consistent with any sign package. Paint sign backgrounds and sign cabinets to complement building colors.

[8] If fully enclosed with no drive-in service.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses Table to add **COMMERCIAL RECREATION** and **EDUCATIONAL INSTITUTION, POST SECONDARY** as permitted uses in the Rural Restricted Industrial District (I-2).

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Office District Table by deleting the use **Retail Store** from the Uses Via Special Exception table and deleting the Special Exception Criteria for **Retail Store** and adding a new table and footnote that reads as follows:

Uses Allowed By Conditional Use Permit

Retail Store (9)

SEE PAGE 2 FOR FOOTNOTES

“[9] A Retail Store shall be allowed if a Conditional Use Permit is granted by the Planning Board upon a finding that the following criteria are met:

- A. The store shall contribute to a NEIGHBORHOOD feel and be pedestrian friendly.**
- B. The store shall be no larger than 2,000 square feet.**
- C. The store shall not include DRIVE-IN SERVICE.**
- D. The required parking may be reduced by fifty percent (50%) if on street parking is available in the NEIGHBORHOOD.**
- E. All onsite parking shall be screened from abutting residential LOTS.**
- F. Any loading or unloading of products shall not disrupt NEIGHBORHOODS or traffic flow.**



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- G. The proposed use shall be compatible with the surrounding NEIGHBORHOOD.**
- H. Hours of operation shall be limited to 6 am to 9 pm Sunday – Thursday, and 6 am to 10 pm Friday and Saturday.**
- I. If a new building is proposed for the use, it shall be a minimum of two stories.”**

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Office District Table by adding a new table and footnote that reads as follows:

Uses Allowed By Conditional Use Permit
Eating and Drinking Establishment (10)

SEE PAGE 2 FOR FOOTNOTES

“[10] An Eating and Drinking Establishment shall be allowed if a Conditional Use Permit is granted by the Planning Board upon a finding that the following criteria are met:

- A. The Eating and Drinking Establishment shall contribute to a NEIGHBORHOOD feel and be pedestrian friendly.**
- B. The Eating and Drinking Establishment shall be no larger than 2,000 square feet.**
- C. The Eating and Drinking Establishment shall not include DRIVE-IN SERVICE.**
- D. The required parking may be reduced by fifty percent (50%) if on street parking is available in the NEIGHBORHOOD.**
- E. All onsite parking shall be screened from abutting residential LOTS.**
- F. Any loading or unloading of products shall not disrupt NEIGHBORHOODS or traffic flow.**
- G. The proposed use shall be compatible with the surrounding NEIGHBORHOOD.**
- H. Hours of operation shall be limited to 6 am to 10 pm Sunday – Thursday, and 6 am to 11 pm Friday and Saturday.**
- I. If a new building is proposed for the use, it shall be a minimum of two stories.**



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J. The applicant shall provide proof that they have conducted a Preliminary Code Review for an Eating and Drinking Establishment with the Inspection Services Office.”

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses to add the use **Rooming House** in the Office District.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses to remove the footnote for the use **Rooming House** in the RM-U District.

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by replacing the term “Mobile Home” with the term “Manufactured House” throughout the entire ordinance.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to delete the definition of “Mobile Home” and add a new definition to read as follows:

“MANUFACTURED HOUSING means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. MANUFACTURED HOUSING shall not include presite built housing as defined in RSA 674:31-a.”

16. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising footnote # 13 in the table for the R-20 District as follows:

“Veterinary Office, Animal Hospital uses are **also** allowed as a commercial component to an Open Space Subdivision. (See 155.22 section 7). [Added 1-22-2003 by Ord. No. 35].
Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.”

17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses to delete the use **Mobile Home Unit** and the associated footnote # 11 and add the use **MANUFACTURED HOUSING** in the table for the R-40 District.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to delete the definition of “Mobile Home Subdivision.”

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add the definition of “Accessory Dwelling Unit” to read as follows:

“**ACCESSORY DWELLING UNIT** means a secondary **DWELLING UNIT (a) attached and subordinate to a SINGLE FAMILY DWELLING or (b) constructed above a detached garage that is accessory and subordinate to a SINGLE FAMILY DWELLING. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.”**

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations



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By District”, by revising the Permitted Uses to add the use **ACCESSORY DWELLING UNIT** in the RM-SU, RM-U, and B-1 Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Uses to add **ACCESSORY DWELLING UNIT** as a permitted use in the R-12, R-20, and R-40 Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding a new Chapter 170-24 to Article VI, as read as follows:

“170-24. ACCESSORY DWELLING UNITS.

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

- A) A maximum of one (1) accessory dwelling unit (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.**
- B) Exterior alterations, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to accommodate the ACCESSORY DWELLING UNIT. However, no such change is permitted which would alter the appearance of the SINGLE FAMILY DWELLING to look like a duplex or any other multi-family structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any accessways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or rear of the building whenever possible.**
- C) An ADU shall have an area of no less than 300 square feet and no greater than 800 square feet. An attached accessory dwelling unit shall occupy no more than 30% of the FLOOR AREA of the SINGLE-FAMILY DWELLING, including the ADU. If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT shall be located entirely on the second floor of the structure.**



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- D) A minimum of one dedicated off-street parking space shall be provided for the ADU.**
- E) The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCURE, when applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to assure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy provided to the Planning and Community Development Department and the Assessor prior to the issuance of a Certificate of Occupancy.**
- F) The property owner must occupy one of the two DWELLING UNITs. Electric, water and sewer utilities shall be metered on a single bill.**
- G) Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.**
- H) A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.”**

19. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to amend the definition of “Child Care Facility” to read as follows:

“CHILD CARE FACILITY means a **non residential** facility used for the care of children for periods of less than twenty-four (24) hours per day, and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A **CHILD CARE FACILITY** requires **Technical Review Committee**



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review and is subject to possible Site Review and Planning Board approval per Section 149-4.C.3 of the Site Review Regulations.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add the definition of “CHILD CARE HOME” to read as follows:

“CHILD CARE HOME means an occupied single family dwelling in which child day care is provided for less than twenty four (24) hours per day, except in emergencies. A CHILD CARE HOME is subject to the CUSTOMARY HOME OCCUPATION requirements and requires a CUSTOMARY HOME OCCUPATION Certificate of Use. There are two types of CHILD CARE HOMES, as follows:

- A. Group Child Care Home is a child day care for seven (7) to twelve (12) preschool aged children from one or more unrelated families. The twelve (12) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the twelve (12) children, up to five (5) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. Applications require Technical Review Committee review, are subject to possible Site Review and Planning Board approval per Section 149-4.C.3 of the Site Review Regulations.**

- B. Family Child Care Home is a child day care for up to six (6) preschool aged children from one or more unrelated families. The six (6) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the six (6) children, up to three (3) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. A Family Child Care Home for up to three (3) children (at any one time and not including the provider’s own children) shall not require a Customary Home Occupation Certificate of Use and does not require Technical Review Committee review.”**

AND



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20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to amend the definition of CUSTOMARY HOME OCCUPATION to read as follows:

“CUSTOMARY HOME OCCUPATION ~~—An~~ means an occupation carried on as a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit. **See Section 170-18 for the CUSTOMARY HOME OCCUPATION regulations.** For the use of a dwelling or accessory BUILDING in any Residential District for a "home occupation," the following conditions shall apply:

- 1) ~~"Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, HOME BASED AGRICULTURAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.~~
- 2) ~~No more than one (1) nonresident shall be employed therein.~~
- 3) ~~The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.~~
- 4) ~~No more than twenty five percent (25%) of the existing net FLOOR AREA of the principal and any accessory BUILDINGS not to exceed six hundred (600) square feet is devoted to such use.~~
- 5) ~~There shall be no display of goods or wares visible from the STREET.~~
- 6) ~~No advertising on the premises other than a small no illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.~~
- 7) ~~The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.~~



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~~8) Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.~~

~~9) A minimum of two (2) OFF STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance*.~~

~~10) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.~~

~~11) A certificate of use for the proposed use is issued by the Zoning Administrator verifying conformance with the preceding standards. Said certificate shall be renewed annually.”~~

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-18 “Grant of special exceptions; conditions” in its entirety, and enacting the following new Chapter 170-18, to read as follows:

“170-18. CUSTOMARY HOME OCCUPATIONS.

A CUSTOMARY HOME OCCUPATION is a permitted use in all Residential Districts. The following conditions apply:

A) "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, HOME BASED AGRICULTURAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B) No more than one (1) nonresident shall be employed therein.

C) The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.



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- D) No more than twenty-five percent (25%) of the existing net FLOOR AREA of the principal and any accessory BUILDINGS not to exceed six hundred (600) square feet is devoted to such use.**
- E) There shall be no display of goods or wares visible from the STREET.**
- F) No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.**
- G) The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.**
- H) Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.**
- I) A minimum of two (2) OFF-STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance (Chapter 92).**
- J) Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.**
- K) A certificate of use for the proposed home occupation is issued by the Zoning Administrator verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the customary home occupation continues. Fees shall be levied as set forth in the City of Dover**



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Adopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATION certificates of use and renewals.

- L) The use of a room in a dwelling or accessory building as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.”**

21. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by changing the title of Article VI from “**Special Exceptions**” to “**Additional Regulations**”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by moving the entirety of Chapter 170-10.1 “Central Business District Regulations” to a new section entitled, **Chapter 170-20. Central Business District Regulations** and deleting Chapter 170-10.1.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by moving the entirety of Chapter 170-27.3 “SMALL WIND ENERGY SYSTEM” to a new section entitled, **Chapter 170-21. SMALL WIND ENERGY SYSTEM** and deleting Chapter 170-27.3.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by moving the entirety of Chapter 170-28.6 “Telecommunication Facilities” to a new section entitled, **Chapter 170-22. Telecommunication Facilities and deleting Chapter 170-28.6**. Any reference to 170-28.6 within the chapter shall be changed to 170-22.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by moving the entirety of Chapter 170-28.7 “IMPACT FEE Ordinance” to a new section entitled, **Chapter 170-23. IMPACT FEE Ordinance** and deleting Chapter 170-28.7.



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22. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District”, by revising Section D) “Permitted Uses” subsection a) in part as follows:

- “i) SINGLE-FAMILY DWELLING
(a) **Including the use of MANUFACTURED HOUSING”**

AND

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

“For residential development that includes ~~single family~~, two (2) family, three (3) to four (4) family, or MULTI-FAMILY DWELLINGS, density shall be based upon calculating one (1) unit per forty thousand (40,000) square feet of CONTIGUOUS upland, and using one hundred fifty (150) feet of FRONTAGE on a public roadway.

For ~~mobile home~~ **single family** residential development, density shall be based upon calculating one unit per ten thousand (10,000) square feet of CONTIGUOUS upland, and using one hundred (100) feet of FRONTAGE on public a roadway.”

23. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “FENCE review and regulations”, by revising Section A) as follows:

- “A) FENCE Heights. No person, or other entity shall erect or cause to be erected a FENCE exceeding **four (4)** ~~three (3)~~ feet in height between the RIGHT OF WAY and a parallel line with the front of the house closest to the RIGHT OF WAY. FENCES may be up to eight (8) feet in height from said parallel line with the front of the house, around both sides and around the REAR YARD. Height is measured from ground level.”

24. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-39 “Nonconforming LOTS”, as follows:



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“170-39. Nonconforming LOTS. [Amended 6-10-87 by Ord. No. 13-87]

In any district, STRUCTURES which are allowed by right, but not STRUCTURES that are allowed by special exception, may be erected on any nonconforming LOT of record even though such LOT fails to meet the requirements for area width or FRONTAGE. Such LOT must be in separate ownership and shall not be adjacent or in continuous FRONTAGE with other LOTS in the same ownership. If two (2) or more nonconforming LOTS that are adjacent or with continuous FRONTAGE are in single ownership and are of record at the time of passage of amendment of this chapter, the LOTS involved shall be considered to be an undivided parcel for the purposes of this chapter. No portion of said parcel shall be used or sold in a manner which diminishes compliance with LOT WIDTH, area or FRONTAGE requirements established by this chapter, nor shall any ZONING division or parcel be made which creates a LOT with width, area or FRONTAGE below the requirements stated in this chapter. See 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and FRONTAGE shall conform to the regulations for the district in which the LOT is located.

25. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment”, by revising Section C) 1) “Powers and Duties” as follows:

“C) Powers and Duties.

- 1) Powers. The Board shall have the following powers:
 - a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the in the enforcement of this chapter (interpretation of ordinance).
 - b) To hear and decide special exceptions to the terms of this chapter upon which such Board is required to pass under this chapter (special exception).
 - c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done (variance).
 - d) To hear and decide requests for equitable waivers from the dimensional terms of this chapter upon where a structure has been found to be in violation of said dimensional requirement.”**

AND



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 "Zoning Board of Adjustment", by revising Section C) 3) "Powers and Duties" as follows:

- 3) Special exceptions. The Board shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANT need not demonstrate hardship, since the basis for the action is of general benefit to the city as a whole. In granting a special exception, the Board, with due regard to the nature and condition of all adjacent STRUCTURES and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:
a) The requested use is essential or desirable to the public convenience or welfare.
b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
c) The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare. Refer to Article VI of this chapter for additional provisions regarding special exceptions.
d) Any special exception which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void."

26. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch Finance Director
Sponsored by: Dean Trefethen, Mayor Planning Board Representative
Approved as to Legal Form: Allan B. Krass, Sr. City Attorney
Recorded by: Karen Lavertu City Clerk



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 Chapter: **170**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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

ORDINANCE BACKGROUND MATERIAL:

The amendments, with the Planning Board posted on June 26, 2012, were drafted by staff and the Planning Board during the winter and spring of 2012. The amendments are the result of a comprehensive effort by the Planning Board to involve the public in the process. These amendments were suggested by the Zoning Board of Adjustment, the US Environmental Protection Agency, property owners and the Planning staff. Goals of the amendments include the protection of Dover’s character, promotion of development that will have a positive tax impact, and protection of natural resources. Since some amendments affect all zoning districts in the City, a notice was sent to all property owners inviting them to a public hearing on July 24th and August 28, 2012. Further comment was received by the Board on September 25, 2012.



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During the October 23, 2012 meeting the Planning Board unanimously voted to approve the zoning amendments and forwarded them to the City Council. The Council may overturn the amendments with a 2/3rds vote.

The following is a list of the amendments summarized:

- 1) Purpose statement.
- 2) Amend Chapter 170-6, “Definitions” by revising the definitions of Applicant, Block, Dwelling Unit, Lot, Rooming House, Planning Board, Plat, Right-of-Way, and by adding definitions for Certificate of Occupancy, Lot Corner, Lot Line, and Right-of-way Lines.
- 3) Amend Chapter 170-8 to rezone a 2 acre area of Central Ave/Ham St. /Milk St. from Residential Multi-family Urban (RM-U) to Central Business District (CBD) and rezone a 3 acre area of Central Avenue from Office (O) to Central Business District (CBD).
- 4) Amend Chapter 170-8 to rezone a 3.67 acre area of Central Ave/Abbott St. /Reservoir St. /Hill St. from Medium-Density Residential (R-12) to Office (O).
- 5) Amend Chapter 170-8 to rezone a 3.07 acre area of Central Ave/Ash St. /Ham St. from Residential Multi-family Urban (RM-U) to Office (O).
- 6) Amend Chapter 170-8 to rezone a 37.5 acre area of Central Ave/Old Rollinsford Rd. /Abbey Sawyer Memorial Highway from Office (O) to new Hospital District (H); amend Chapter 170-7 to add Hospital District to list of Mixed Use Districts and add purpose statement; and amend Chapter 170-12 to add Hospital District table, delete Hospital as permitted use in the Office District and reduce Building Height in Office District to 45 ft.
- 7) Amend Chapter 170-8 to rezone a 8.36 acres area of Portland Ave./Oak St. from Medium Density Residential (R-12) to Thoroughfare Business District (B-3).
- 8) Amend Chapter 170-8 to rezone a 19 acre area of Dover Point Rd./Leighton Rd. from Neighborhood Business (B-1) to new Little Bay Waterfront District (LBW); amend Chapter 170-8 to rezone a 13.1 acre area of Dover Point Rd./Leighton Rd. from Low Density Residential (R-20) to LBW; amend Chapter 170-7 to add LBW District to list of Mixed Use Districts and add purpose statement; & amend Chapter 170-12 to add LBW District table.
- 9) Amend Chapter 170-6, by adding definitions for Agriculture, Farm & Roadside Farm Stand and revising definition of Farm Animals; amend Chapter 170-12 to add Farm as permitted use in R-12, RM-SU, & I-2, add Roadside Farm Stand as permitted use in R-12, add Farm as permitted use in R-40 & R-20, change Roadside Farm Stand from special exception to permitted use in R-20 & RM-SU, replace Greenhouse, Retail Sale of Agricultural or Farm Products Raised on Site with Retail Sale of Agriculture Products Raised on Site in R-20, R-40, B-4, I-1, I-2, I-4 & ETP, & add Farm as permitted use in B-4, I-1, I-4 & ETP, with footnotes.
- 10) Amend Chapter 170-12 by revising the front setback from 75 to 50 feet and the parking area setback from 25 to 20 feet for the Hotel/Retail (B-4) district. Amend the wall and freestanding sign regulations in the B-4 to improve design and visual appeal standards.



