



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, October 23, 2013**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS – None**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. **NAMING OF TIM LITTLE FIELD**
SPONSORED BY DEPUTY MAYOR CARRIER
 - B. **CHAPTER 1 – GENERAL PROVISIONS (et al)**
SPONSORED BY COUNCILORS CHENEY, WEEDEN, AND WESTON
8. **CITIZEN’S FORUM**

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.
9. **CITY MANAGER’S REPORT**
10. **APPROVAL OF MINUTES**
 - A. **October 2, 2013 – Workshop with Planning Board**
 - B. **October 9, 2013 – Regular Session**
11. **MAYOR’S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. **CHAPTER 1 – GENERAL PROVISIONS (et al)**
SPONSORED BY COUNCILORS CHENEY, WEEDEN, AND WESTON
 - B. **ORDINANCES IN THE 3rd READING – None**



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CITY COUNCIL - AGENDA

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C. RESOLUTIONS

- 1. NAMING OF TIM LITTLE FIELD**
SPONSORED BY DEPUTY MAYOR CARRIER

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RESOLUTION: B13074 FINANCIAL ADVISORY SERVICES**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 2. RESOLUTION: B14001 HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 3. RESOLUTION: B14009 SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND DEMOLITION WASTE**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 4. RESOLUTION: B14011 SNOW PLOWING/HAULING SERVICES FOR CITY STREETS AND PARKING LOTS**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 5. APPROVAL OF THE COOK & BAKER LLC LEASE, ROOMS 127 AND 131**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 6. APPROVAL OF ZEBRA CROSSING LEASE, ROOM 328**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 7. ADDITIONAL CONSULTING SERVICES FOR GRIFFIN & IRELAND WELL STUDY**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST
- 8. ESTABLISHMENT OF ARTS LEGACY TRUST FUND**
SPONSORED BY COUNCILOR SPULER

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. Legislative Liaison
10. Pool Advisory Committee
11. Parking Commission
12. Ordinance Codification and Verification Committee



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B. RESOLUTIONS

- 1. RESOLUTION: 2014 FORD E350 VAN DONATED BY DOVER POLICE CHARITIES
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST**

C. ORDINANCES IN 1ST READING – None

- 14. COUNCIL CORRESPONDENCE – None**
- 15. COUNCIL MATTERS OF INTEREST**
- 16. ADJOURNMENT**

CITY MANAGER'S REPORT



October 23, 2013

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 in the Region continues to expand at a modest pace. Most contacts reported low-to-moderate single digit year-on-year growth rates. Higher interest rates appear to have different effects on commercial real estate where some contacts reported upward pressure on capitalization rates and residential real estate where contacts report that the prospect of higher rates pushed buyers into the market thereby increasing demand. No major cyclical layoffs were reported, but hiring remains subdued except for fast growing technology based firms. Sequestration has so far not had any major effects on contacts with government contracts, but most anticipate weakness in the future because of it. The current federal government shutdown is expected to be short term with minimal economic effect locally unless it becomes protracted. The short term stock market effect is expected to be significant. No contacts suffered higher input pricing and were not raising prices significantly either. The current unemployment rate in Dover remains at 4.3% (Source: NH Dept. of Employment Security).

Retail and Tourism:

Retailers contacted for this round, report year-over-year comp-store sales increases ranging between 4 and 5 percent. Trends are improving as back to school sales were realized. Demand is strong for all apparel categories, home furnishings, home improvement categories, and mobile technology. Prices remain steady and consumer sentiment continues to improve. Cautious optimism exists that this more positive trend will continue, but expectations for 2013 sales are still projected at modest single digit increases.

Both business and leisure travel remain strong with leisure propelled by both domestic and international visitors. Attendance at local museums is off slightly. While July and August are not heavy months for government-related travel, there is some concern that U.S. government travel budgets, cut 30% by the sequester, will start to have a negative impact on travel industry revenues later in the year.

Manufacturing and Related Services:

A few electronic manufacturers, medical device makers, and a fitness equipment suppliers reported double digit sales increases compared to the same period last year. Others in the same categories advanced at a single digit pace while a small group reported year-over-year declines. Exporters reported that sales in Europe were growing again. No price moves were indicated. Employment growth continues to be modest with hiring described as "selective". Defense industry contacts reported little direct effect from sequestration to date but continue to worry about cuts in the 4th quarter. No major investment plan changes are anticipated and most expect single digit year-on-year growth in the next quarter.