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- 11) Amend Chapter 170-12 by adding “Commercial Recreation” and “Educational Institution, Post Secondary” as permitted uses in the I-2 District Table.
- 12) Amend Chapter 170-12 by changing “Retail Store” from special exception to Use Allowed by Conditional Use Permit and add criteria in footnote for the Office District.
- 13) Amend Chapter 170-12 by adding “Eating and Drinking Establishment” as a Use Allowed by Conditional Use Permit and add criteria in footnote for the Office District.
- 14) Amend Chapter 170-12 by adding “Rooming House” as a permitted use in the Office District Table and delete the footnote for “Rooming House” in the RM-U District.
- 15) Amend Chapter 170 by replacing “Mobile Home” with “Manufactured House” in ordinance and amend Chapter 170-6 to delete definition for “Mobile Home” and add definition for “Manufactured Housing”.
- 16) Amend Chapter 170-12 by revising footnote #13 for R-20 District to add kennel standards.
- 17) Amend Chapter 170-12 by deleting “Mobile Home Unit” and adding “Manufactured Housing” in the R-40 District table and delete definition of “Mobile Home Subdivision”.
- 18) Amend Chapter 170-6 to add definition of “Accessory Dwelling Unit”, amend Chapter 170-12 to add “Accessory Dwelling Unit” as permitted use in RM-SU, RM-U & B-1 Districts, and add “Accessory Dwelling Unit” as a permitted use in the R-12, R-20 & R-40 Districts. Add Chapter 170-24 “Accessory Dwelling Units” to set standards for the use.
- 19) Amend Chapter 170-6, “Definitions” by revising definition of “Child Care Facility” and adding definition of “Child Care Home”. Amend Chapter 170-12 to add “Child Care Home” as a permitted use in the R-40, R-20, R-12, RM-SU, RM-U and B-1 Districts.
- 20) Amend Chapter 170-6, “Definitions” by revising definition of “Customary Home Occupation” & replace Chapter 170-18 with “Customary Home Occupation” standards.
- 21) Amend Chapter 170 by changing Article VI to “Additional Regulations” & moving existing sections to be Chapter 170-20 Central Business District Regulations, 170-21 Small Wind Energy System, 170-22 Telecommunication Facilities & 170-23 Impact Fee Ordinance.
- 22) Amend Chapter 170-28.2 by adding “Manufactured Housing” as a permitted use in the RCM overlay district and decreasing the density for single family to 10,000 sq. ft. per unit.
- 23) Amend Chapter 170-33 to increase front yard fence height from 3 feet to 4 feet.
- 24) Amend Chapter 170-39 to remove involuntary lot merger requirement.
- 25) Amend Chapter 170-52 to amend ZBA powers to include equitable waivers and add requirement that special exceptions expire after 4 years if not acted upon.

In addition to the above, Planning Staff has provided a summary document of the amendments, the required report to the City Council and a copy of the presentation which the Planning Board held on July 24th.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

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

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

WHEREAS: Wright Pierce Engineers has designed the replacement sewer and prepared the bid specifications for this project and provided construction oversight services to rehabilitate the sewer lines at West Knox March, Silver St Ext and Bellamy Rd in the amount of \$31,600 and was approved by council on 02/23/2011; and

WHEREAS: The City received amendment #1 to the contract with Wright Pierce to add Renaud Ave area which includes 5850 LF of mainline pipe for cleaning and CCTV and to review the result reports and make recommendations on rehabbing methods to use on sewers services and manholes in the Renaud Ave area in an amount not to exceed \$30,875.

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

The Purchasing Agent is hereby authorized to issue a Purchase order in the amount of \$30,875.00 to Wright Pierce Engineers. The amount of this authorization shall be limited so as not to exceed the available funding.

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4757.04570.12	Inflow & Infiltration Utility	250,000.00	194,920.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

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#: 13A5

Resolution Number: **R – 2012.11.28 -143**
Resolution Re: Award of Additional Scope of Service Wright Pierce for Infiltration and Inflow Reduction

RESOLUTION BACKGROUND MATERIAL:

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

This is an amendment to original contract passed by council on 2/23/2011 adding Renaud Ave area.

Award Information:

A purchase order will be issued to the vendor approved by the State of NH to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	yes
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Project completion	Estimated Delivery:	immediately
Recommended Award to:	Wright-Pierce	Fund:	CIP Sewer
Other Approvals Required:	Yes State NH DES	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

See contract amendment under separate attachment.

DRAFT

AMENDMENT NO. 1

TO

AGREEMENT BETWEEN

CITY OF DOVER

AND

WRIGHT-PIERCE

FOR

ENGINEERING CONSTRUCTION PHASE
CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS

AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
CITY OF DOVER
AND
WRIGHT-PIERCE
FOR
ENGINEERING CONSTRUCTION PHASE
CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS

This Amendment made the _____ day of _____, 2012, by and between the CITY OF DOVER, (hereinafter called OWNER), and WRIGHT-PIERCE (hereinafter called ENGINEER).

WHEREAS, an Agreement was entered on March 3, 2011 between the OWNER and ENGINEER, which Agreement is entitled ENGINEERING CONSTRUCTION PHASE CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS, CITY OF DOVER, NEW HAMPSHIRE, for work involved with the 2010 Infiltration/Inflow Reduction project, hereinafter referred to as AGREEMENT.

WHEREAS, additional services are desired which requires modifications of said contract.

NOW, THEREFORE, in consideration of said AGREEMENT and other good and valuable considerations, it is hereby agreed and acknowledged by and between OWNER and ENGINEER to amend the AGREEMENT as follows:

1. The AGREEMENT shall be amended to include this Amendment, a copy of which shall be attached thereto and made a part thereof.
2. REVISE Paragraph III, Compensation to be paid to the ENGINEER as follows:
 - III A.2. Change to read \$62,475.
(Adds \$ 30,875)
 - III B.2.d Change to read \$30,875
(Adds \$30,875)
(See ATTACHMENT A)

3. ATTACHMENT A: **ADD** the following to the end of ATTACHMENT A in the AGREEMENT.

NOTE B

The following scope items are added under Special Services to support the changes in compensation amounts associated with AMENDMENT NO. 1.

- Retain sub-consultant to clean and CCTV per NASSCO PACP standards existing gravity sewer mainline and sewer services in the service area of the Mill Street Pump Station including the following streets: Beech Road, Longmeadow Road, portions of Woodland Road and Stark Avenue, Renaud Avenue, Keating Avenue, Hayes Lane, Shamrock Lane, Birchwood Place, Emmitt Street, and the cross-country sewer between Keating Avenue and Mill Street. The approximate quantity of mainline sewer is 5,850 LF. The approximate number of sewer services is 75.
 - It is estimated that sub-consultant's field work will require 6.5 days with 10-hour days.
 - Traffic detail with State Police for work under Spaulding Turnpike and flaggers for other areas is included.
- Perform Level 2 manhole inspections in accordance with NASSCO MACP standards on approximately 31 manholes in the mainline sewer on the streets listed above.
- Review the CCTV tapes and reports along with the MH inspection forms and assist the City in determining the proper method of rehabilitation for the mainline sewer, services and manholes.
- ENGINEER will prepare a memo that summarizes the recommendations for rehabilitation.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Stafford County, New Hampshire, the day, month, and year first above written.

ENGINEER:

WRIGHT-PIERCE

By: _____
(Authorized Representative*)

Date: _____

OWNER:

CITY OF DOVER

By: _____
(Authorized Representative*)

Date: _____

APPROVED:**

DEPARTMENT OF ENVIRONMENTAL SERVICES
Water Division

By: _____
(Authorized Representative)

Date: _____

* Signatures should be supported by appropriate document.
** It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.

COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER NH SAG & SRF

Form Approved DES 3/96

PART I - GENERAL

1. GRANTEE / LOANEE - City of Dover		2. GRANT/LOAN NO. D2010-0703	
3. NAME OF CONTRACTOR OR SUBCONTRACTOR - Wright-Pierce		4. DATE OF PROPOSAL Amendment#1- 10-31-12	
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (Include ZIP) 99 Main Street, Topsham, ME 04086		6. TYPE OF SERVICE TO BE FURNISHED Construction Phase Services for 2010 I/I Reduction Project Revised for Amendment #1	

PART II - COST SUMMARY

7. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTAL
Sr. Project Manager	8	\$ 48.00	\$384.00	
Project Manager	28	\$ 38.00	\$1,064.00	
Sr. Project Engineer	0	\$ 32.00	\$0.00	
Project Engineer	80	\$ 25.00	\$2,000.00	
Technician	0	\$ 22.00	\$0.00	
Clerical	4	\$ 18.00	\$72.00	
Resident Inspector	0	\$ 32.00	\$0.00	
DIRECT LABOR TOTAL:				\$3,520.00
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	x BASE =	ESTIMATED COST	
	1.68	3,520.00	\$5,913.60	
INDIRECT COSTS TOTAL:				\$5,913.60
9. OTHER DIRECT COSTS				
a. TRAVEL			ESTIMATED COST	
(1) TRANSPORTATION			\$400.00	
(2) PER DIEM			\$75.00	
TRAVEL COSTS TOTAL:			\$475.00	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)	QTY	COST	ESTIMATED COST	
MH Inspection Equipment - 2 days	2	\$125	\$250.00	
EQUIPMENT SUBTOTAL :			\$250.00	
c. SUBCONTRACTS			ESTIMATED COST	
Clean and CCTV			\$17,500.00	
SUBCONTRACTS SUBTOTAL :			\$17,500.00	
d. OTHER (Specify categories)			ESTIMATED COST	
Printing, CADD , Communication, Misc.			\$51.40	
OTHER SUBTOTAL :			\$51.40	
e. OTHER DIRECT COSTS TOTAL :				\$18,276.40
10. TOTAL ESTIMATED COST				\$27,710.00
11. PROFIT				\$3,165.00
12. TOTAL PRICE				\$30,875.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13A6

Resolution Number: **R - 2012.11.28 - 144**
Resolution Re: **B12049 Additional Scope of Services Silver St. Reconstruction Consulting Services**

WHEREAS: Sealed bids # B12049 were requested and received for a Silver St. Reconstruction Consulting Services on March 15, 2012 at 2:00 PM EST.; and

WHEREAS: A pre-bid meeting was held on February 23, 2012 with 23 vendors attending. Eight proposals were received and evaluated. A short list of the three top candidates was issued and their cost proposals opened. Interviews of the two lowest bidders were conducted on April 22, 2012. It is the recommendation of the evaluating committee to award to the low bid from Underwood Engineers of Portsmouth NH in the amount of \$288,200. Additional services for TV sewer services and traffic control and traffic phasing plan was added in the amount of \$22,300 at the time of contact signing for a total of \$310,500; and

WHEREAS: Amendment #1 requests an additional scope of services for Court St / Central Ave realignment, Side St realignment and Silver St Extension water improvements in the total amount of \$34,500.00.

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

The purchasing agent is hereby authorized to issue a change order to Underwood Engineers of Portsmouth NH, given the rates provided November 9, 2012 in the amount of \$34,500 in conjunction with B12049. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
4013.1.300.43121.4715.03175.13	Silver St Reconstruction	400,000.00	89,500.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dean Trefethen
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13A6

Resolution Number: **R - 2012.11.28 - 144**
Resolution Re: **B12049 Additional Scope of Services Silver St.
Reconstruction Consulting Services**

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#:13A6

Resolution Number: **R - 2012.11.28 - 144**
Resolution Re: **B12049 Additional Scope of Services Silver St. Reconstruction Consulting Services**

RESOLUTION BACKGROUND MATERIAL:

The City requested proposals via sealed Bid B12049 for consulting services for the reconstruction of approximately 4,000 feet of Silver Street from Central Avenue to Exit 8. The Consultant will provide engineering services for the design, specifications, and bid clarifications for this project. The project entails roadway reconstruction, including curbs and sidewalks, water main replacement, drainage improvements, camera inspection of existing sewers and drains and intersection/signal improvements. Streetscape, lighting, and traffic calming will also be investigated. The consultant will work with the NHDOT and Division of Turnpikes for improvements and possibly realignment of the Exit 8 ramps.

The consultant will provide surveying, design concepts, preliminary plans, final plans, specifications and estimating services for roadway reconstruction and utility improvements involving curbing, sidewalks, roadway, water main replacement, drainage, guardrail, landscaping, intersection/signal and any retaining wall improvements.

Amendment #1 Additional scope of work will consist of

Court St/Central Ave realignment surveying and engineering costs of \$24,600
Side Street realignment surveying and engineering costs \$7,700
Silver St. Extension water improvements cost \$2,200

Award Information:

Purchase order revision will be issued to Underwood Engineers to authorize expenditure.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	154	Number of Responses:	8
Warranty:	na	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	no
Prices will hold for:	Until complete	Estimated Delivery:	As needed
Recommended Award to:	Underwood Engineers	Fund:	CIP
Other Approvals Required:	State NH	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List & Bid Results:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13 B1

Resolution Number: **R – 2012.11.28 – 145**
Resolution Re: **LEGISLATIVE DELEGATION SUPPORT FOR FULL FUNDING OF STATE AID GRANT PROGRAM FOR MUNICIPAL INFRASTRUCTURE**

WHEREAS: The State Legislature has historically supported municipal wastewater, public drinking water and landfill closure projects through the State Aid Grant program administered by the New Hampshire Department of Environmental Services; and

WHEREAS: The public derives significant benefits from municipal infrastructure systems including improved public health, public safety, environmental protection and also monetary benefits to our state and local economies from local growth, recreation and tourism; and,

WHEREAS: Pursuant to RSA 486 and RSA 485-A the State Legislature has expressly authorized a grant program for municipalities to receive from 20% to 30% of assistance toward principal and interest payments on eligible infrastructure projects; and,

WHEREAS: Local government officials and citizens faithfully relied on the State’s commitment to this funding partnership that was created by the Legislature to make these environmental infrastructure investments more affordable at the local level; and,

WHEREAS: The NH Legislature, since October 2008, has deferred all state appropriations to the State Aid Grant program resulting in 124 eligible municipal projects, constructed in reliance of grant funding, but not receiving any funding in recent state fiscal years; and,

WHEREAS: The backlog of eligible municipal projects includes 100 wastewater projects totaling more than \$46 million; 17 public water supply projects totaling more than \$7.5 million and 7 landfill projects totaling more than \$800,000 in grant requests and many more not submitted since projects begin being deferred and delayed for funding; and,

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

The city’s state Senator, Representatives, other members of the County Delegation and Governor support legislation that will be filed in the 2013 legislative session and which will authorize fully restored funding to the State Aid Grant program’s eligible deferred projects and continue to advance legislative efforts that will provide over the long term a funding mechanism to support municipal infrastructure projects critical to maintaining the quality of life throughout our state.

AUTHORIZATION

Daniel R. Lynch

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor William Garrison III
Ward 2

Approved as to Legal Compliance: *Alan B. Krans Sr.*
General Legal
Counsel

11/21/12

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13 B1

Resolution Number: **R – 2012.11.28 – 145**
Resolution Re: **LEGISLATIVE DELEGATION SUPPORT FOR FULL FUNDING OF STATE AID GRANT PROGRAM FOR MUNICIPAL INFRASTRUCTURE**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13 B1

Resolution Number: **R – 2012.11.28 – 145**
Resolution Re: **LEGISLATIVE DELEGATION SUPPORT FOR FULL FUNDING OF STATE AID GRANT PROGRAM FOR MUNICIPAL INFRASTRUCTURE**

RESOLUTION BACKGROUND MATERIAL:

Municipal leaders understand that if we do not take care of our water resources, we will undermine the economic underpinnings of our cities, towns and State. An element of our true New Hampshire advantage, our water infrastructure and all the economic and environmental benefits derived from it, is at stake. We must make investment in our water infrastructure a top legislative priority in 2013.

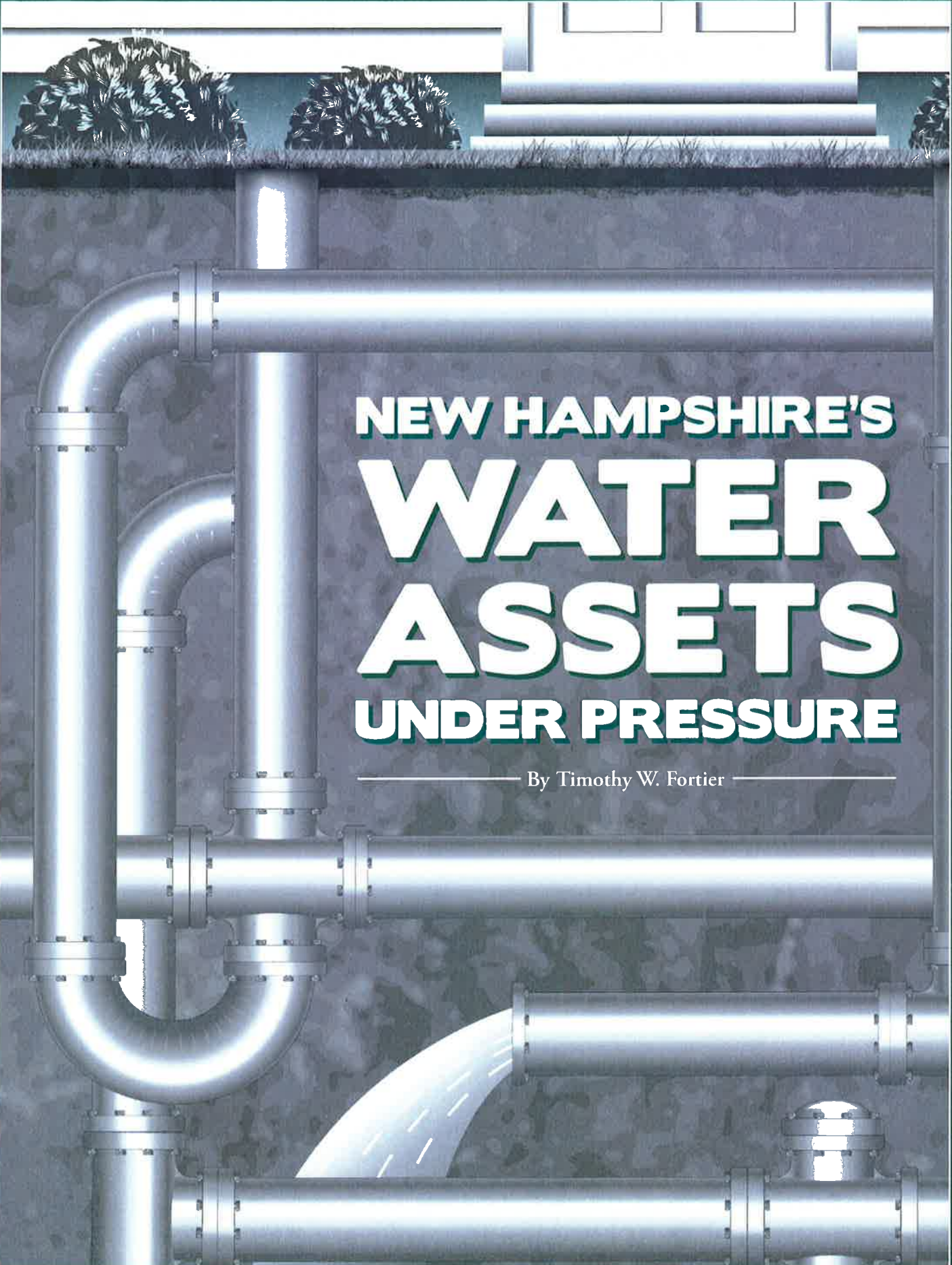
New Hampshire citizens are dependent on a wide array of infrastructure that moves, stores and treats water. To make this happen, cities and towns own and operate a collection of water infrastructure, including public drinking water, centralized wastewater and storm water systems. However, these municipal assets are under pressure today. Increasingly, municipalities are finding themselves financially stressed from aging infrastructure assets, the ever-rising cost of regulatory compliance, and declining federal and state support.

For instance, since 2008, the State Legislature has suspended environmental state aid grant (SAG) payments to municipalities that have recently spent money on public drinking water, wastewater and landfill closure projects. The SAG program provides financial support to municipalities to pay off bonds for such infrastructure improvements. As a result, there is now a backlog of 124 completed projects totaling nearly \$55 million dollars in outstanding state obligations. These are state monies that are owed to cities and towns. These municipal projects were “sold” to local tax and utility rate payers based on the expectation that state funds would continue to be available as they have historically been available.

Cities and towns are financially tapped out. With ever-shrinking dollars, municipal officials must make the difficult decisions in prioritizing among the many competing and legitimate needs and services of its residents. As these systems continue to age and federal permit limits continue to tighten, the financial burden on municipalities only increases. It doesn't have to be this way.

What we need today is leadership and more effective partnerships. New Hampshire needs elected leaders who will look for long-term solutions to New Hampshire's problems. Regarding current and future municipal infrastructure needs, we must focus on a long-term sustainable solution. Cities and towns need not, and cannot, bear the financial burden of these infrastructure improvements alone. The economic and environmental benefits from these system investments are felt far beyond the local level. All beneficiaries should pay for these infrastructure improvements, and as such, there should be a stronger partnership among federal, state and local governments toward this end.

Clearly the value of clean water is important to our State's economy, recreation and tourism, public safety and environmental protection. New Hampshire residents are fortunate to have the advantage of an abundance of clean water. And yet, on average, New Hampshire residents spend more on cell and Internet services each year than they do on municipal water and wastewater services. Sustainable funding supporting ongoing investment in our water infrastructure must be a top legislative priority in 2013.



**NEW HAMPSHIRE'S
WATER
ASSETS
UNDER PRESSURE**

By Timothy W. Fortier

At a glance: New Hampshire's Water Assets under Pressure

OVERVIEW

New Hampshire's municipal water infrastructure provides:

- Economic development
- Environmental protection
- Public safety

MUNICIPAL CHALLENGES

Water infrastructure challenges to municipalities are generally the same:

- Aging infrastructure systems
- Increasing cost of regulatory compliance
- Declining federal and state monies

PUBLIC DRINKING WATER

- 75% of municipal public water systems serve a population of 5,000 residents or fewer
- Capital investment needs for drinking water infrastructure estimated at \$1.173 billion over 20 years

WASTEWATER

- A legislative commission (HB 1491) found in 2006 that on a statewide basis, an annual investment of \$105 million for wastewater treatment facilities upgrades are needed over the next 10 years.
- Municipalities are owed more than over \$45 million in outstanding state obligations (State Aid Grants) toward completed local and regional wastewater projects.

STORMWATER

- Stormwater runoff is one of the fastest growing sources of water quality problems in New Hampshire.
- New Hampshire has 45 cities and towns that are partially or fully regulated under the Environmental Protection Agency's Small Municipal Separate Storm Sewer System or "MS4" permit program, a program that comes with no federal funding support.

DAMS

- Dams are responsible for the largest and most important recreational lakes in our state, and water front property owners pay nearly a quarter billion in property taxes.
- Municipalities own or manage 358 dams, and 30 of these dams are in need of significant repair at a total estimated cost of approximately \$30 million.





Introduction

This is a collection of articles featured in *New Hampshire Town & City* magazine focusing on the state's water infrastructure: public drinking water, wastewater, storm water and dams. Each article spotlights a municipal system, addresses critical needs of that infrastructure system, and outlines funding sources available to municipalities to maintain and sustain these critically important infrastructure systems.

Our water infrastructure systems are essential to public health and safety, economic growth, and quality of life in New Hampshire. We have basic water infrastructure systems that go generally unnoticed by us—the consumers. We pour tap water into our glass and drink, assured that it is safe to drink. We flush our toilets and the waste simply vanishes. When it rains, contaminants are washed off rooftops, parking lots, and streets, and this runoff is channeled through a series of catch basins, drains, and underground pipes to places unknown. New Hampshire municipalities own nearly 400 dams that provide recreational lakes, fire ponds, flood control, and water supply storage. Yet the public pays very little attention to these basic water systems, that is, until a pipe bursts, the toilet clogs, the streets flood, or, more tragically, a dam fails.

We hope by highlighting these important water assets, ordinary citizens and policymakers in our 234 communities will better understand the value these assets provide for the protection of public health and safety and in supporting economic growth and development.

We also want to highlight the many challenges facing municipalities in maintaining the quality of these basic water infrastructure systems. Whatever infrastructure a municipality owns, the challenges are generally the same: (1) aging infrastructure systems that have not been consistently maintained due to funding shortfalls; (2) a continually evolving regulatory environment; and (3) declining state and federal funds that municipalities have historically depended upon to finance these capital improvements. A growing population and increasing demand have also put mounting stress on these water systems.

Municipalities: Stewards of New Hampshire's Water Infrastructure

Introduction

While much of the water infrastructure is “out of sight,” it can't be “out of mind,” as New Hampshire's environment and economy depend too much on it.

New Hampshire residents are dependent on an array of infrastructure that moves, stores and treats water. To make this happen, cities and towns own and operate a lot of water infrastructure in New Hampshire. These municipal systems provide public drinking water, centralized wastewater, storm water and dam infrastructure. Since October 2011, New Hampshire Town and City magazine has published four articles focused specifically on municipal water systems. The purpose is to highlight the importance these water assets provide for the protection of public health and safety, the environment, and in supporting economic growth and development in all of our 234 municipalities.

New Hampshire's municipal infrastructure is largely underground and invisible to the public, and it rarely captures public attention unless it impacts the daily lives of citizens. We pour tap water into our glass and drink reassured that it is safe to drink. We flush our toilets and the waste simply vanishes. When it rains, contaminants are washed off rooftops, parking lots, and streets and this runoff is channelled through a series of catch basins, drains and underground pipes to places unknown. New Hampshire municipalities own a significant number of dams that provide recreational lakes, fire ponds, flood control and water supply storage. Yet the public pays very little attention to these basic water systems, that is, until a pipe bursts, the toilet clogs, the streets flood, or more tragically, a dam fails.

Adding to this problem of being out of sight and out of mind is the historic underpricing by municipalities for water and wastewater services. These rates should reflect the full cost of providing these services, including infrastructure renewal; however, this has not hap-

pened. The United States has one of the lowest water and wastewater rates in the world, and New Hampshire has rates that are far lower than what one would pay for cable TV or Internet services on a monthly basis. These services are routinely priced well below the full cost of sustainable operations. Graph 1 illustrates clearly how monthly sewer and water costs for New Hampshire households are priced well below the typical monthly costs for utility and telephone services.

Unquestionably, the public derives great benefits from municipal water infrastructure systems, including public health (clean drinking water and waste removal protect us from disease), public safety (fire protection), the environment (healthy rivers, lakes, streams, ponds, wetlands and coastal resources), and our state and local economies (recreation and tourism strongly linked to environment and water quality). Recognizing the significant public benefits to a strong economy and healthy environment, a long-term sustainable funding solution for New Hampshire's municipal water infrastructure is an absolute necessity.

1. Overview of New Hampshire's Municipal Water Infrastructure

a. Public drinking water

There are 122 municipal public drinking water systems serving approximately 755,611 residents, or about 56 percent, of the state's population. The remaining residents, 44 percent, rely on privately drilled or dug wells. According to the New Hampshire Department of Environmental Services (DES), about 39 percent of the state's population is served by surface water (lakes and rivers) and 38 percent by groundwater. Another 23 percent are served by systems using both surface and groundwater sources.

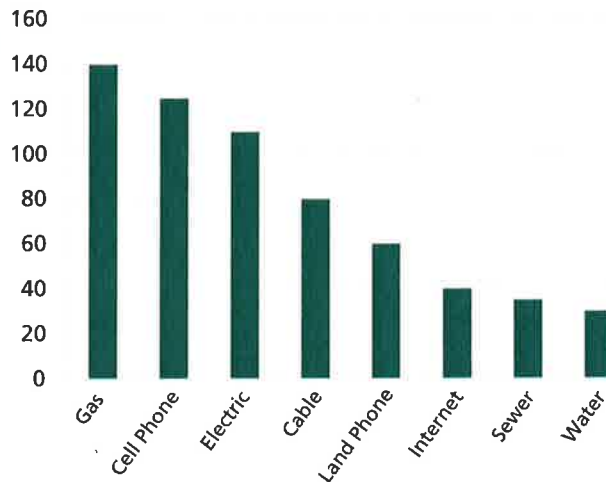
b. Wastewater

Approximately 35 percent of the 234 cities and



Typical Monthly Utility and Service Costs for Households in New Hampshire

Environmental Protection Agency - New England, 2010



GRAPH 1

towns in New Hampshire provide centralized wastewater treatment services at the secondary, advanced, or no discharge treatment level. There are 73 municipal wastewater treatment facilities in New Hampshire. Nearly 65 percent of homes in New Hampshire's cities and towns rely on individual septic systems for their waste disposal.

c. Stormwater

New Hampshire has 45 municipalities that are partially or fully regulated under EPA's Small Municipal Separate Storm Sewer System or "MS4" permit. Under current MS4 permit conditions, municipalities are required to control stormwater pollutants to the "maximum extent practicable." There are no federal loan funds designated specifically for stormwater infrastructure.

d. Dams

New Hampshire municipalities own and manage 358 dams that provide recreational lakes, fire ponds, flood control and water supply storage. DES estimates there are about 30 municipal dams in need of significant repair at a cost of about \$30 million. There are no federal or state grant or loan funds designated specifically for municipal dam maintenance and rehabilitation.

2. How New Hampshire's Municipal Infrastructure Was Built

Much of the state's environmental infrastructure was built with state and federal assistance. For example, wastewater treatment facilities built in the 1970s and 1980s typically were funded with a 75 percent federal subsidy, 20 percent state support and 5 percent local dollars. Most of these grant programs, however, were designed to be "one shot deals" with the understanding that the local recipient would build replacement costs into their rate structure so the utility could operate sustainably without future subsidies. This unfortunately did not happen. Few municipalities built replacement or renewal costs into their rates to create a sinking fund for the ultimate replacement of these water systems.

The story is largely the same for each municipality: the initial investment to construct the infrastructure was made long ago, and today there is less and less federal and state support to maintain and improve much of this infrastructure.

3. Challenges and Barriers to Maintaining Quality of Municipal Infrastructure

Municipalities face many challenges in maintaining the quality of these basic water infrastructure systems. Whatever infrastructure a municipality owns, the challenges are generally the same: (1) aging infrastructure systems that have not been consistently maintained due to funding shortfalls; (2) a continually evolving regula-



tory environment and escalating cost of environmental compliance; and (3) declining state and federal support that municipalities have historically depended upon to finance these capital improvements.

a. Aging Infrastructure

Much of New Hampshire's water infrastructure has been built over the past century. The life expectancy of this infrastructure varies considerably depending on the nature of the asset. Some assets like pipes and dams have a typical life expectancy of about 100 years while other assets like pumps and electrical gear might have only a 20-year life expectancy. A large portion of New Hampshire's water infrastructure assets are near or beyond the end of their design life expectancy. These infrastructure systems have been underfunded in the past which has resulted in significant depreciation of asset value, and the current level of investment is not sufficient to maintain the long-term reliability and sustainability of these water systems.

b. Escalating Costs of Environmental Compliance

Increasingly stringent environmental controls, and the high cost to meet them, creates many challenges for public environmental systems of all sizes, but the burden falls disproportionately harder on smaller municipal systems. As a result, the cost-per-customer expenses, such as sampling and analysis, hit smaller public systems harder than those public systems that serve a larger customer base. To accentuate this issue, more than 75 percent of municipal public water systems in New Hampshire serve a population of 5,000 residents or fewer.

A good example of escalating costs associated with environmental compliance is found in EPA's issuance of draft National Pollution Discharge Elimination Systems (NPDES) permits to several seacoast municipalities requiring a nitrogen limit of 3 milligrams per liter into Great Bay. One estimate puts the cost of upgrading seventeen seacoast municipal wastewater facilities at about \$300 million to meet the EPA nitrogen limit. Moreover, it is likely that many municipal wastewater treatment facilities will have to address these nitrogen limits, and phosphorus limits too, within the next five to 10 years when they renew their discharge permits.

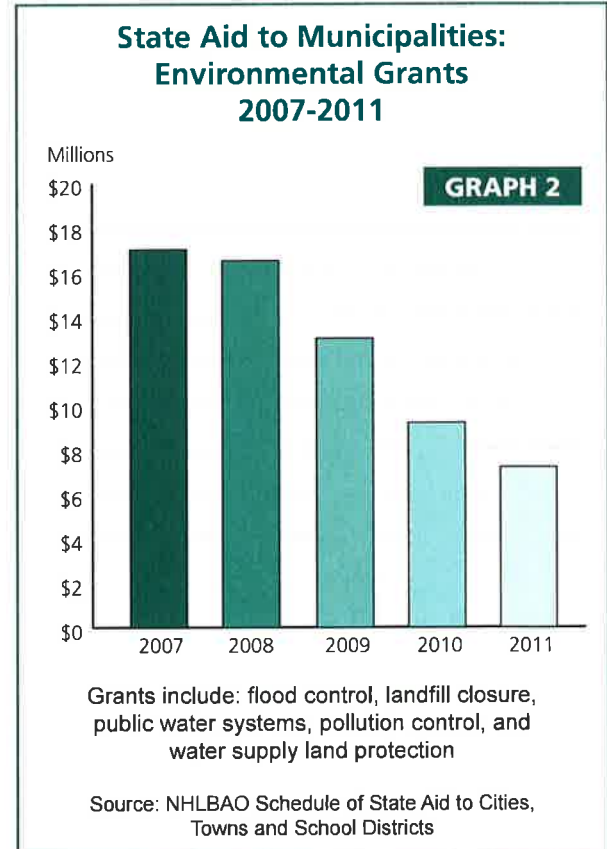
c. Declining Federal and State Support

While much of the existing infrastructure was built

with significant assistance from state and federal grant programs, moving forward it is expected that there will not be nearly as much grant money as there has been in the past. The federal government has record levels of debt and deficits and is in no position to fund new grant programs. Similarly, New Hampshire is facing fiscal challenges of its own and is not likely to be funding a substantial grant program in the near future.

The majority of the infrastructure investment challenge is going to fall on the shoulders of the municipalities, at a time when municipalities are also facing significant fiscal challenges of their own. And the concept of raising local water and sewer rates in this current economic environment is particularly challenging. This context will force municipalities to explore all avenues to optimize stewardship of their water assets.

Graph 2 shows state general fund support for municipal wastewater, drinking water and landfill closure State Aid Grants (SAG) to municipalities from 1980 to 2013. As you will note, funding support in 2013 for all three SAG programs is well below the



funding support made available for just one program (wastewater) in 1980.

The Legislature has not funded the SAG program since October 2008, and there is growing frustration among cities and towns regarding this unfunded statutory obligation to municipalities. As a result, there is currently a backlog of 124 municipal projects totaling nearly \$55 million in outstanding grants requests. Most of these municipal projects were sold to local taxpayers based on the expectation of state assistance, and the state has a financial and statutory obligation to fully fund these eligible public infrastructure projects.

4. Recommendations for Municipal Action

There is no one-size-fits-all approach to solving this water infrastructure dilemma, however, there are certain environmentally sustainable measures that municipalities may wish to consider:

a. Sound Asset Management

Sustainability of these water infrastructure systems requires that you have a sound understanding of your municipal assets. Although it takes time to perform comprehensive asset assessments and to develop a prioritized asset management strategy, every municipality should have an inventory of its assets, understand the condition of all its assets, and develop a comprehensive risk-based asset management plan and a viable financial plan.

b. Conservation

Water conservation is any beneficial reduction in water loss, waste or use. The public is in a unique position to help municipalities reduce the resources required to provide these water services. When municipal services are charged at less than the full cost, users base decisions and behavior on erroneous economic information. By charging a higher unit price as consumption rises, conservation is encouraged.

c. Sustainability

Sustainability is the long-term maintenance of responsibility, which has environmental, economic and social dimensions, and encompasses the concept of stewardship, the responsible management of resource use.