Software & Information Technology Services:

Local software and IT services contacts generally report weaker than expected business activity through August, with slow revenue growth. Many attribute this to continued macroeconomic uncertainty in the U.S. and Europe. In the healthcare specialty the slowdown is attributed to the expiration of federal stimulus funding for healthcare records software but the slowdown after the stimulus cutoff is not as bad as predicted. Some early signs of improvement are there in that a Q2 uptick in customer expenditures was experienced. Most firms remain cautious on hiring and expect little or no increase in headcount in 2013. Prices and capital expenditures were

unchanged in recent months. Most firms in this sector remain cautiously optimistic with only modest growth expected for the last half of 2013.

Commercial Real Estate:

Commercial real estate contacts were mixed in their opinions of the effects of higher interest rates. A few contacts reported increased pressure for higher cap rates with some renegotiating of deals in progress. Others felt there was no measurable effect to date of higher rates on demand. A local lender is experiencing challenges in acquiring loan volume due to the competition from some other lenders still offering commercial mortgages at very low rates. Local current and planned construction is picking up and is concentrated in mid-to-high end multifamily and mixed use structures. Construction in the hospitality and educational sectors is expected to increase in the spring. Slow steady improvement in commercial real estate fundamentals is expected in the coming months, but this is tempered by the growing uncertainty over long term interest rates.

Residential Real Estate:

Throughout most of the region, the market for single family homes and condos continues to make a healthy recovery as sales and prices continued to increase and days-on-the-market continued to fall. Increases in mortgage rates have motivated potential buyers to “pull the trigger” and enter the market. Some multiple offers are now being made on attractive and attractively priced properties. Despite shrinking inventories, modest appreciation where multiple bids are experienced indicates that the market is not overheating.

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

Office of General Legal Counsel Summary of Matters

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: September

	Current Month	FY2014	FY2013	FY2012
Legal Matters/Questions Handled	15	38	302	360
Document Creation & Review	13	31	145	126
Right to Know Requests Processed	3	13	43	61
Resolutions	7	12	31	23
Ordinances	0	1	14	12

SIGNIFICANT DEVELOPMENTS, TRENDS AND MATTERS:

Right to Know requests pursuant to RSA 91-A for the month:

- Dallas, TX – delinquent property tax bills
- Dover, NH – paid water/sewer impact fees
- Dover, NH – payments made to Wakefield School District

- Assistance to the City Council: drafting/review of resolutions and ordinances
- Assistance to Planning: declaration of condominium.
- Assistance to Finance Department: property damage settlement, liens
- Assistance to Executive: sale of bridge, MTBE funds, eligibility to run for City Council, UNH agreement, sale of real estate, NH Rail Transit, DOT notification of offer, City Clerk elections
- Assistance to Police: police authority, drug paraphernalia ordinance
- Assistance to the City Manager: review of documents for signature; 91-A requests

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

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



CITY OF DOVER

JOINT MEETING OF THE CITY COUNCIL AND PLANNING BOARD AGENDA

Meeting Type: **Workshop Session**
Meeting Location: **Room 305, McConnell Center**
Meeting Date: **Wednesday, October 2, 2013**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Hooper led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

City Council Present: Deputy Mayor Carrier, Councilor Garrison, Councilor Hooper, and Councilor Weston. Councilor Cheney and Councilor Crago arrived at 7:10 pm.

Planning Board Present: Chairperson Dennis Ciotti, Vice Chairperson Kirt Schuman, Tom Clark, Gary Green, Lee Skinner, Deborah Thibodeaux, and Dave White.

Also Present: City Manager Joyal, General Legal Counselor Blenkinsop, City Clerk Lavertu, Planning Director Parker, and Finance Director Lynch.

Absent: Councilor Spuler, Councilor Weeden. Planning Board Vice Chairperson Kirt Schuman, and Catherine Plante, and Franklin Torr.

5. DISCUSSIONS

A. CAPITAL IMPROVEMENTS PROGRAM (CIP) PRESENTATION

Planning Director Parker gave a video presentation to the City Council and Planning Board regarding the CIP. He went over the Proposed Capital Improvements Program book for fiscal years 2015-2020.

The Council and Planning Board members discussed and clarified the projects in the CIP and the effect on the budget.

City Manager gave an overview of the timeline for workshops, public hearing, and acceptance of the CIP.