In other words, sustainability requires operating in a fashion that does not place undue burden on future

generations and stakeholders. Given the importance of clean water and the economic benefits to our state, municipal leaders know that if we do not take care of our water resources, we will undermine the economic underpinnings of our cities, towns and state.

d. Public Education

Taxpayers and ratepayers need to be educated as to the importance of full cost pricing to support sustainable operations. Users need to know how they can help reduce the cost of service. Very few see a cause and effect relationship between property taxes and use of services. When usage of municipal services is disconnected from the cost recovery system, there is less incentive for the public to conserve and to think green. When prices are too low, we tend to consume too much. Economic tools are among the most powerful ways to communicate the value of a service and impact consumer behavior.

Together as partners, the state and municipalities should develop a comprehensive campaign to educate customers and the general public about the value of water. In addition, private utilities need to educate their customers about the true cost of safe and adequate water.

e. Full Cost of Service Rate-Setting


Water rates should reflect the full cost of service, including infrastructure renewal. The United States has one of the lowest water and wastewater rates in the world, and New Hampshire has rates that are far lower than what one would pay for cable TV or Internet services on a monthly basis (See Graph 1). Municipalities should set rates that cover operational, maintenance costs, and the anticipated long-term capital needs of the system. There is no need for municipalities to apologize to rate payers for pricing the service at its true cost.

The public is best served when the true cost of providing the infrastructure services is reflected in the rates they pay. Over the past 50 years, rates have been generally lower than the true cost of the service because system depreciation has not generally been built into the rates. This historic undercharging for these services has resulted in shifting past system depreciation costs to today and future generations. Sustainability requires funding system depreciation to avoid just “kicking the can down the road” and placing a bigger burden on future generations.



f. Affordability Gap

The U.S. Environmental Protection Agency (EPA) believes that three percent of the municipality's median household income (MHI) is an appropriate affordability threshold for combined water and wastewater rates. In 2010, New Hampshire's MHI was \$60,917. Using an affordability threshold of 1.5 percent each for water and wastewater service, this would equate to charges of \$914 per year each for water and wastewater, for a total of \$1,828 per year. Many New Hampshire residents are paying far less than the full value for these water services today. There are many instances, however, where municipalities have responsibly invested in their local systems, and as a result, are at or near their local affordability threshold. The N.H. Department of Environmental Services estimates the average water user charge in 2010 is \$503 and the average wastewater user charge is \$575.36, for a total of \$1,078.36, far short of the three percent, or \$1,828 affordability threshold determined by the EPA.



In most New Hampshire municipalities, water and wastewater rates are below EPA established affordability thresholds, and as such, these cities and towns already have the existing capability to generate more revenues to address a major portion of their infrastructure investment needs. That said, there is a huge public education job ahead to educate the public and policymakers about the value of these assets and the importance of increasing rates and investing more.

g. Regulatory Predictability

Local governments are increasingly concerned over increased regulations and unfunded mandates, including the cumulative impacts of multiple regulatory requirements being imposed on them. New Hampshire's experience in EPA's stormwater management compliance, for instance, has resulted in extremely expensive requirements imposed upon municipalities to eliminate stormwater without any federal assistance, and arguably, without much resulting environmental benefits.

State and federal agencies have a responsibility to develop and communicate a long-term vision of the regulatory requirements facing municipalities. It is important for federal agencies to evaluate a municipality's financial capacity in these difficult fiscal

times and establish appropriate compliance schedules allowing for the sequencing of critical projects within the financial capability of the municipality.

h. Political Resolve

Municipal officials and political leaders are the ultimate stewards of these important municipal assets, and their leadership is critically important to establishing a sustainable path forward. Regarding current and future municipal infrastructure needs, we must focus on a long-term sustainable solution. These infrastructure challenges were not created overnight, and they won't be resolved overnight. It will take a disciplined long-term view at both the state and local government to work out of the hole we are in.

i. Regionalization

Water infrastructure sustainability requires an understanding of regional and watershed-wide issues, often times, however, local politics gets in the way of regional solutions. Municipalities should consider the viability of regional solutions in meeting their future environmental and water infrastructure responsibilities to generate greater synergies, economies of scale and cost savings for all local taxpayers. The towns of Stratham and Exeter, for instance, are currently evaluating the costs and benefits of a collaborative, intermunicipal approach to meet the future water and wastewater needs of the two towns. Don't let town boundaries get in the way of finding the most cost-effective solution to your water infrastructure needs.

j. Affordable Loan Programs

So what support do municipalities need? Grant programs would be nice, but these are not likely to be forthcoming under current economic conditions. Affordable loan programs would be nice too, especially if municipalities begin to invest at the rate needed to restore infrastructure reliability. If this happens, municipalities will need access to more loan programs than are currently available. Ideally, these loan programs should offer low rates, extended note terms (some loan programs are limited to 20 year notes; given life expectancy of these assets, 30-year and 40-year notes would allow more work to get accomplished in a more affordable fashion), and be free from bureaucratic "red tape" that drives up project costs.

k. Beneficiary/User Pays

The general public is the true beneficiary of the state's environmental and water infrastructure. Municipalities should better evaluate who the beneficiaries of its infrastructure systems are and assess whether there are beneficiaries beyond the current users that should contribute to the cost of the service provided. For example, a town with a water and wastewater system serving a densely developed downtown area results in more tax revenues which benefits the entire town, not just the water and sewer users. Or let's look at it another way: we, as property owners and renters, contribute a share of our property taxes or rent for the benefit of public education, regardless of whether or not we have school-aged children. Similarly, don't we all benefit from clean water and a clean environment?

l. Level of Service and Public Engagement

Municipalities need to initiate a dialogue with their customers regarding the level of service they want versus the cost they are willing to pay. It is important to educate the public about the tradeoffs with the level of service and the consequence of funding one municipal service at the expense of another. The public needs to be engaged as to whether they want, or can afford, a certain level of service, say for example, A+, or do they prefer a reduced level of service at a lower cost, say B-minus? When a community has more infrastructure costs to maintain system reliability or to fully comply with state or federal regulations than the municipality can afford (or is willing to spend), how do we engage the public as it relates to gaining consensus on where to reduce the level or quality of service, or as it relates to the need to increase rates?

m. Stronger State and Local Government Partnership

New Hampshire state government has a long tradition of delivering essential public services through a close partnership with local governments. This partnership, however, is in jeopardy as the state continues to downshift to local governments the primary responsibility to pay for these public services. For example, in recent years this partnership has struggled with growing concerns resulting from the suspension of the environmental State Aid Grant program (SAG).

Cities and towns need not, and cannot, bear the financial burden of these infrastructure improvements. There should be a revived state commitment to providing municipalities with the necessary resources to deliver public services critical to the economic vitality and quality of life in New Hampshire. Local governments should not be viewed as another special interest group lobbying for more money in Concord. Paying for and providing public services in New Hampshire are a joint responsibility of state and local governments. How well New Hampshire citizens are served largely depends on how well this partnership works.

5. Conclusion

Water is a public good that demands state investment. State government needs to recommit to the partnership with municipalities that led to the significant improvements to our nation's water quality over the past decades.

We do not have a precise handle on the infrastructure investment needed throughout the state, only rough estimates. The rough estimates (\$2.2 billion) indicate that a significant capital expenditure will be required over the next 20 years to get New Hampshire municipalities on a sustainable path forward.

Many cities and towns will have infrastructure investment needs that exceed their near-term financial capability and will need strategies to work out of the situation over an extended period of time. New Hampshire's growth, prosperity, and quality of life over the past century were made possible by major investments in our water infrastructure. Without this investment, we risk reversing decades of progress in public health, environmental protection, economic development and quality of life.

In closing, local governments remain committed to meeting the water infrastructure needs and water quality standards in our cities and towns. We hope the federal and state governments remain committed to being full partners in this important relationship with us.



Drinking Water

Background: Public Drinking Water Resources

New Hampshire lays claim to one of the earliest underground water systems in America. In 1797, a private company called the Portsmouth Aqueduct Company brought water some 2.5 miles within the city compact through a system of wooden pipes. The City of Portsmouth ultimately purchased the system in 1892.

Federal and state law defines a public water system (PWS) as a system that provides water via piping or other constructed conveyances for human consumption to at least 15 service connections or designed to serve an average of at least 25 people for at least 60 days each year.

Today there are 122 municipal PWS, which serve approximately 755,611 people (56 percent of the state's population). Most (103) of these systems are small in size, serving a population of less than 10,000 (see page 11 table: NH Municipal Public Water Systems by Population Served, 2011). These 122 systems are the focus of this article, although it should be noted they are a subset of more than 2,300, mostly privately-owned, community water systems with similar infrastructure challenges.

Municipally-delivered drinking water is derived from two primary sources—surface water and ground water. According to the *New Hampshire Water Resources Primer*, about 39 percent of the State's population is served by community systems using only surface water (lakes and rivers) and 38 percent by systems using only groundwater. Another 23 percent is served by systems using both surface and ground-water sources.

Regardless of the source, municipal drinking water is typically treated, filtered and disinfected, and then pumped or gravity fed through a distribution system to residential and business customers. (See page 13 diagram: Public Drinking Water Flow System.) It all

sounds so simple, but the true cost to deliver this essential service to the public is not cheap, and these true costs are rarely reflected in rates to consumers. In fact, water is priced well below the full cost of providing this critical service, with the statewide average annual cost to a household (\$503) less than what is typically spent yearly for cable television.

New Hampshire's Aging Infrastructure and Deferred Maintenance

New Hampshire's drinking water infrastructure is generally old—much of it between 50 to 100 years old. This infrastructure is more than just underground pipes and pump stations, but it also includes wells, treatment facilities, water storage tanks or dams, meters, computers and other electronic monitoring systems.

“A hundred years is generally used as the useful life of a large municipal water system, however, this really only refers to the distribution system and structural components of plants,” according to Sarah Pillsbury, administrator of the Drinking and Groundwater Bureau at the Department of Environmental Services (DES). “What it fails to account for is the useful life of treatment, mechanical, architectural and electrical components or the need for additional or replacement sources of supply. The useful life of these components is shorter, ranging from 10 to 75 years.”

Local governments invest significantly in projects that build and maintain our water system infrastructure, but not at a rate to ensure system adequacy for the future. In a perfect world, municipalities would be charging the full cost of delivering safe tap water and would have fully-funded asset renewal accounts and very little deferred maintenance. In the real world, however, there is only one municipal checkbook with many competing needs that have resulted in limited investment in water systems at all levels of government. The water system investments that are occurring are made with annual operating funds raised through low user charges, municipal bond issuance, plus

It all sounds so simple, but the true cost to deliver this essential service to the public is not cheap, and these true costs are rarely reflected in rates to consumers.



federal and state loan and grant programs such as the State Revolving Funds, which are declining. Few municipalities have the ability to fully fund asset replacement accounts or maintain their systems to industry-specified standards.

In 2011, a DES study concluded that the gap between the capital investment needs and current funding levels for drinking water infrastructure was \$1.173 billion over 20 years (the period covering 2010-2030), and this does not take into account other costs driven by population growth, increased demand, emerging technologies or regulatory changes. (See page 14 table: 20-Year Funding Need by Infrastructure Type.)

This underfunding has resulted in deferred maintenance and underfunded asset renewal accounts, and this is the primary reason why our State's water infrastructure has been in decline.

State legislative and executive branch leaders are aware of the problem with our aging water infrastructure and the significant challenges surrounding it.

In April 2011, Governor Lynch commissioned a high-level panel of stakeholders to develop a plan and make recommendations for the long-term sustainability of the State's water resources, including infrastructure. The Water Sustainability Commission has met several times and is on course to issue a final report by June 2012. Municipal representatives on the Commission include Dave Allen, Deputy Director of the Portsmouth Public Works Department, and Robert Beaurivage, Assistant Director of the Manchester Water Works.

NH Municipal Public Water Systems by Population Served (2011)		
Population Served	# of Systems	Percentage of Total
0-499	19	16%
500-999	21	17%
1,000-4,999	52	43%
5,000-9,999	11	9%
10,000-49,999	17	14%
50,000+	2	1%
Total	122	

Source: NH Department of Environmental Services, Drinking Water Program

“These infrastructure challenges were not created overnight and they won’t be solved overnight. It will take a disciplined long-term view to work out of the ‘hole’ we are in. This will require political courage to transcend the more typical short-term thinking that dominates today’s political decision-making process.”

– Bill Brown, CEO and President of Wright-Pierce and member of the SB 60 Commission

In 2009, the State legislature formed a similar commission to specifically study water infrastructure sustainability funding. The SB 60 Commission issued its interim report in December 2010 and its conclusions are very compelling. The report describes four “drivers” or obstacles that have led to a significant need for infrastructure investment: (1) current age and deterioration of existing systems; (2) ever-changing regulatory requirements; (3) population growth; and (4) issues related to climate change. The interim report also identified “the lack of understanding of the value of infrastructure by the ordinary citizen” as a key issue requiring significant outreach and education. The SB 60 Commission was recently given an extension for another year so it can complete its research and prioritize what actions should be taken to address these funding issues. In addition to the funding gap, the Commission hopes to identify potential new funding sources. All of these findings will be provided to the broader water commission established by the Governor.

According to Bill Brown, CEO and President of Wright-Pierce and a member of the SB 60 Commission, “It is important to understand that municipal officials and utility managers are the ultimate stewards of these important municipal assets and that their leadership is critically important to establishing a sustainable path forward.” Brown added, “These infrastructure challenges were not created overnight and they won’t be solved overnight. It will take a disciplined long-term view to work out of the ‘hole’ we are in. This will require political courage to transcend the more typical short-term thinking that dominates today’s political decision-making process.”


Another recommendation of the SB 60 Commission was a call for reinstating, in a limited way, the state aid



grant program established under RSA 486 and 486-A, respectively. Payments for new projects under both these programs were deferred in 2009 due to state budget constraints. For drinking water, the deferred aid would have assisted up to 10 municipalities by contributing a share of their annual debt payments (typically 25 percent). It is uncertain if the State will ever honor these loan obligations.

Continually Evolving Regulatory Environment

In 1974, Congress adopted the Safe Drinking Water Act (SDWA), which sets the basic framework for protecting the drinking water used by public water systems in the United States. In turn, the Environmental Protection Agency (EPA) sets national health-based standards to protect against both naturally-occurring and man-made contaminants that may be found in water. These standards set enforceable maximum contaminant levels for contaminants in drinking water and regulates the treatment of water to remove these contaminants.



The number of contaminants regulated under the SDWA has increased substantially over several decades. Compliance with these regulations creates many challenges for public water systems of all sizes, but the burden falls disproportionately hard on smaller municipal systems. Steve Del Deo, Executive Director of the New Hampshire Water Works Association, an association dedicated to “improving municipal water supply in the state of New Hampshire,” agreed. “Although we believe that the cost of public drinking water is still a bargain for many municipal customers, the cost of compliance with regulations is often viewed by operators, superintendents, water commissioners and others as being disproportionate to all the other costs necessary in operating a small water system.”

The EPA prioritizes contaminants for potential regulation based on risk and how often they occur in water supplies. The EPA is currently evaluating and addressing the risks from several specific health concerns, including microbial contaminants, the byproducts of drinking water disinfection, radon and arsenic.

Naturally occurring contaminants, such as radon and arsenic, are contaminants frequently found in New Hampshire’s water. Both occur because of New Hampshire’s geology and both are known to cause cancer. Arsenic above the standard that is safe to drink is estimated to occur in 20 percent of wells in New Hampshire. This

standard was lowered in the 1990s and compliance was very costly for many of the state’s public water systems. Radon is even more prevalent and is currently on the slate for regulation by EPA. Because of its prevalence and the need to also consider air exposure, the rule has been delayed for decades. Voluntary or mandatory treatment of water to remove radon will be very costly for water systems.

Another recent regulatory driver is lowering disinfection by-products that cause reproduction-related health effects. This rule, which has yet to be fully implemented, has already caused significant investments at many of New Hampshire’s surface water-based systems.

Although there are no other new standards or rules that will require investments, the EPA is charged with identifying and eliminating contaminants that jeopardize the safety of drinking water, and both the ability to detect contaminants and the continuing research of health effects makes future regulatory change likely to occur.

Del Deo added, “Sampling and analysis costs alone, for example, although necessary in providing safe drinking water and protecting public health in general, are expensive on a cost-per-customer basis for smaller public water systems.”

Declining State and Federal Funding Support

The ability for municipalities to fund future investments in water systems and comply with new regulations is reliant upon adequate funding. Clearly, municipal funding is limited and competes with many other compelling needs while, at the same time, the federal and state resources available to assist cities and towns in maintaining these water systems are shrinking fast.

Like most other states, New Hampshire’s water infrastructure was built over the past century with significant grant and loan funding. With the passage of the SDWA in 1974, significant investments were made by the federal, state and municipal governments in New Hampshire’s public water systems. “Most of these past grant programs were designed to be ‘one-shot deals’ with the concept that the local utility would build asset renewal or replacement costs into their rate structure so the utility could operate sustainably without additional subsidies,” said Brown. “Unfortunately, this did not happen in many cases and we now need creative thinking as to how we will accomplish the backlog of infrastructure work.”

Another member of the Governor’s Commission, Robert Beurivage, agreed. “One major problem is the lack of adequate financial resources to rehabilitate piping systems, treatment plants and storage reservoirs. The decline in state and federal funding simply aggravates the problem,” said Beurivage. “And the concept of raising water rates is challenging particularly during the current economic downturn.”

The EPA provides annual capitalization grants to each state Drinking Water State Revolving Fund (DWSRF) program to promote safe and affordable drinking water as authorized by the SDWA. These grants are available for existing system improvements and, on average, provide New Hampshire’s water systems with about \$8 million annually.

In 2011, the DWSRF allotment to New Hampshire (referred to as the capitalization grant) was \$8,248,520 (including 20 percent state match) for infrastructure projects. In addition, another \$7.4 million in repayment funds collected over four years is also available for water infrastructure projects. Many New Hampshire municipalities fund the planning, design and construction of these projects through this fund. The DWSRF has provided public water systems funding for various projects such as the development of new wells, upgrade or installment of treatment facilities, replacement of water mains and the installation of new storage tanks.

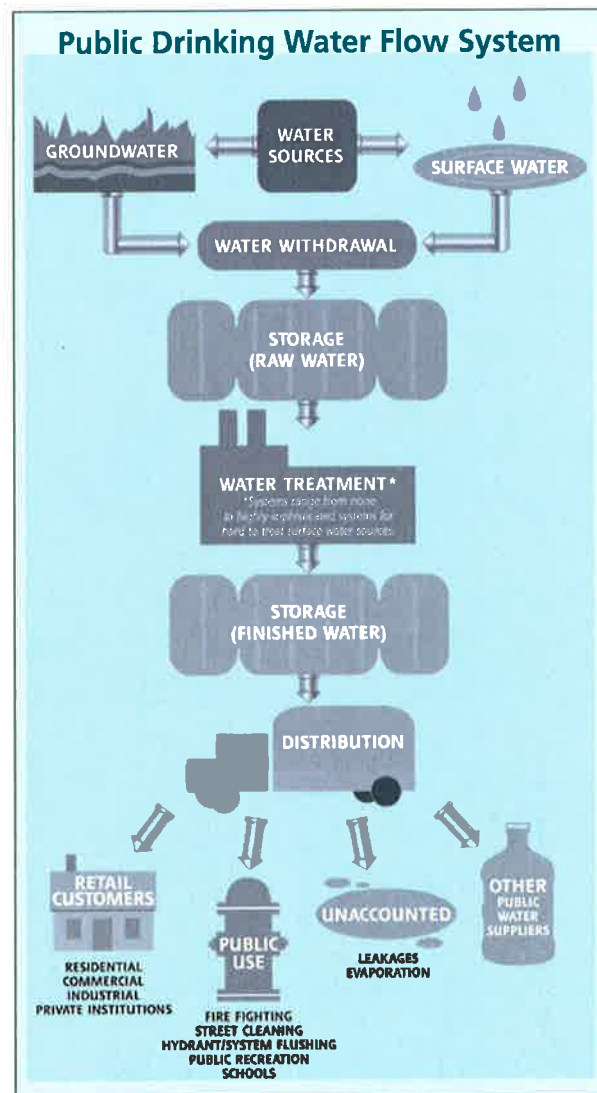
Historically, municipal demand for these funds has far outpaced available funding. The current demand for DWSRF funding (based upon 41 new applications) is nearly \$58 million, which far exceeds the available loan funds. For municipalities, utilization of state and federal loan and grant programs helps keep the local user fees low. When these funds, grants and loan programs dry up, however, most municipalities will be forced to borrow from other sources with higher borrowing costs to complete these projects with resulting impacts on user rates. (See page 30: Grant and Loan Sources.)

To worsen matters, the recent debt ceiling deal signed into law by President Obama will set into motion years of spending cuts, at least \$1.5 trillion in deficit reduction starting in 2013, and will likely impact many federal grants that go out to drinking water programs. Unfortunately, the EPA’s Clean Water State Revolving Loan Fund, which currently hovers around \$800

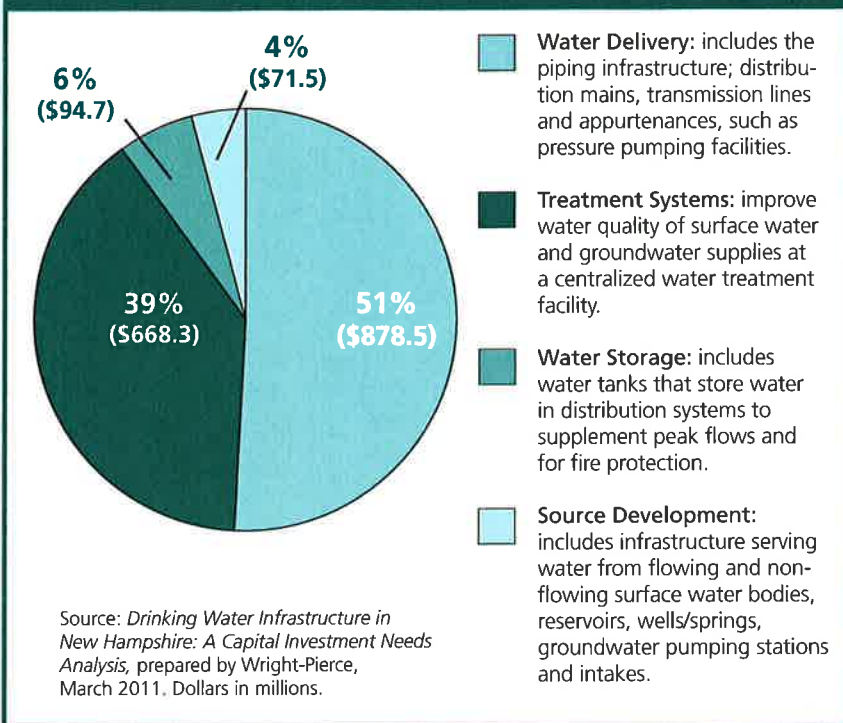
million a year, is a vulnerable target for Congress. As such, the real implications of future budget cuts are not fully understood at this time, but it certainly does not bode well for future federal investments in our nation’s water infrastructure systems.

The other significant funding issue for interconnection projects is the deferment of the state aid grant program described earlier.

“The State and local government partnership is unpredictable,” said David Bernier, Superintendent of the North Conway Water Precinct and a member of the Governor’s Water Commission. “As a public water system, we must first gain public trust and support, second procure affordable funding, and lastly engineer and construct. All this takes years to accomplish, but this relationship is in jeopardy and is now compound-



20-Year Funding Need by Infrastructure Type (\$1,713 Billion)



ed by the State’s default on paying their fair share of these projects.”

Conclusion

Recently, the New Hampshire chapter of the American Society of Civil Engineers (ASCE) gave New Hampshire’s water infrastructure a C- grade, better than the national grade of D but still less than desired. In issuing its report card, the ASCE commented that the lack of a national funding source and aging infrastructure continue to lower the State’s grade.

As we move forward, municipalities must assume the leadership role of shepherding these important assets onto a sustainable path forward. This will require, among other things, educating the public about the true cost of water service and involving them in tradeoff decisions concerning level of service and cost of service. Because of declining state and federal funds, municipalities need to charge customers the true cost of water up to some affordable threshold. Advocating for continued state and federal support is also part of the solution, as is exploring new ways to pay for these water infrastructure improvements. These investments are necessary to address both increasing infrastructure asset renewal

demands to comply with new regulations and to accommodate increased growth and demand.

“Failure to reverse the trend of declining infrastructure will have many undesirable consequences and will place an unfair burden on future generations,” said Brown. “The only responsible path forward is to reverse this trend and support municipal efforts to restore sustainable stewardship of these assets now.”

By all accounts, the current rate of investment is grossly insufficient to fund the infrastructure that will be required to assure continued safe and reliable water service across New Hampshire. However, some State legislators, municipal leaders and water utility experts are increasingly worried that the traditional funding sources will not be sufficient to address future anticipated costs. Now is the time for State leaders to collaboratively forge a path toward a sustainable water infrastructure for all of New Hampshire.

Stormwater

Background: Municipal Stormwater Systems

Stormwater runoff is one of the fastest growing sources of water quality problems in New Hampshire. In fact, stormwater contributes to 83 percent of the surface water quality impairments in the state.

Stormwater is water from rainfall or snowmelt that does not soak into the ground, and as such contains air pollution and pollutants washed off from rooftops, paved areas (parking lots, sidewalks, driveways, developed commercial and industrial properties and streets) and heavily fertilized landscape areas (lawns, golf courses and agricultural operations). Stormwater from these developed areas can become polluted with high concentrations of surface water contaminants, including nutrients, bacteria, chemicals, sediments, cigarette butts, petroleum products, trash, pet wastes and heavy metals, among other pollutants. Typically, in undeveloped areas stormwater is not a problem because when rain and snow hit the ground, they soak into the soil below. This minimizes the amount of runoff and filters pollutants out through the soils naturally. When rain hits a less developed area, such as grassed or wooded areas, it has more time to flow over vegetated areas, slow down, and infiltrate into the ground. However, when rain hits impervious surfaces like parking lots and streets, it cannot soak into the ground. Instead, it becomes stormwater runoff and poses a greater problem to the water quality of New Hampshire's surface and groundwater sources. (See Diagram 1)

Over time, the primary function of municipal stormwater systems has evolved from flood control to resource management with regulatory controls. This evolution has changed the way local government has managed its environmental responsibility. Some municipal systems manage stormwater runoff through a series of drainage networks, culverts, catch basins and underground pipes, often discharging it untreated back into rivers, lakes, wetlands and other waterways. A few municipalities re-route stormwater into the wastewater system and treat the stormwater the same way as sewage during low flow conditions. In any case, this evolution requires new or expanded funding sources for municipalities to support this long-term environmental responsibility.

According to Ted Diers, administrator of the Department of Environmental Services (DES) Watershed Management Bureau, the problem with the state's existing stormwater infrastructure is three-fold. "First, like other water system infrastructure, many of the culverts, street drains, catch basins and outfalls are old and antiquated, especially in the more urbanized regions in the state. Digging up streets to repair and replace this old infrastructure is very costly."

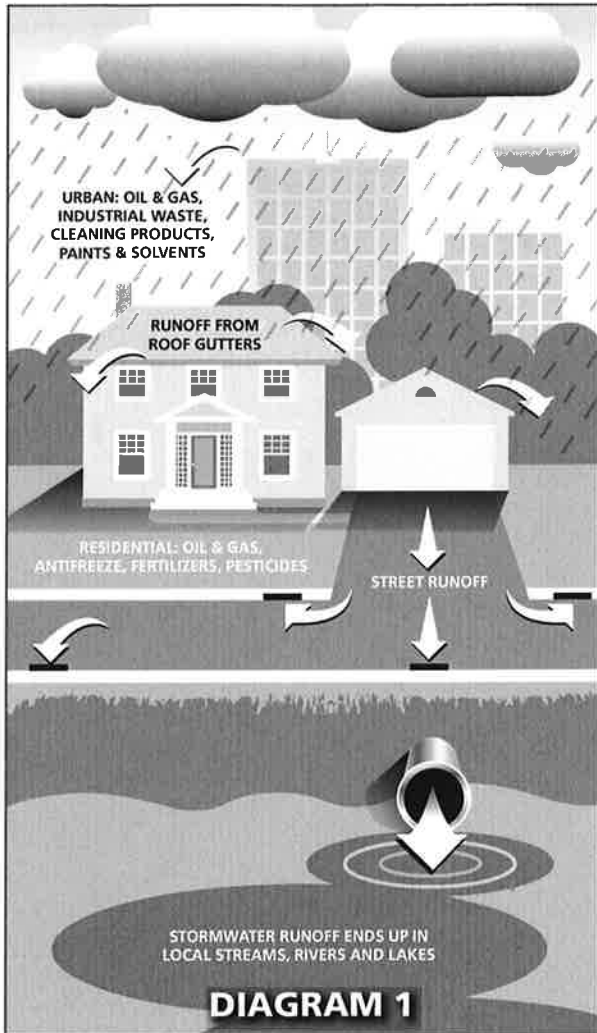
"Secondly," continued Diers, "New Hampshire has experienced significant expansion of impervious surfaces, which increases stormwater volume. And lastly, changing precipitation patterns with more common extreme storms have begun to stress our existing stormwater infrastructure."

Historically, stormwater systems were designed to collect and quickly move runoff as a way to prevent localized flooding or erosion. Over time, it has become evident that the traditional curb-and-gutter approach was not sufficient. "We have learned over the past 20 years that the fundamental philosophy behind stormwater control needs to be changed. The focus of stormwater control has been reducing erosion by shunting water off streets as quickly as possible and detaining only the peak flow to avoid flooding," said Diers. "While this has reduced erosion, this approach speeds water velocities, changes natural hydrology, and delivers pollutants from streets to streams."

New Hampshire's Aging Infrastructure and Extraordinary Weather Events

A typical stormwater infrastructure includes manholes, conveyances or pipes, discharge points, drains, culverts and catch basins. For example, the City of Dover's stormwater infrastructure includes: 650 manholes, 65 miles of pipe, 204 discharge points, 101 miles of open drainage ditches, 140 culverts and 2,875 catch basins. Like other stormwater systems across the state, Dover's system infrastructure is old and dates as far back as the late 1800s. To fund Dover's future stormwater program needs, a 2010 feasibility study estimated an average annual cost of \$2.7 million per year, for an average increase of \$836,000 per year over currently budgeted costs.





The City of Manchester maintains over 170 miles of pipe, over 16,000 catch basins, many miles of open drainage ditches and hundreds of drainage outfalls. Manchester’s existing stormwater system represents an investment of over \$135 million. According to a 2008 feasibility study, to properly maintain this large, aging and somewhat neglected infrastructure asset, a multi-million dollar annual budget would be required.

Like public drinking water systems, stormwater infrastructure is largely underground and invisible to the public. Stormwater rarely captures public attention unless it impacts the daily lives of citizens. Eric Williams, an administrator for the DES Water Division, refers to stormwater systems as the “forgotten infrastructure.” To further exacerbate the problem, most municipalities lack adequate funding and have limited staff resources to support their stormwater program. “Stormwater management has historically struggled to

compete effectively against other municipal needs or priorities. Because stormwater is not seen as an essential service, municipalities rarely prioritize stormwater planning and funding,” said Williams.

Components of stormwater management are often embedded in a variety of municipal functions, including public works, engineering, street sweeping, transportation and wastewater treatment. For example, a public works department may manage culverts, storm drains and street sweeping, while the sewer department conducts catch basin inspections and detection of illegal discharges.

“Stormwater management should be a part of an overall comprehensive approach to municipal infrastructure management,” said Bill Brown, CEO and president of Wright-Pierce. “Undersized culverts are a good example of the need for communities to continually adapt existing municipal stormwater infrastructures.”

Increasingly in New Hampshire, culverts are failing because of insufficient capacity for the increased flow of water coming from more development and associated impervious areas and extraordinary weather events. Acting as dams, undersized culverts cause water to backup and flood roadways. “The amount of rain we are currently experiencing far exceeds the design standards historically used by engineers to size stormwater conveyance systems,” said Brown. “And it is comparatively less expensive for a municipality to adapt its existing infrastructure than to wait for a failure caused by a catastrophic weather event.”

Studies in New Hampshire have shown that the state’s existing drainage infrastructure is seriously undersized to accommodate the increases in storm intensity and frequency expected with changing weather patterns in the coming decades.

“Climate change will have a significant impact on our infrastructure systems, including stormwater,” said Brown. “This trend toward unprecedented weather events will only increase the infrastructure funding challenges already faced by municipalities.”

In 2010, the State Legislature issued a final report studying stormwater management. The HB 1295 Commission concluded that while the financial cost of managing stormwater is high, the potential cost of inaction is even higher.

According to David Cedarholm, engineer with the Town of Durham and chair of the HB 1295 Commission, “Without new programs, new revenue sources, and a significant shift of thinking, municipalities will have a very tough time responding to the expectation of more extensive flooding and degradation of water resources.”

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– David Cedarholm, engineer with the Town of Durham and chair of the HB 1295 Commission

Among other findings, the HB 1295 Commission Report called for the creation of a statewide, watershed-based stormwater program with local options that could be phased in over a period of years.

Continually Evolving Regulatory Environment

At the local level, municipal ordinances and regulations control most of what happens with stormwater. Generally this is achieved only in new developments through zoning ordinance and site plan review. New developments can alter existing drainage patterns, including abutting properties, roadways and water bodies. Adopting a stormwater ordinance allows a municipality to act independently from state and federal officials to address any localized site concerns or water quality impacts. In fact, most local developments do not trigger state or federal stormwater oversight.

According to *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development* (October 2008), a performance-based approach to stormwater, authorized under RSA 674:21, allows a municipality to specify outcomes required by any new development activity without being overly prescriptive about the specific techniques or approaches used by developers to manage stormwater impacts. In this regard, municipalities can use a number of different techniques including conservation subdivision, lot size averaging, transfer of density credits and feature-based zoning.

At the state level, development projects larger than 2.5 acres (less near water) are regulated by the Alteration of Terrain permit program. This permit requires some form of Low Impact Development (LID) technology to ensure that post-development runoff is managed appropriately.

“The emerging trend is toward Low Impact Development and other methods to infiltrate water, treat with Best Management Practices, and reduce direct connections to water bodies,” said DES Stormwater Coordinator Jillian McCarthy. “The old stormwater infrastructure should be replaced with these green strategies in mind.” LID methodologies attempt to avoid concentrated points of discharge by promoting infiltration and/or treatment with natural vegetation such as bio retention ponds, rain gardens, tree box filters, permeable pavers and green roofs.

“LID stormwater management works effectively throughout multiple seasons including challenging New Hampshire winter conditions,” states Dr. Robert Roseen, director of the University of New Hampshire Stormwater Center and member of the HB 1295 Study Commission. “Data shows that LID technology works better for water quality than conventional stormwater management. Some studies have even shown LID to be more cost effective, and in some cases, result in significant cost savings,” added Roseen.

Tom Irwin, vice president and director of the Conservation Law Foundation’s New Hampshire office, agrees with the benefits of emerging LID technologies. “The Environmental Protection Agency (EPA) has acknowledged that in its MS4 permitting program the ‘maximum extent practicable’ standard for controlling stormwater would be an evolving one—one that would benefit from a growing knowledge and development of best practices for stormwater management,” said Irwin. “LID techniques have proven to be an invaluable stormwater management tool and, we believe, should be an important part of EPA’s MS4 permitting program.”