6. CITIZEN'S FORUM

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

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



CITY OF DOVER

JOINT MEETING OF THE CITY COUNCIL AND PLANNING BOARD AGENDA

Meeting Type: **Workshop Session**
Meeting Location: **Room 305, McConnell Center**
Meeting Date: **Wednesday, October 2, 2013**
Meeting Time: **7:00 pm**

7. ADJOURNMENT

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

The Proposed Capital Improvements Program for Fiscal Years 2015-2020 book has been archived with these minutes.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, October 9, 2013**
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: Deputy Mayor Carrier, Councilor Cheney, Councilor Crago, Councilor Garrison, Councilor Hooper, Councilor Weeden, and Councilor Weston. Councilor Spuler arrived at 8:10 pm.

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

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Councilor Hooper moved to add the School Board Report; seconded by Councilor Weston. Councilor Cheney moved to add the Ordinance Codification and Verification Committee Report; seconded by Councilor Weston. Councilor Garrison moved to approve the agenda as amended; seconded by Councilor Hooper. Vote: 7/0.

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.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing, which now includes professional development by him and City staff. He commended the Police Department for their response to a tragic incident last week. He spoke about the City being recognized and receiving the award from the Granite State Quality Council.

Councilor Garrison moved to accept the City Manager's Report.

Vote: 7/0.



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10. APPROVAL OF MINUTES

- A. **September 18, 2013 – Workshop**
- B. **September 25, 2013 – Regular Session**

Councilor Hooper moved to approve the minutes; seconded by Councilor Crago.
Vote: 7/0.

11. MAYOR'S REPORT

Deputy Mayor Carrier said he attended the Irish Festival, and then the Apple Harvest Festival. He said both events had great turnouts.

Councilor Garrison moved to accept the Mayor's Report; seconded by Councilor Hooper.
Vote: 7/0.

12. UNFINISHED BUSINESS

- A. **ORDINANCES IN THE 2nd READING – None**
- B. **ORDINANCES IN THE 3rd READING – None**
- C. **RESOLUTIONS – None**

13. NEW BUSINESS

A. **CONSENT CALENDAR**

1. **RAFFLE – Cocheco Valley Humane Society (permit issued)**
2. **RAFFLE – Disabled Veterans, Chapter 5 and State of NH Disabled Veterans (permit issued)**
3. **RAFFLE – Dover High School Hockey Boosters (permit issued)**
4. **RAFFLE – St. Thomas Episcopal Church (Playhouse) (permit issued)**
5. **RAFFLE – St. Thomas Episcopal Church (Various items) (permit issued)**
6. **PARADE – Kiwanis Club of Dover**
7. **PARADE – St. George Church**
8. **PARADE – St. Mary Academy**
9. **RAFFLE – St. Mary Academy**
10. **RAFFLE – First Parish Church Congregational, U.C.C.**
11. **TAG – Boy Scouts of America**
12. **TAG – The Shamrock Foundation, Inc.**

13. **RESOLUTION: AWARD OF ADDITIONAL SCOPE OF WORK – SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) DESIGN FOR CITY HALL GENERATOR**
SPONSORED BY DEPUTY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, October 9, 2013**
Meeting Time: **7:00 pm**

14. RESOLUTION: B14008 PLOW DUMP AND SANDING EQUIPMENT FOR 2014 FREIGHTLINER SPONSORED BY DEPUTY MAYOR CARRIER 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. Legislative Liaison
10. Pool Advisory Committee
11. Parking Commission
12. **Ordinance Codification and Verification Committee**

Councilor Crago moved to adopt the Consent Calendar; seconded by Councilor Cheney. Deputy Mayor Carrier asked the Council if they had items they would like pulled for discussion. Councilor Hooper asked to pull the School Board Report. Councilor Cheney asked to pull Item 13.A.13. and the Ordinance Codification and Verification Committee Report. Deputy Mayor Carrier asked for a roll call vote on the remaining items of the Consent Calendar. Roll Call Vote: 7/0.

Councilor Cheney moved for the adoption of Item 13.A.13.; seconded by Councilor Weeden. Councilor Cheney asked why the competitive bid was waived. City Manager Joyal said the emergency generator system was a proprietary system and it was decided not to go out to bid. Roll Call Vote: 7/0.

Councilor Hooper gave an overview of the School Board Report to the Council. Councilor Hooper moved for the approval of the School Board Report; seconded by Councilor Crago. Vote: 7/0.

Councilor Cheney read the Ordinance Codification and Verification Committee Report to the Council. Councilor Cheney moved for the approval of the Ordinance Codification and Verification Committee Report; seconded by Councilor Weeden. Vote: 7/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **Council Chambers, City Hall**
Meeting Date: **Wednesday, October 9, 2013**
Meeting Time: **7:00 pm**

B. RESOLUTIONS

**1. NAMING OF TIM LITTLE FIELD
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 23, 2013)
SPONSORED BY DEPUTY MAYOR CARRIER**

Councilor Crago moved to refer to a public hearing on October 23, 2013; seconded by Councilor Hooper.
Vote: 7/0.

C. ORDINANCES IN 1ST READING

**1. CHAPTER 1 – GENERAL PROVISIONS (et al)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 23, 2013)
SPONSORED BY COUNCILORS CHENEY, WEEDEN, AND WESTON**

Councilor Weston moved to refer to a public hearing on October 23, 2013; seconded by Councilor Weedon.

Vote: 7/0.

Councilor Cheney moved to substitute Chapter 1, background information for the resolution.

Vote: 7/0.

14. COUNCIL CORRESPONDENCE

A. Letter from Xfinity, dated September 26, 2013.

Councilor Weston moved to place on file; seconded by Councilor Crago.
Vote: 7/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Crago, presented from Ward 3, newspaper clippings from Dover 350th celebration to the City and asked that they be part of Dover's 2023 celebration.

Councilor Garrison started a discussion with the Council regarding the Mayor's resignation and the process for replacing him.

General Legal Counselor Blenkinsop gave an overview of the process according to the Charter, and gave potential options.

Deputy Mayor Carrier asked for a roll call vote for declaring the vacancy.

Roll Call Vote: 8/0.

16. ADJOURNMENT

Councilor Garrison moved to adjourn; seconded by Councilor Weston.

Vote: 8/0.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number **O-2013.10-09-013**
Ordinance Title: **General Provisions (et al)**
Chapter **1 (referencing therein Chapters 2 – 170)**

The City of Dover Ordains:

1. PURPOSE

An Ordinance adopting a codification and revision of the Ordinances of the City of Dover, County of Strafford, New Hampshire pursuant to Dover Charter C3-10; providing for the maintenance and adoption of said Code; except as noted therein; repealing and saving from repeal certain Ordinances not included therein; establishing a penalty for altering or tampering with Code, and making certain changes in previously adopted Ordinances.

2. AMENDMENT

Chapter 1 entitled "General Provisions," with subsequent referenced ordinance chapters through Chapter 170, is hereby adopted.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

3. TAKES EFFECT

This attached Ordinance in its entirety shall take effect upon passage and publication of notice as required by RSA 47:18.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch 10/17/13* Daniel R. Lynch Finance Director

Approved as to Legal Form: *Anthony I. Blenkinsop 10/17/2013* Anthony I. Blenkinsop City Attorney

Recorded by: *Karen Lavertu 10/17/13* Karen Lavertu City Clerk

Sponsored by: **Ordinance Verification and Authentication Committee**
Ward 5 Councilor Catherine Cheney, Chair
At-Large Councilor Karen Weston, Co-Chair
Ward 6 Councilor Michael Weeden, Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number **O-2013.10-09-013**
 Ordinance Title: **General Provisions (et al)**
 Chapter **1 (referencing therein Chapters 2 – 170)**

DOCUMENT HISTORY:

First Reading Date: 10/09/2013	Public Hearing Dates:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The Dover Charter C3-10 requires codification of the ordinances of the City of Dover every ten years. Over the last year, in cooperation with Department Heads, the Ordinance Codification and Verification Committee reviewed all the ordinances of the City of Dover. Through the adoption of Chapter 1 some Chapters are being recommended for repeal and some amendments to Chapters are being recommended.

DOVER CODE

GENERAL PROVISIONS

CHAPTER 1

ARTICLE I

ADOPTION OF CODE

- 1-1. Adoption of Code.**
- 1-2. Code Supersedes Prior Ordinances.**
- 1-3. Effective Date.**
- 1-4. Copy of Code on File.**
- 1-5. Distribution of Ordinances**
- 1-6. Ordinances and Resolutions Saved from Repeal; Matters not Affected.**
- 1-7. Changes in Previously Adopted Ordinances.**
- 1-8. Severability.**
- 1-9. Code Book to be Kept Up-to-Date.**
- 1-10. Sale of Code Book; Supplementation.**
- 1-11. Publication; Filing.**
- 1-12. Tampering with Code; Penalties for Offenses.**
- 1-13. Incorporation of Provisions into Code.**
- 1-14. Acknowledgment.**

ARTICLE II

CODIFICATION AUTHENTICATION

- 1-15. Preface.**
- 1-16. Contents of Code.**
- 1-17. Reserved Chapters.**
- 1-18. Division of Code.**