At the federal level, stormwater pollution prevention plans (SWPPP) are required for any land disturbances greater than one acre under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Additional regulatory requirements fall upon small municipal separate storm sewer systems, also known as “MS4s,” under Phase II of the NPDES program, which is administered by the EPA.



New Hampshire is one of only five states in which the EPA administers the NPDES program.

Despite these protections at the state and federal level, many development projects disturb less than 50,000 square feet, and as such, local protection is critical. But just as no two communities are alike, there is no “one-size-fits-all” approach in addressing stormwater at the local level.

Declining State and Federal Funding Support

According to HB 1295 Report, the capital costs to properly manage stormwater in New Hampshire is estimated to be greater than \$182 million, although most industry professionals agree the true costs approach \$1 billion. These costs include the costs to plan and implement structural and non-structural measures to control runoff water in NPDES Phase I and Phase II sources and non-traditional, unregulated sources.

New Hampshire municipalities fund their stormwater systems out of general fund or property tax revenues. This means that property owners pay for stormwater services based on the value of their property rather than the

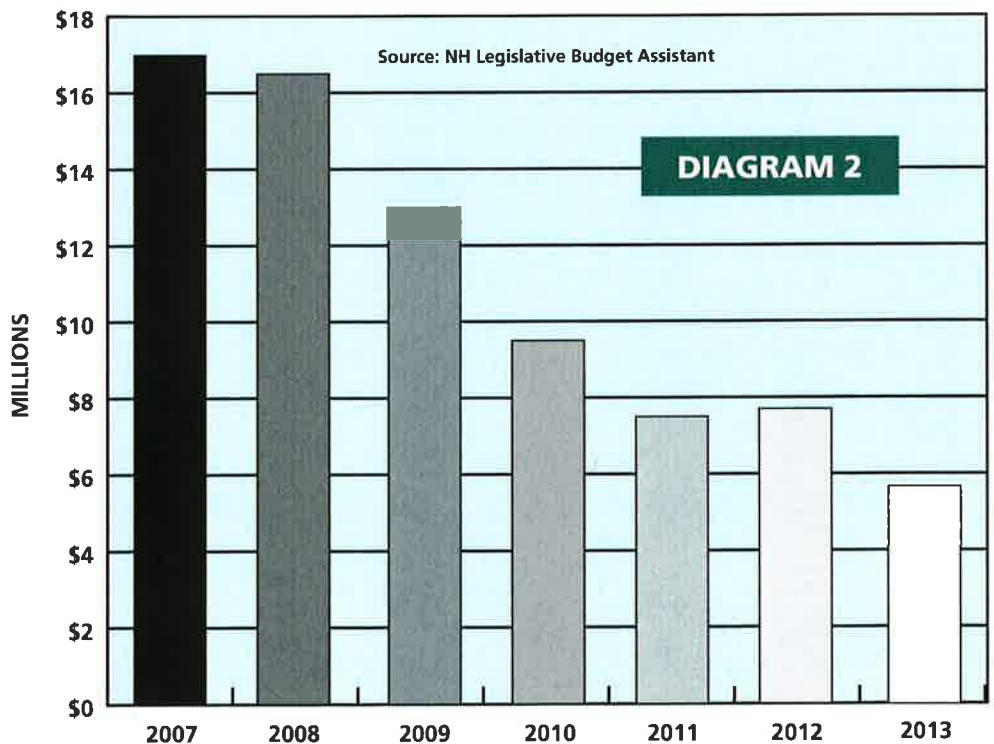
amount of stormwater generated on that property. In a typical community, commercial and industrial properties generate most of the stormwater impacts, but owners of residential property collectively pay more in taxes. More and more communities are concluding that the full costs of these impacts need to be better borne by the private sector in new development projects.

Although New Hampshire municipalities are authorized (Env-Wq 500) to make use of the State Revolving Fund loans financed by the EPA for the purpose of stormwater management, there continues to be less and less money available for this purpose. For example, State environmental aid to municipalities continues to shrink, from nearly \$17 million in fiscal year 2007 to less than \$6 million in fiscal year 2013. (See Diagram 2)

In neighboring states, stormwater utilities have been formed to help raise local revenue to support a stormwater program. In 2008, the State Legislature enacted a law allowing New Hampshire municipalities to form stormwater utilities, but none have been formed to date. RSA 149-I enables municipalities to form and maintain stormwater systems and to establish special assessment districts to generate revenues specifically for stormwater



STATE AID TO MUNICIPALITIES: ENVIRONMENTAL GRANTS 2007-2013



Grants include: flood control, landfill closure, public water systems, pollution control and water supply land protection

management. Conceptually, users would pay a stormwater fee based on the percentage of impervious surfaces (i.e., parking lots, sidewalks, driveways, pavement, etc.) on their property. These fees would directly support the maintenance and upgrades of existing storm drain systems and other water quality programs that benefit the user. “By law, municipalities can develop and operate their own stormwater utility which would likely result in allocating user fees more equitably based on stormwater impacts emanating from each property. Neighboring municipalities can also band together to form an inter-municipal stormwater utility under RSA 149-I,” said Rep. Judith Spang, a member of the HB 1295 Commission and ranking minority member of the House Resources, Recreation and Development Committee. “Unfortunately, the current economic climate and lack of adequate funding from existing sources leaves little or no funding available for stormwater management at both the state and local level,” said Spang.

A user fee is only one way to generate local revenues to support a stormwater program. Other funding sources include available federal and state grants and loans, bonding, service fees, impact fees, application and inspection fees and special assessments. Depending on the revenue source, each has different implications in terms of who will pay, how the money will be collected, and how the money can be spent.

Conclusion

Local governments recognize their responsibility for urban flood control and clean-up of the contaminants and pollutants caused by stormwater runoff. However, while municipalities support environmental protection, they struggle with stringent permit requirements, escalating costs and tight deadlines. Most municipalities today are facing significant funding challenges, including a lack of adequate staff resources, to meet these evolving regulatory requirements.

“While the monetary cost of managing stormwater is high, the potential cost of inaction is even higher,” argued Roseen. “Without significantly changing our approach to stormwater, New Hampshire will likely experience even more extensive flooding and degradation of water resources that will impact drinking water quality, aquatic habitat, recreational opportunities and tourism.”

As we move forward, municipal stormwater systems will need to have flexibility in adjusting to changes in weather patterns, regulations, legislation, public demands and

court decisions. If long-term management of stormwater is to be effective, new funding mechanisms and a new way of thinking about stormwater systems are important considerations for state policymakers to consider. This will certainly require more public education about the stormwater issues facing municipalities today.

Wastewater

Background: Municipal Wastewater Systems

In New Hampshire, roughly 65 percent of all homes are served by individual wastewater treatment systems, typically consisting of an on-site septic tank and an absorption or leach field. Another one-third of the state's homes are served by larger, community or regional, facilities that collect, transport, and treat much larger quantities of wastewater. These community wastewater facilities collect wastewater from homes and businesses through an underground network of pipes and pump stations, and transport it to a wastewater treatment facility (WWTF) where it is treated and disinfected before discharging the treated liquid portion of the sewage (also known as effluent) back into rivers, streams, or other surface waters, and, in some cases, groundwater. (See Wastewater System diagram on next page.)



Since many residents rely on private, on-site septic systems, the disposal of residuals, also known as septage, must be done locally or at regional WWTFs. New Hampshire currently does not have enough capacity to treat all the septage, nearly 95 million gallons in 2011, generated within the state. Of this total, nearly 18 million gallons, or 19 percent, of septage was disposed at out-of-state WWTFs. More than 63 million gallons, or 66 percent, of the state's septage was disposed at in-state WWTFs, while 3 percent went to septage lagoons, 7 percent to land application, and another 5 percent to innovative or alternative "septage only" facilities. (See Chart 1, Septage Disposal Practices for 2011.)

Treatment plants produce a residual material or solid wastes, called wastewater sludge or biosolids, that must be disposed of or reused. Municipalities basically have three management options for biosolids disposal: (1) application on land as fertilizer or soil amendment; (2) disposal in landfills; or (3) incineration. In 2010, 114,500 wet tons of biosolids were generated in New Hampshire, which was disposed of in the following ways: land application (class A and B biosolids), 37 percent; landfilling, 34 percent; incineration (City of Manchester only), 21 percent; out-of-state disposal, 8 percent. (See Chart 2, Sludge Disposal Practices for 2010.)

"Biosolids are basically municipal sewage sludges that have been treated and tested and meet or exceed state and federal standards for use as fertilizers and soil amendments," said Shelagh Connelly, president of Resource Management, Inc. (an organic waste, residuals management, and recycling company based in Holderness) and selectperson in the Town of Holderness. "This means we are creating a beneficial use of these wastewater residuals, which means less waste goes into landfills, more recycled product goes to farmers, and this creates significant cost savings to cities and towns."

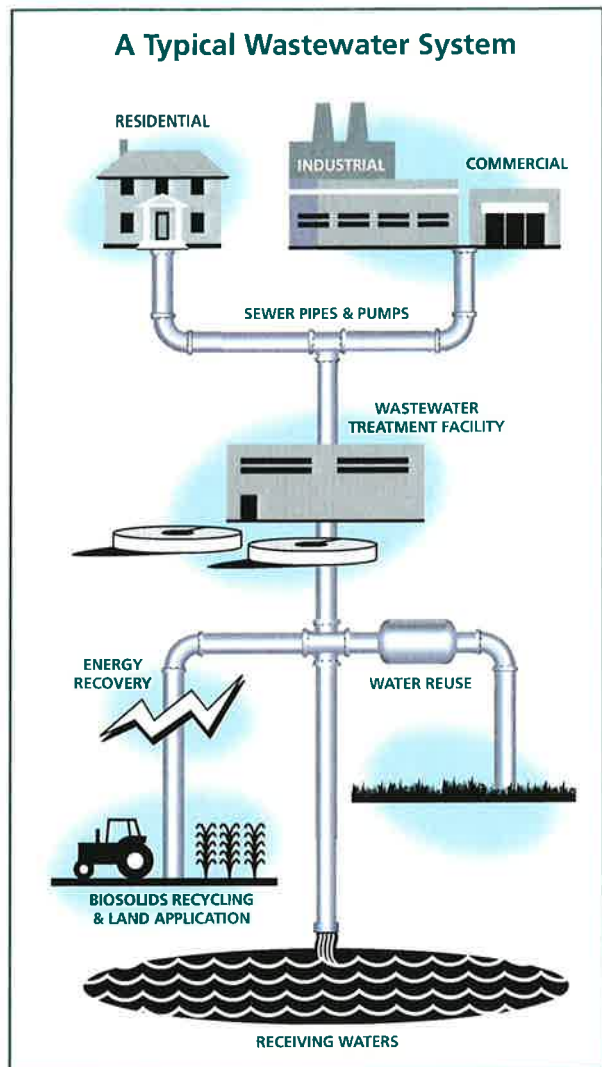
"The costs of managing these residuals are a significant part of the operating expenses of WWTFs," said Paul Heirtzler, Administrator with the Department of Environmental Services (DES) Wastewater Engineering Bureau. "But more importantly, the proper land application of biosolids is a very environmentally friendly program that protects the water quality of our lakes, rivers, and coastal areas."

There are essentially three driving factors impacting New Hampshire's WWTF plant needs today: an aging infrastructure, a continually evolving regulatory environment, and declining state and federal support.

New Hampshire's Aging Infrastructure

New Hampshire is home to 148 wastewater treatment facilities, of which 73 are municipal or publicly-owned treatment facilities and 75 are private facilities. Much of New Hampshire's wastewater treatment infrastructure was constructed between 1972 and the mid-1980s, and the majority of these facilities are near or beyond the end of their design life expectancy of 20-30 years.

Sewer lines and pump stations conveying sewage to treatment facilities vary in age, but many of the pipes in the ground also are reaching the end of their service and will need to be replaced or upgraded. Because sewer lines run underground, they rarely receive any public attention unless a sewage leak or pipe failure becomes obvious. Aging sewer lines also carry less obvious risks, such as unwanted releases of sewage to the environment or the entry of clean water that



can overload treatment plants. In many cases, this clean water leaking into the sewer system, called infiltration and inflow, can account for as much as 50 percent of the treated flows, which tie up much of the system capacity and can significantly increase the cost of treatment plant operations.

Like other states, New Hampshire's WWTFs were built subsequent to the passage of the Clean Water Act of 1972, and were heavily subsidized by the Federal Construction Grants program, a program which was significantly curtailed in 1987. At the time, WWTFs were designed and constructed to meet the estimated needs of the population they served, with treatment capacities ranging from 3,000 to 34 million gallons per day. Currently 25 percent of the municipally-owned WWTFs are operating at or above 80 percent of their design capacity and they may need to plan

for future capacity expansion. Even if capacity is not an issue, increasingly stringent limits imposed by discharge permits are forcing many municipalities' need for wastewater treatment upgrades.

"As a result of the aging wastewater infrastructure, communities are facing significant asset renewal costs to maintain the reliability of their wastewater systems, or are facing capacity expansion issues," said Bill Brown, CEO and President of Wright Pierce. "Many communities do not fully understand the magnitude of the asset renewal costs that they will be facing as these assets reach their life expectancy and they do not have a financial plan in place to maintain reliability for the future," said Brown.

Continually Evolving Regulatory Environment

Wastewater treatment varies significantly from municipality to municipality, and how sewerage is treated and the degree to which it is treated is driven by DES and Environmental Protection Agency (EPA) regulations. Most treatment facilities have had to achieve secondary standards (85 percent removal of solids and organic material) for the past several decades. The EPA has been setting increasingly more stringent discharge limits for many WWTFs where the receiving water quality is not achieving minimum standards. This is resulting in the imposition of advanced treatment standards for nutrients and a variety of other chemical parameters for many WWTFs.

Today's domestic wastewater can contain a number of pollutants that can harm the environment and place public health and safety at risk. In addition to human pathogens, wastewater also contains high levels of nutrients such as nitrogen and phosphorus that can trigger surface water algal blooms and low dissolved oxygen; these conditions may lead to death of many forms of life in rivers, streams, lakes, and estuaries. Phosphorous is

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– Bill Brown, CEO and President, Wright Pierce

Septage Disposal Practices in 2011

Total = 95.4 million gallons

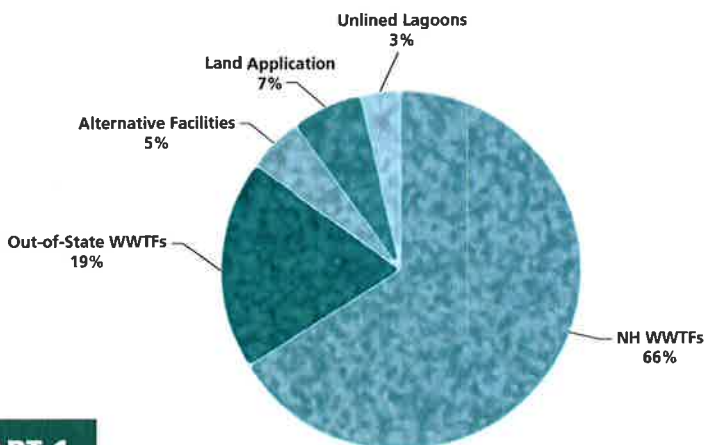


CHART 1

Source: NH Department of Environmental Services

typically the nutrient of concern in fresh water; nitrogen is typically the nutrient of concern in marine waters.

The EPA is already moving toward including strict nitrogen and phosphorus limits for many New Hampshire discharge permits when they renew over the next five year cycle. It is likely that many WWTFs will have to address these limits within the next five to 10 years.

Due to water quality concerns and nitrogen levels in the Great Bay estuary, the EPA has begun issuing draft National Pollutant Discharge Elimination System permits to two Seacoast communities, Exeter and Newmarket, requiring a nitrogen limit of 3 milligrams per liter into Great Bay. Currently about 30 percent of the nitrogen loading into Great Bay comes from WWTFs and about 70 percent comes from non-point sources, such as private septic systems, fertilizers/agriculture, air pollution, and stormwater. In response to the State's and EPA's actions, Portsmouth, Exeter, Newmarket, Dover, and Rochester have filed suit against DES regarding these regulatory requirements, arguing, among other issues, that an adaptive management approach has a greater chance of success than a single criterion metric and that a broader solution to address these non-point sources is needed. (See System Spotlight: Town of Exeter.)

To compound this regulatory pressure on municipalities, the EPA is also focusing on more recently recognized contaminants in wastewater, including pharmaceuticals and personal care products, as well as certain metals such as lead, copper, and aluminum. This increasing federal concern about water quality and the

need to deal with nitrogen, phosphorous, and metals will lead to the need for further development of advanced treatment systems throughout the state. It is not clear how that need will be met, since the federal grants that helped build the existing wastewater infrastructure are no longer available. Unfortunately, these continually evolving regulatory requirements force many communities to spend their limited resources to address new mandates instead of investing in maintaining or replacing their aging wastewater infrastructure.

Declining State and Federal Funding Support

According to the final report of the HB 1491 Commission, the capital costs to properly manage wastewater in New Hampshire over the next 10 years is estimated to be more than \$1.2 billion. This translates into an annual investment of \$105 million for WWTF upgrades. And these costs do not include the estimated \$300 million that will be required to address the nitrogen issue on New Hampshire's Seacoast.

In order to meet federally-mandated secondary treatment standards, the majority of New Hampshire's wastewater infrastructure was built during the 1970s and 1980s under the Federal Construction Grants program. At that time, the federal government provided 75 percent of the funding, the state provided 20 percent, and the local municipality provided the remaining 5 percent of the funds. By 1987, this program was essentially replaced with the low-interest loan programs known today as State Revolving Funds (SRFs).

The Clean Water State Revolving Fund is a federally-established, state-operated program overseen by EPA. Federal capitalization and a 20 percent state match allows states like New Hampshire to provide below-market or low-interest rate loans to municipalities for wastewater infrastructure. Federal and state grant and loan programs aimed at New Hampshire municipalities have leveled off at nearly \$26 million per year. See the State/Federal Funds for Wastewater Projects chart, which represents the federal “seed” money funding levels (which include the 20 percent state match) and monies appropriated by the State Legislature (State Aid Grants), which provide low-interest loans to communities for the design and construction of eligible wastewater projects.

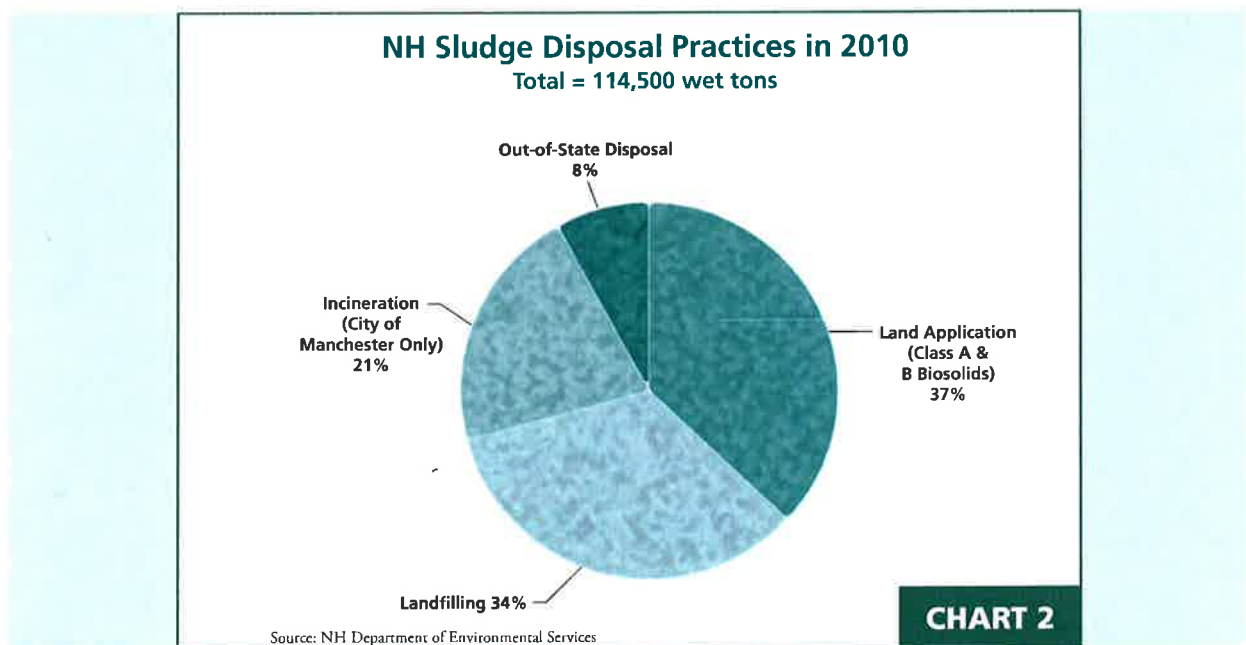
New Hampshire has historically supported municipal wastewater infrastructure projects through the State Aid Grant (SAG) program, which provides financial assistance in the form of grants for 20 percent of eligible costs relating to planning, design, and construction of certain sewage disposal facilities by municipalities. Since 2001, the State has appropriated more than \$12 million annually for these qualified wastewater projects; however, in 2008, the Legislature discontinued all appropriations for new wastewater projects. Subsequently, the Legislature has appropriated limited funds only for those wastewater projects approved prior to October 2008. Since 2008, 87 wastewater projects have been submitted by municipalities seeking over \$36 million in SAG commitments. Clearly, this demand demonstrates

the need for the Legislature to immediately resume fulfilling its budgetary state funding obligations to these municipalities. (Visit www.nhlgc.org to view the Delayed and Deferred List.)

Today’s approach of using federally-backed SRF funds, state aid grants, and sewer/user fees is not a viable or sustainable model at the current funding levels of approximately \$26 million per year. This suggests that wastewater infrastructure needs will never be met in New Hampshire unless current funding methodologies are significantly increased or changed.

As federal and state aid continue to decline, the burden for these costs will undoubtedly downshift to cities and towns and to citizens through increased local sewer/user fees. Yet local fees can only go so far in meeting the significant current and future costs of our wastewater infrastructure needs. When user fees become too exorbitant, there is a real risk they will serve only as a barrier to local economic growth. Moreover, municipal officials are likely to defer these wastewater improvements as pressure for other priorities, such as schools, road maintenance, and public safety, also continue to stress local tax rates.

DES estimates the average sewer use charge in 2010 at \$575.36. This is a 35 percent increase since 2005, when the average sewer use charge was \$426.51. Yet this average charge does not reflect the true cost of providing this essential service to the public. Most often the



Today's approach of using federally-backed SRF funds, state aid grants, and sewer/user fees is not a viable or sustainable model at the current funding levels of approximately \$26 million per year.

municipal user charge systems ignore system depreciation costs. As a result, municipal utilities have not collected enough revenue for the inevitable asset renewal. While sewer fees are often perceived as expensive by the public, the truth is, the fees paid have been a real bargain. In fact, the fees are much less than what is typically spent yearly by households for cable television or Internet services. User fees, such as sewer use charges, are often regarded as another form of tax collected by municipalities, which leads some local officials to defer plant maintenance and upgrades until large investments can no longer be delayed. Unfortunately, this “delay and defer” approach is often more costly to the local taxpayer in the long term.

The EPA has long encouraged communities not already charging the full cost of service to increase water and wastewater rates up to the full cost of service, including the depreciation costs. The EPA believes that 3 percent of the community’s median household income (MHI) is an appropriate affordability threshold for the combined water and wastewater rates. In 2010, New Hampshire’s MHI was \$60,917. Using an affordability threshold of 1.5 percent each for water and wastewater service would equate to charges of \$914 per year each for water and wastewater, for a total of \$1,828 per year. Many New Hampshire residents are paying far

less than the full value for these water services today. It is expected that the investment need will be so great in some communities that this affordability threshold would be exceeded if all the revenue needed had to come from the rate payer. In these cases, creative strategies will be required to get on a sustainable and affordable path forward.

“Municipal wastewater user charge systems and asset management strategies could use some fine-tuning,” said Bill Brown. “Most communities have sewer rates that are below full cost of providing the service and are not adequate to position the community for long-term sustainability. By not funding system depreciation over the past 40 years, communities have shifted a disproportionate share of the inevitable asset renewal costs to the present and future generations,” said Brown.

Conclusion

In 2011, the New Hampshire chapter of the American Society of Civil Engineers (ASCE) gave New Hampshire’s wastewater infrastructure a C- grade, better than the national grade of D-, but still less than desired. In issuing its report card, the ASCE commented that the lack of a national funding source and the state’s aging infrastructure continues to lower the grade.

Unlike the 1970s and 1980s, there are no federal subsidies available to fund the design and construction of the next generation of wastewater facilities or the improvements necessitated by age and evolving regulatory drivers. The combined federal and state funding of approximately \$26 million per year falls far short of the existing demand for treatment upgrades.

Unfortunately, solutions to New Hampshire’s wastewater infrastructure needs cannot be solved overnight or by a one-size-fits-all approach. For many reasons, including technological, political, and economic, WWTF upgrades must be solved on a town-by-town basis due to site-specific influent wastewater characteristics, and treatment and discharge requirements based upon the receiving water body, whether it is a stream, river, or estuary. Solutions to these challenges will require a mix of public education, public policy considerations, greater stakeholder involvement, and, most importantly, the political courage at the local level to set water and sewer rates that reflect the true cost of providing these essential services to the public.



State/Federal Funds for Wastewater Projects 2001–2011			
YEAR	STATE	FEDERAL	TOTAL
2001	\$12,952,953	\$15,950,000	\$28,902,953
2002	\$12,510,117	\$15,980,000	\$28,490,117
2003	\$13,146,736	\$15,890,000	\$29,036,736
2004	\$12,489,399	\$15,840,000	\$28,329,399
2005	\$12,894,914	\$12,920,000	\$25,814,914
2006	\$12,497,260	\$10,490,000	\$22,987,260
2007	\$12,392,167	\$12,840,000	\$25,232,167
2008	\$11,500,000	\$8,120,000	\$19,620,000
2009	\$11,500,000	\$8,120,000	\$19,620,000
2010	\$8,375,720	\$24,430,000	\$32,805,720
2011	\$5,903,394	\$17,710,000	\$23,613,394

State funds include 20 percent match. Federal funds represent “seed” money given to New Hampshire for the State Revolving Loan Program. Despite one-time revenues in federal stimulus monies, funding levels are generally trending downward. Source: NH Department of Environmental Services.

Dams

Background: Municipal Dams

In 1975, the Legislature enabled the formation of village districts for the purpose of impounding water. RSA 52 allows lake shore owners to form village districts which can raise money by taxation and appropriate the funds needed to operate, maintain and repair a dam. Since enactment of that law, thirteen Village Districts have been formed for the purpose of impounding water. Take, for example, Sunrise Lake, located in the town of Middleton, which is nestled between the towns of New Durham and Milton. Sunrise Lake is approximately 300 acres and about one mile long by a half-mile wide. In 1980, the Sunrise Lake Village District (SLVD), the first of its kind in New Hampshire, was established specifically as a vehicle to own, repair and maintain the Sunrise Lake Dam. Property owners continue to support the SLVD today through the yearly tax rate; in 2012, it was 44 cents per \$1,000 valuation.

“The value the dam represents to the town includes first and foremost an improved quality of life, through the recreational opportunities, scenic values, and wildlife habitat,” said Jack Savage, moderator for the village district. “Given that most of the land adjacent to the lake has been developed, it also represents a substantial

amount in property valuation, especially for waterfront homes. To the extent that seasonal homeowners require fewer town services, the lake properties help lower the tax rate across the board,” added Savage.

Most people associate dams with flood control and little else. The average citizen is unaware that the beautiful lakes on which he or she resides or recreates are only there because of man-made dams. Dams are responsible for the largest and most important recreational lakes in our state, including Winnepesaukee, Squam, Winnisquam, Newfound, Sunapee and Ossipee. Because many of New Hampshire’s surface waters are impounded by dams, the maintenance and repair of these dams is critical to maintain the significant economic benefits they provide the state. A 2007 study suggests that waterfront property owners pay nearly a quarter billion dollars in property taxes.

Municipal dams have other purposes beyond recreation, including water supply storage, hydropower generation, flood control, fire protection ponds, conservation/agricultural ponds, and in some cases, storm water detention or septage lagoons. (See Chart 1, Municipal Dams by Use.)

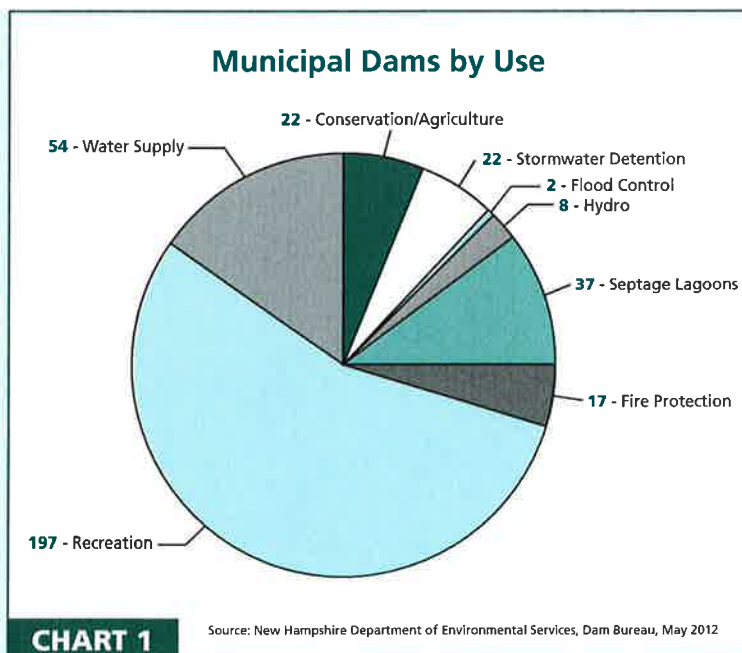
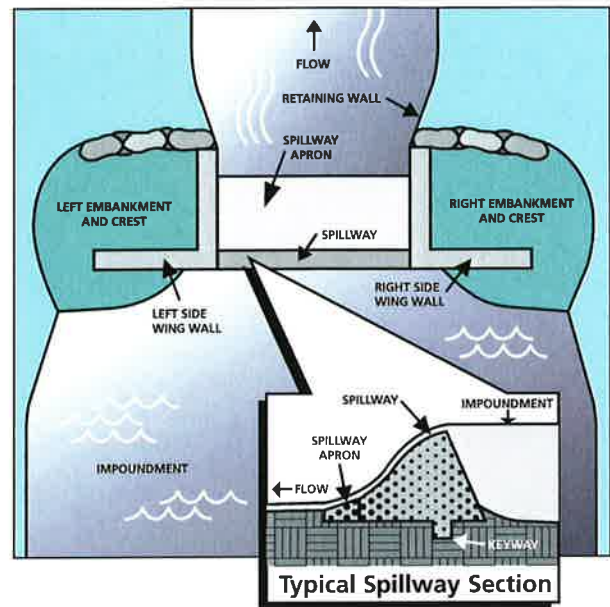


Diagram of a Typical Dam



Dams are man-made or artificial barriers constructed to impound water. State law defines a dam as any artificial barrier which impounds or diverts water which has a height of 6 feet or more or is located at the outlet of a great pond. (See Diagram of a Typical Dam.)

New Hampshire is home to 2,623 active dams. Most of these dams are privately-held (75 percent), but 358 dams, or nearly 14 percent, are municipally-owned. The federal government owns 34 (1 percent) and the State of New Hampshire owns 250 (9 percent) that are 6 feet or higher. (See Chart 2, New Hampshire Dam Ownership.) This article will focus solely on the 358 dams owned or otherwise managed by New Hampshire's cities and towns.

New Hampshire's Aging Infrastructure

According to the Department of Environmental Services' (DES) Jim Gallagher, Chief Engineer and Administrator for the state's Dam Bureau, the average age of New Hampshire's municipally-owned dams is approximately 90 years and the median age of these dams is approximately 80 years. "Some of the dams owned by New Hampshire's municipalities were constructed as far back as the 1800s," said Gallagher. "Because of their age, these dams require constant attention to maintain them in a safe condition. The forces of water and ice that continuously act on these dams cause their granite blocks to move, their concrete to crack, their iron and steel to rust, their soil to erode and their wood to rot," Gallagher added.



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– Jim Gallagher, Chief Engineer and Administrator, Dam Bureau, New Hampshire Department of Environmental Services

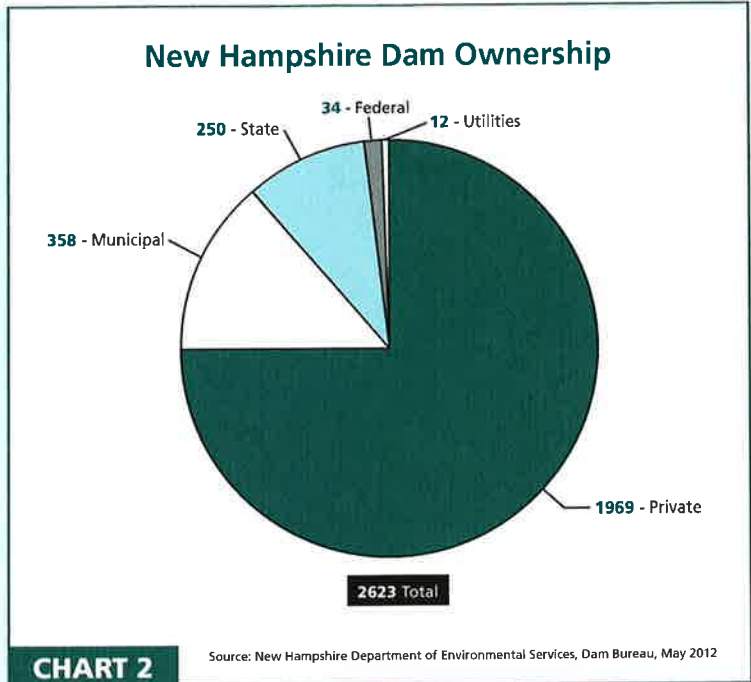
In many cases, the original purpose of the dam no longer exists, and in some cases, it is more cost effective and/or environmentally desirable to remove old dams that no longer serve their original purpose. Where the cost to maintain the dam is beyond the financial capability of

the municipality or beyond the value of the benefits of the dam, the dam should be evaluated for removal. However, dam removal is not an easy proposition and the process can be fairly onerous and costly. Ideally this process should be made easier. The option of breaching, but not completely removing a dam, is yet another option that may require fewer environmental studies than required for full removal.

"Dam maintenance and renewal can be costly and most municipalities lack a dedicated funding mechanism," said Bill Brown, CEO and President of Wright Pierce. "Ideally the funding would come from the beneficiaries of the dam."

Yet this issue can become complicated when the beneficiaries of the dam may be in a different town than where the dam is located. The Pickpocket Dam on the Exeter River is an example of this. The dam is situated between the towns of Exeter and Brentwood whereas the town boundaries are located right down the center of the river. To address this "beneficiary" issue, for instance, the state of Maine enacted a law in 2009 requiring apportionment of costs between the municipality that owns the dam and all municipalities that abut the body of water contained by the dam. Apportionment is based on respective linear feet of shoreline on the water impounded by the dam within each municipality.