GENERAL PROVISIONS

- 1-19. Grouping of Ordinances and Arrangement of Chapters.**
- 1-20. Table of Contents.**
- 1-21. Pagination.**
- 1-22. Numbering of Sections.**
- 1-23. Chapter Histories.**
- 1-24. Additions, Amendments, Revisions, Repeals.**
- 1-25. General References.**
- 1-26. Standardized Changes and Style Guide.**
- 1-27. Summary of Chapter Specific Changes.**

ARTICLE III

MATTERS OF THE CODE

- 1-28. Legislation Adopted/Excluded During Codification Authentication Effort.**
- 1-29. Documents, Bylaws, Rules and Regulations.**
- 1-30. Green Book Header Page and Table of Contents**
- 1-31. Other Findings.**
- 1-32. Originating Official Ordinance with Voting Records.**

[HISTORY: Adopted by the City Council on November 13, 2013 as Ord. No. 2013.10.09-013]

DOVER CODE

ARTICLE I

ADOPTION OF CODE

1-1. Adoption of Code.

Pursuant to C3-10 of the Charter, the ordinances of the City of Dover of a general and permanent nature, adopted by the City Council, as revised, codified and consolidated into chapters and sections by the Ordinance Codification and Verification Committee and consisting of Chapters 1-170 each inclusive, are hereby approved, adopted, ordained and enacted as the “Code of the City of Dover”, herein known and referred to as the “Code”. The Code shall be treated and considered as a new and original comprehensive ordinance which shall completely supersede the Revised Ordinances of the City of Dover, 1983 and all other general ordinances passed by the City Council, prior to November 13, 2013, except as by reference thereto as expressly identified, saved from repeal or continued in force and effect for any purpose.

1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal, continued in force, or identified.

1-3. Effective date.

All provisions of this ordinance and the Code shall be in full force and effect on and after November 13, 2013.

1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Dover by impressing thereon the seal of the City, as provided by law, and such certified volume shall remain on file in the office of the Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect. Per Charter C3-10 Codification of Ordinances the City Council and City Clerk will affix signatures and the City Seal to the certified volume.

1-5. Distribution of ordinances.

Printed copies of the certified volume of the Code shall be distributed by the Clerk to the members of the City Council. Such copies will receive periodic updates. Electronic representation of the Code shall be maintained on the City web-site.

GENERAL PROVISIONS

1-6. Ordinances and resolutions saved from repeal; matters not affected.

The repeal of ordinances and resolutions provided for in 1-2 of this ordinance shall not affect the following classes of ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance or resolution adopted subsequent to November 13, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision of the City of Dover prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Dover or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Dover.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Dover.
- F. Any ordinance or resolution of the City of Dover providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Dover, or any portion thereof.
- G. Any ordinance or resolution of the City of Dover appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Dover or other instruments or evidence of the City's indebtedness.
- H. Ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of special assessments or charges.
- J. The dedication of property.
- K. Any ordinances or resolutions relating to salaries or employee health or retirement benefits.
- L. Any ordinance relating to the control of motor vehicles and traffic within the City of Dover.

DOVER CODE

1-7. Changes in previously adopted ordinances.

In compiling and preparing the ordinances for adoption and revision as part of the Code, pursuant to C3-10 Codification of Ordinances of the Charter, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had previously been formally amended to read as such.

1-8. Severability.

If any clause, sentence, paragraph, section, Article or part of this ordinance or resolution cited hereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

1-9. Code book to be kept up-to-date.

It shall be the duty of the City Clerk to keep up-to-date the certified volume of the book containing the Code of the City of Dover required to be filed in the Office of the Clerk for the use of the public. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this Chapter in such form as to indicate the intention of the City Council to be a part of said Code shall, when finally enacted or adopted, prompt the City Clerk to update the certified volume of the Code and maintain the integrity of the ordinances.

1-10. Sale of Code book; supplementation.

Copies of the Code book containing the Code of the City of Dover may be purchased from the Clerk of the City of Dover according to the fee as set in the Fee Schedule.

1-11. Publication; filing.

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required, notice of the introduction and adoption of this Chapter in the official newspaper of the City. A copy of the Code of the City of Dover shall be maintained in the Office of the Clerk for inspection by the public at all times during regular office hours. The enactment and application of this Chapter, including publication as required by state law and the Charter, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

1-12. Tampering with Code; penalties for offenses.

Any person who, without authorization from the City Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the City of Dover or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the City of Dover to be

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misrepresented thereby or who violates any other provision of this ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00).

1-13. Incorporation of provisions into Code.

This ordinance and provisions of this ordinance are hereby made Chapter 1 of the Code of the City of Dover, to be entitled "General Provisions". The official Ordinance voted on by the City Council November 13, 2013 Ord. No. O-2013.10.09-013 pages 1&2 adopting this Chapter will also be included in this Chapter.

1-14. Acknowledgment.

The Ordinance Codification and Verification Committee acknowledges the efforts of numerous individuals, including the City Council, the City Manager, City General Legal Counsel, City Staff, Department Heads and the Public. Their diligence to the required tasks of research and review of legislation contributed the needed coordination of all communications involved. Ordinance Codification and Verification Committee Members, Councilor Catherine Cheney, Chair; Councilor Karen Weston, Co-Chair; Councilor Michael Weeden, Clerk; Councilor Dorothea Hooper; General Legal Counsel Allan Krans, ex officio; General Legal Counsel Anthony I. Blenkinsop, ex officio. The codification and authentication of the ordinances of the City of Dover reflects an appreciation of the needs of the community.

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ARTICLE II

CODIFICATION AUTHENTICATION

1-15. Preface.

The City of Dover has passed through the struggles that characterized all American communities in history. While only a few simple laws were necessary at the time of the incorporation of the city, subsequent growth of the community, together with the complexity of modern life, has created the need for more detailed ordinances for the proper function and government of the city. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and current trends must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Ordinances must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the City Council ordered the codification and authentication of the ordinances under C3-10 of the Dover City Charter, formed an Ordinance Codification and Verification Committee wherein their primary effort would be this effort of codification and authentication. This ordinance will be adopted in the Code of Dover as Chapter 1 to provide contiguity and access to history for a path to origins of all code changes from 1957 to 2013.

1-16. Contents of Code.

The various Chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the City Council except as identified in this Chapter.

1-17. Reserved Chapters.

Reserved Chapters have been saved as such, indicating no new Chapters were added. Chapters that were repealed during the effort are now designated as "Reserved".

1-18. Division of Code.

The Code is divided into parts. Part I, Administrative Legislation, contains all city ordinances of an administrative nature, namely those dealing with the administration of government. Including those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

1-19. Grouping of Ordinances and Arrangement of Chapters.

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all ordinances pertaining to alarm systems and security may be found in Part II, in the Chapter entitled "Alarms and

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Security.” In such Chapters the use of Article designations has preserved the identity of the individual ordinances.

1-20. Table of Contents.

The Table of Contents details the arrangement of material by Chapter as a means of identifying specific areas of legislation. Wherever two or more ordinances are combined titles of the several Articles are listed beneath the Chapter title in order to facilitate location of the ordinances.

1-21. Pagination.

The page-numbering system used in each Chapter forms an autonomous unit. On each page there is the letter “P” with the number of that Chapter followed by a “-“ (dash) and the page number within the Chapter. Thus Chapter 2 begins with page “*P 2-1*”, Chapter 41 on page *P 41-1*, etc.

1-22. Numbering of Sections.

A Chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the Chapter and the location of the section within that Chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

1-23. Chapter Histories.

At the bottom of the Table of Contents in each Chapter is located the legislative history for that Chapter. This history indicates the specific ordinance source from which the chapter was derived, including the ordinance number and the date of adoption. In the case of Articles derived from more than one ordinance, the source of each Article is noted.

1-24. Additions, Amendments, Revisions, Repeals.

Ordinance sections added, amended, revised or repealed at the time of this codification are specifically enumerated in Chapter histories with reference to “Ch. 1, General Provisions (2013)” where the ordinance adopting this Code and making these revisions will appear after final enactment. Sections so amended or revised are also indicated in the text by means of editor’s notes referring to the Chapters cited in this Chapter. The history of other amendments to each Chapter appears where pertinent in the text.

1-25. General References.

In each Chapter containing material related to other Chapters in the Code, a table of General References is included to direct the reader’s attention to such related Chapters.

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1-26. Standardized Changes.

These changes, amendments and revisions are found in Article II of this Chapter.