Given the number of dams municipalities own and the normal design life of 50 years of these structures,



municipalities should be performing major repairs or reconstruction on an average of seven dams per year.

“Dams serve many valuable purposes but also pose many challenges to the dam owner,” explained Brown. “As most dams in New Hampshire are over 80 years old, many need costly repairs or improvements to meet current dam regulatory requirements.”

New Hampshire’s Regulatory Environment and Dam Liability

Municipal dams in New Hampshire are regulated and inspected by DES unless the dam is associated with hydropower productions. In these instances, the dam is governed by the Federal Energy Regulatory Commission (FERC), but DES assists FERC in their inspections. There are eight municipalities, including the cities of Claremont, Dover and Nashua, and the towns of Rollinsford, Sunapee, Hopkinton, Hillsborough and Jackson, with dams that have associated hydropower facilities holding either a FERC license or a license exemption.

The determination of hazard classifications of dams is based on the potential threat to life and extent of property damage downstream if the dam were to fail, but interestingly, these hazard classifications have nothing to do with the actual “condition” of the dam. Of the 358 municipally-owned dams, 33 are rated High Hazard, 68 are rated as Significant Hazard and 112 are rated as Low Hazard. The remaining 145 dams are

classified as Non-Menace. (See Chart 3, Municipal Dams by Hazard Class, Outstanding Violations, and DES Inspection Requirements.)

The total number of High Hazard dams is increasing, but this is primarily due to expanding development downstream and more encroachment on areas that would be inundated should a dam fail. Municipalities should be aware of how a changing landscape associated with development can put additional pressure on upstream dams. This issue of encroachment facing dam owners is known as “hazard creep,” said Gallagher. “This term refers to a dam originally constructed and operated as Low or Significant Hazard that is now reclassified as High Hazard due to new downstream development. Such dams often do not meet design and maintenance requirements for High Hazard Dams, and must be improved or removed at a municipality’s expense,” added Gallagher.

DES inspects all potentially hazardous dams every six years for Low Hazard dams, every four years for Significant Hazard dams, and every two years for High Hazard dams. If as a result of the inspection deficiencies are found, DES notifies the dam owner with a Letter of Deficiency (LOD) outlining noncompliant issues and specifying the remedial work and timetable that must be accomplished for compliance. Deficiencies may include seepage through the dam; inadequate spillway discharge capacity which would cause water to spill

over the top of a dam (overtopping) during floods and erode the dam; structural failure of materials used in dam construction; cracking caused by movements such as the natural settling of a dam; trees/brush that must be removed to minimize threat of blow downs; out-of-date or untested Emergency Action Plan; and inadequate maintenance and upkeep. Many of the dams with outstanding LODs require major structural reconstruction with an estimated per project cost of \$1,000,000. DES estimates there are about 30 municipal dams that are in need of significant repair at a total estimated cost of approximately \$30 million.

Currently more than one-third (124) of municipally-owned dams have LODs issued to them by DES. “Dam ownership carries with it significant liability. Liability increases when these municipal owners have issued against them a Letter of Deficiency from DES,” said Richard Dwyer, Risk Pool Information Analyst with the Local Government Center Property-Liability Trust (PLT). “Municipalities need to put in place a plan to pay for and fix the problems identified by DES. PLT will provide coverage for dams but only if these structures are individually listed and accepted by PLT, otherwise there would be no coverage under the basic Membership Agreement,” explained Dwyer.

Municipalities with High Hazard and Significant Hazard dams are required by state law to have an Emer-

gency Action Plan (EAP) in place. The EAP identifies the areas downstream that would be inundated if the dam were to fail, and in addition, requires development of notification and response plans. Based on inundation maps submitted for the High and Significant Hazard dams in the state, DES has determined that there are more than 26,000 homes, 560 state road crossings, and more than 2,500 town road crossings that would be destroyed or damaged if these dams were to fail. Many communities in the state have experienced growth in the very areas that would be inundated if dams were to fail. Downstream hazard potential has thus increased significantly, although it has not necessarily been fully documented as such.

“Due to the many competing needs for limited municipal funds, and because these dams ‘have been there forever,’ many municipal owners look at dam maintenance and repairs as a lower priority as they hope that these dams will continue to be able to withstand the test of time,” said Brown. “Unfortunately, dam failures do happen, and can be devastating. As such, more attention, including pursuit of funding options, is needed to address the needs of these dams before such incidents take place,” added Brown.

Lack of State and Federal Funding Support

There is no single source of adequate funding or funding assistance for dam maintenance or repairs. Neither



CHART 3		Municipal Dams by Hazard Class, Outstanding Violations, and DES Inspection Requirements			
Hazard Class	Hazard Classification of Dam	Hazard Description	Number of Municipally-Owned Dams	Outstanding Violations (Letters of Deficiency)	DES Inspection Requirements
Class C	High Hazard	Probable loss of life and/or major economic damage to structures or private, municipal and state roads may occur.	33	26	Every 2 years
Class B	Significant Hazard	No probable loss of life but major economic damage to structures or private, municipal and state roads may occur.	68	37	Every 4 years
Class A	Low Hazard	No probable loss of life but low economic damage to structures or private, municipal and state roads may occur.	112	60	Every 6 years
Class AA	Non-Menace	No probable loss of life or property damage.	145	1	Every 6 years
TOTALS			358	124	

Source: New Hampshire Department of Environmental Services, Dam Bureau, May 2012

the state nor federal government has a pot of money available to assist municipalities. In 2009, the State Legislature established a Dam Maintenance Revolving Loan Fund to address the financial assistance needs of private dam owners. The fund, which has little money, about \$33,000, is surprisingly not available to municipal dam owners.

For cities and towns, there appears to be no good source of funding, other than direct appropriations, for the repair of municipally-owned dams in New Hampshire. Yet financial constraints are frequently cited by municipal officials as the reason that prevents them from making needed repairs or performing routine maintenance—the result being a continued risk to public safety and public/private property.

“There are some good grant programs for removal of a dam, but few sources of funding for dam repair and maintenance,” Brown said. “But clearly, there is a need for more money for these projects.”

Attempts to secure a long-term funding source for the repair and maintenance of state-owned dams have failed in the Legislature. Funding proposals have included gas taxes and a shoreland assessment fee, but there appears to be little legislative support for finding a funding source for this significant public safety problem. In an effort to specifically address the needs of municipalities, however, there was a bill (HB 364) before the Legislature in 2009 that would have allowed municipalities’ authority to contract with DES for dam maintenance. DES had concerns that the bill could result in a significant increase in workload without additional staff and result in a delay to much-needed work on state-owned dams. The bill was eventually voted down because the Legislature felt it was inappropriate for DES to enter into competition with the private sector for providing municipal services and for liability reasons.

Some municipally-owned dams are associated with water districts. Historically, dams impounded ponds and lakes to become a municipality’s primary source of water supply. Many dams are still being maintained by water districts today because they serve as a secondary source of water supply. For these dams, the repairs may be paid using water district revenue (i.e., water fees). There are 54 municipal dams used for the purpose of water supply today.

The repair of municipally-owned dams is almost always funded by municipal revenues. However, this situation is not sustainable. The State Legislature and state environment officials, in cooperation with municipal officials, need to investigate a long-term funding plan and implement the use of revolving loan funds and grants, as is done in other states, to better service the capital improvement needs of municipally-owned dams.

Conclusion

In 2011, the New Hampshire chapter of the American Society of Civil Engineers (ASCE) gave New Hampshire’s dams a C- grade, better than the national grade of D, but still less than desired. In issuing its report card, the ASCE commented that “although inspection programs have improved, there needs to be a long term plan and funding to assist repair on privately and municipally-owned dams.”

With municipal budgets so tight, there is a struggle and great frustration for municipalities to fully attend to dams. Clearly, municipal funding is limited and competes with many other compelling local needs. However, as these dams age and as new development grows in the floodplains, the structural integrity of this public infrastructure will become a public safety issue. Municipal dams have many age-related deficiencies that need to be corrected in order to maintain current levels of safety. If neglected, these dams hold the potential to cause loss of life and significant economic loss and disruption. This public safety problem demands greater attention by local officials and state legislative leaders.



Sources and Authors Acknowledgements

Drinking Water Article

Grant and Loan Sources

Community Development Block Grants (Public Facilities Grants)

NH Community Development Finance Authority

100% grant up to \$500,000 for planning and construction; 1-to-1 match

Deadline: January and July for construction grants; April and October for planning grant

Drinking Water State Revolving Fund (SRF) Loans

NH Department of Environmental Services

0.895% to 2.864% interest; 5 to 20 years; capital improvements, design and construction

Deadline: July 1 for pre-applications; August and after for final applications

USDA Rural Development Water & Wastewater Loan/Grant

US Department of Agriculture, Rural Development

Direct and guaranteed loans and grants; 2.5% to 4.25% interest (rates change quarterly); 30 years; grant amounts are a function of program funding and project-specific factors

Deadline: Rolling application

Find details and additional funding sources online at www.nhlgc.org/nhmalongoingtopics.asp.

Special credit and recognition to New Hampshire Department of Environmental Services' (DES) Administrator, Drinking Water and Groundwater Bureau, Sarah Pillsbury, and Wright-Pierce's CEO and President, Bill Brown, who spent much time and energy peer reviewing this article and providing their expertise on the subject matter.

Valuable input and contributions also from: North Conway Water Precinct Superintendent David Bernier;

Camp, Dresser & McKee consultant Bill Hounsell; City of Manchester Water Works's Bob Beurivage; and New Hampshire Water Works Association's Steve Del Deo.

This article cites extensively from the *2008 New Hampshire Water Resources Primer* (prepared by DES); *Drinking Water Infrastructure in New Hampshire: A Capital Investment Needs Analysis* (prepared by Wright-Pierce); the *2011 Drinking Water State Revolving Fund: Intended Use Plan* (submitted by DES to EPA dated August 2, 2011); and the Town of Conway's *Master Plan* (adopted May 29, 2003). Additional information for this article also gleaned from DES' website, including fact sheets and other educational materials on the topic.

Stormwater Article

Find links to these and other

resources online at

www.nhlgc.org/nhmalongoingtopics.asp.

- *HB 1295 Stormwater Commission Final Report*
- *Stormwater Management Model Ordinance*
- *Innovative Land Use Planning Techniques Handbook*
- *New Hampshire Water Resource Primer*
- *New Hampshire Stormwater Manuals, Volume I and Volume II*
- *RSA 149-I*
- *List of 'MS4' Communities*

Special credit and recognition to New Hampshire Department of Environmental Services (DES) Administrator, Watershed Bureau, Ted Diers; Assistant Administrator Eric Williams; and Stormwater Coordinator Jillian McCarthy. Wright-Pierce CEO and President Bill Brown devoted time peer reviewing this article and providing company expertise on the subject matter.

Valuable input and contributions also from: David Cedarholm, public works director for Town of Durham; Representative Judith Spang; Dr. Robert Roseen, director of the UNH Stormwater Center; Tom Irwin, vice presi-



dent and director of the Conservation Law Foundation; and Peter Rice, engineer with the City of Portsmouth.

This article cites extensively from the *Municipal Stormwater Utility Feasibility Study* prepared by GHD, dated December 2010; *Final Report of Stormwater Feasibility Study* prepared by Hoyle, Tanner & Associates, Inc., dated June 2008; *New Hampshire Stormwater Manual, Volume I*, dated December 2008; *State of the Cities, The Association of Washington Cities, 2011 Report*. Additional information for this article also gleaned from the DES website, including fact sheets and other informational materials on the topic.

Wastewater Article

Find links to these and other resources online at www.nhlgc.org/nhmalongoingtopics.asp.

- New Hampshire Water Resources Primer
- Delayed and Deferred Wastewater State Aid Grants
- 2011 ASCE Report Card
- Final Report on HB 699
- Final Report on HB 1491
- Average Sewer Use Charges

Special credit and recognition to New Hampshire Department of Environmental Services Administrator, Wastewater Engineering Bureau, Paul Heitzler, who provided much time and information for this article. Wright-Pierce's CEO and President, Bill Brown, also devoted much time to provide expertise on the subject matter and conducted an extensive peer review of this article.

Valuable input and contributions also from: Jennifer Perry, Public Works Director for the Town of Exeter; and Shelagh Connolly, President of Resource Management Inc. and selectperson in the Town of Holderness.

This article cites extensively from the *New Hampshire Water Resources Primer*, prepared by DES, published December 2008; *Final Report on HB 1491* (Commission to Study the Publicly Owned Treatment Plants), dated November 2007; *Final Report on HB 699* (Commission to Study Methods and Costs of Sewage, Sludge and Septage Disposal), dated November 2008.

Additional information for this article was also gleaned from the DES website, www.des.nh.gov, including fact sheets and other informational materials on the topic.

Dam Article

Special credit and recognition to New Hampshire Department of Environmental Services (DES) Administrator, Dam Bureau, James Gallagher, who provided his time and much information for this article. Wright-Pierce CEO and President, Bill Brown, devoted staff resources and professional expertise on the subject matter and, in addition, peer-reviewed this article.

Valuable input and contributions also from: Jack Savage, Moderator, Sunrise Lake Village District; Jim O'Brien, Selectman, Town of Hopkinton; Barbara Reid, Government Finance Advisor, New Hampshire Municipal Association and Local Government Center (LGC), and Richard Dwyer, Risk Pool Information Analyst, LGC.

This article cites extensively the *New Hampshire Water Resources Primer*, prepared by DES, December 2008; *Final Report on HB 648 (Comprehensive Flood Management Study Commission)*, dated September 2008; and the Sunrise Lake Village District website. Additional information for this article also gleaned from the DES website, including fact sheets and other informational materials on the topic.

Visit www.nhlgc.org/nhmalongoingtopics.asp for links to additional resources.



Special Acknowledgement



Bill Brown

Special acknowledgement and recognition goes to Bill Brown, CEO and President of Wright-Pierce, who provided guidance, expertise and support in the development of this series on water infrastructure. Moreover, this article cites extensively from Wright-Pierce publications and communications.

These articles have cited extensively from the *New Hampshire Water Resources Primer* (prepared by the NH Department of Environmental Services, December, 2008) and from the DES website, including fact sheets, legislative committee reports and other informational materials relative to this topic.



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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:113B2

Resolution Number: **R – 2012.11.28 - 146**
Resolution Re: **PRIORITY BASED BUDGETING PROCESS**

WHEREAS: The implementation of a priority based budgeting process will help to provide a clear rationale for how our local government invests resources in supporting its strategic focus areas; and,

WHEREAS: Prioritization as a process will aid the City Council and City Manager in better articulating why the programs delivered by our local government exist, what value they offer to citizens, how they benefit the community, what price is paid for them, and what key results and citizen demands they are achieving; and,

WHEREAS: A priority based budgeting process provides information necessary for rationally allocating resources in a manner that will have the greatest value to the community;

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

A priority based budgeting process shall be developed by the City Manager and provided to the Mayor and City Council to assist with their deliberations and adoption of the Fiscal Year 2014 Budget.

AUTHORIZATION

Daniel R. Lynch
Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Michael Weeden
Ward 6

Approved as to Legal Compliance: *Allan B. Krass, Sr.*
Allan B. Krass, Sr.
General Legal
Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:113B2

Resolution Number: **R – 2012.11.28 - 146**
Resolution Re: **PRIORITY BASED BUDGETING PROCESS**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:113B2

Resolution Number: **R – 2012.11.28 - 146**
Resolution Re: **PRIORITY BASED BUDGETING PROCESS**

RESOLUTION BACKGROUND MATERIAL:

The implementation of a priority based budgeting process will help to provide a clear rationale for how our local government invests resources in supporting its strategic focus areas. Prioritization as a process will aid the City Council and City Manager in better articulating why the programs delivered by our local government exist, what value they offer to citizens, how they benefit the community, what price we pay for them, and what key results and citizen demands they are achieving.

The objectives intended to be achieved with the implementation a successful budget prioritization process will be to:

- More objectively evaluate and rank the services we provide by individual program attributes and key results.
- Better understand our services in the context of the relationship they have with strategic focus areas.
- Provide a rationale for and clearer understanding of the considerations involved in sustainable budget decisions.
- Articulate to stakeholders how we value our services and how we invest in our priorities.

The steps for implementing a successful budget prioritization process include:

- 1.) Identify Results – Accurate prioritization of programs, reflecting our community’s stated priorities, depends on the comprehensive identification of the results our local government seeks to achieve.
- 2.) Clarify Result Definitions – Precision in prioritization results from the articulation of the linkage between a program and a key result - Result Maps, detailing factors that influence the key results our local government seeks to achieve, minimize subjectivity in the process of linking programs with key results.
- 3.) Identify Programs and Services – Differentiating programs and services our local government offers, as opposed to comparing the departments or organization units who provide those services, allows for better prioritization
- 4.) Value Programs Based on Results – Programs are ultimately valued and categorized relative to their influence on achieving Results
- 5.) Allocate Resources Considering Their Prioritization – Budgeting decisions are made with consideration given for program prioritization.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13B4

Resolution Number: **R – 2012.11.28 - 147**

Resolution Re: **Covered Pedestrian Bridge Relocation Funding**

WHEREAS: The proposed waterfront development creates a need to relocate the covered pedestrian bridge; 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 Covered pedestrian bridge 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 covered pedestrian bridge to Henry Law 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
Finance Director

Sponsored by: Councilor Michael Weeden

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

Councilor Michael Crago

Recorded by:  Karen Lavertu
City Clerk

NOTE: This resolution requires a public hearing 15 days before vote of the City Council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:13B4

Resolution Number: **R – 2012.11.28 - 147**

Resolution Re: Covered Pedestrian Bridge 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 Covered Pedestrian Bridge 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.

Any additional funding for the relocation of the covered pedestrian bridge would come from donations from outside supporters.