- A. The use of gender-neutral language where appropriate; where “Chairman” was found updated to “Chair”, where “his designee” found “designee”.
- B. Renumbering of sections and paragraphs as defined by the Codification effort; ie: 22.1-1 to 22.2 and 22.2 to 22.3 as appropriate; this was applied to all sections.
- C. Amended Statutory references in Chapters using “RSA” in place of “Revised Statutes Annotated” and Verifying reference accuracies; ie: Chapter 56 (56-2, 56-3.A).
- D. The use of “Reserved” for portions of the Code with articulation of the name of the Code section deleted either through this effort or as carried forward; use of the word “formerly” with the name of the Section or Chapter title and reference to the history in annotation for the Section/Chapter; ie: Chapter 30 Historic District “RESERVED (formerly ...)” also Chapter 63 Auto Courts and Trailer Camps.
- E. Footnotes were added/restored where through the Verification/Authentication effort they were applicable throughout the Chapters; ie: Chapters 9, 14, 22, 35, 45, 50, 53, 56, 60, 71, 77...
- F. Footnotes were not tied to sections where deleting a footnote would cause subsequent footnotes to change within a Chapter; for this change and reasoning, when Chapters are updated the entire Chapter must be republished and reprinted in its entirety.
- G. Standardization of format used for text in the Chapters using a Style Guide.
- H. Definition sections were relocated to the beginning of Chapters; ie: Chapter 113 Floodplain Development.
- I. Definition words used in Chapters were all changed to start with a Capital letter; the first letter to signify the word as a defined word within the Chapter.
- J. Annotations; Amended, Added, Repealed language, were researched and restored/added with appropriate content throughout all Chapters.
- K. Chapter 1 is generally applicable to all Chapters, but specific Chapters have the notation “see Ch. 1, General Provisions (2013)” inserted.
- L. Standardization on use of terms:
 - (1) For Definitions “As used in this Chapter the following terms mean:”

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- (2) Use of the word “Chapter” versus Ordinance, Code
- M. References were checked to simplify Fees. The phrase “see Fee Schedule” was inserted as provided for in Chapter 9 Budget; verbose fee descriptions simplified and standardized; adopted annually by the City Council as part of the budget process the Fee Schedule can be updated without reviewing individual Ordinances; ie: Chapter 60-10 was “100” changed to “Fee Schedule”, Chapter 71-1 had no reference or amount needed “Fee Schedule”. Examples are:
- (1) Ch. 1 General Provisions 1-10 Fee for Code Book
 - (2) Ch. 60 Amusements and Arcades 60-10 \$100
 - (3) Ch. 68 Building Permits 68-16
 - (4) Ch. 86 Dances and Dance Halls 86-3
 - (5) Ch. 89 Dogs 89-10 (89-3 remain in Chapter as determined by state)
 - (6) Ch. 92-7 Driveways 92-7B \$2
 - (7) Ch. 33 Peddlers and Vendors 133-6
- N. Violations, Fines and Penalties were reviewed throughout the Code with appropriate Departments and as a Committee to ensure they were applicable and in amounts appropriate through both time change and State amounts.
- O. Use of the century ie: 2013 where the first digits are 20 to comply with turn of the century clarification.
- P. Use of 365 days versus 1 year where doing so provided clarity.
- Q. Appropriate Departments reviewed content and Chapters updated in accordance with recommendations, research and discussions with the Committee.
- R. **STYLE GUIDE** - the Ordinance Codification and Verification Committee used the Style Guide below for the effort. It created and supported consistency and is provided as a suggested beginning template for future updates or new Chapters.

STYLE GUIDE		
Item	Style	Example
Header	Text: Odd (first) page “Dover Code” Even (second) page: Code Title Font: Times New Roman Size: 12 point Format: <i>Italics</i> Bold ALL CAPS Centered	Odd page example: <i>DOVER CODE</i> Even page example: <i>ZONING</i>
Footer	Text: Page number Font: Times New Roman Size: 12 point Format: <i>Italics</i> Bold “P” Code number “-“ # Centered	<i>P 170-1</i>

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Margins	Top: 0.5” Bottom: 0.5” Right: 1” Left: 1”	
Spacing	Format: Unless otherwise specified, Semi-Block formatting (single spaced with double spacing between paragraphs/all individual elements) tab 0.5” to begin each paragraph.	Element one text has single spacing between lines. Element two has single spacing between lines.
Chapter Title	Text: Chapter title with chapter number below Font: Times New Roman Size: 14 point for number 16 point for title Format: Bold ALL CAPS Centered	ZONING CHAPTER 170
Table of Contents	Text: Section number Font: Times New Roman Size: 12 point Format: Bold section “.” tab section title “.” 1 Column 1.25/1.75” inch indent/tab	170-1. Title.
History & General References	Text: “HISTORY:” with “Amendments noted where applicable.” with General References below Font: Times New Roman Size: 10 point Format: History enclose with [] all bold ALL CAPS for “GENERAL REFERENCES” - note Left aligned	[HISTORY: Adopted by the City Council of the City of Dover on 02-04-2010 by Ord. No. _____. Amendments noted where applicable.] GENERAL REFERENCES – Dover ordinances Chapter 116 Public Health.
Editor’s Notes	Text: Use symbols beginning with “*” to designate footnote Font: Times New Roman Size: 12 point Format: Left aligned to symbol at end of page	to secure a license. ¹
Article Title	Text: Article number roman numeral with Article title below Font: Times New Roman Size: 14 point Format: Bold ALL CAPS Centered	ARTICLE VII OVERRIDING DISTRICTS

¹ Editor's Note: Editor’s Notes appear in this form

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Chapter Definitions	Text: Code Font: Times New Roman Size: 12 point Format: Left Justified	The following definitions shall apply to this section EMPLOYEE - Any person who handles food
Section Title	Text: Section Number and title Font: Times New Roman Size: 14 point Format: Bold section # “. ” tab section title “. ”	170-1. Title.
Reserved Section Title Apply for Reserved Chapter Titles also	Text: Section Number and Reserved, followed by former title Font: Times New Roman Size: 14 Point Format: Bold section # “. ” Tab section “Reserved.” (formerly “chapter name”)	135-5. Reserved. (formerly Disposition of Monies.)
Section Text	Text: Code Font: Times New Roman Size: 12 point Format: Semi block 0.5” tab left justified	This chapter shall be known and may be cited as the “Zoning Ordinance of the City of Dover, New Hampshire.”
Annotations [Amendments]	Text: Amendment, date and number Font: Times New Roman Size: 10 point Format: [Amended on Mo-Dy-Yr by Ord. No. _____] Bold	[Amended on 01-03-12 by Ord. No. _____] To be placed next to Section Title unless otherwise noted
Numbered Outline	Text: Capital. (number) (letter) (roman) No outline formatting on single subject entries Font: Times New Roman Size: 12 point Format: 0.25” Hanging indent aligned to text above	Code text appears normally above numbered outlines. A. Code text (1) Code text (a) Code Text (i) Code Text

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1-27. Summary of Chapter Specific Changes.

In all Chapters Codified/Authenticated all the preceding provisions in this Chapter apply including: use of the Style Sheet, Changes (see 1-7), correcting/standardizing annotations, keeping, verifying, restoring annotations with language it pertains to, standardized verbiage, correcting footnotes, all modifications contained and some Chapter specific changes.

PART I - ADMINISTRATIVE LEGISLATION

Chapter 2 CITY COUNCIL ORIENTATION:

- 2-2 Preparation and Presentation of the Orientation Program – provide for review by existing Council for incoming Council
- 2-5 Video and Audio Recording – New, provide for recording of City Council Orientation proceedings

Chapter 3 ADMINISTRATIVE CODE:

- Description language verified/updated
- 3-4 clarification for City Council setting department head salaries
- RSA and Charter compliances checked and updated
- 3-41 Bidding amounts compliant with RSA
- This Chapter is recommended by Administration

Chapter 5 COMMITTEES, BOARDS AND COMMISSIONS:

- Description language verified/updated
- RSA and Charter compliances checked and updated
- O-2013.01.09-1 Parking Commission ordinance adopted/included through process
- O-2013.06.26-011 Arts Commission ordinance adopted/included through process

Chapter 9 BUDGET:

- 9-3 Schedule of Fees – standardize on Fee Schedule for all Chapters as reference
- Provide for Fee Schedule by the same deadline (April 15th) as the Budget

Chapter 14 CONSERVATION COMMISSION:

- 14-4 Membership; Terms; Removal; Vacancies – updated to include not less than three members
- Corrected Annotations

Chapter 22 CODE OF ETHICS:

- HISTORY: included Ordinance notation
- 22.1.1 → 22.2
- 22-2 → 22.3
- 22-10. Future Employment – updated (1) year to 365 days
- GENERAL REFERENCES: include Dover Charter Article X

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Chapter 26 FISCAL YEAR:

- 26-1 RSA notation standardized/updated

Chapter 30 HISTORIC DISTRICTS:

- Status Changed to RESERVED per Department

Chapter 35 LICENSING BOARD:

- Annotations, Footnotes

Chapter 41 PLANNING BOARD:

- 41-4 status changed to Reserved (formerly Advisory Committee) per department recommendation
- 41-5 status changed to Reserved (formerly Membership of Advisory Committees) per department recommendation
- 41-6 status changed to Reserved (formerly Approval and Recording of Plats) per department recommendation
- 41-7 status changed to Reserved (formerly Recording of Streets and Parks on Official Map) per department recommendation
- 41-8 status changed to Reserved (formerly Subdivision Regulations) per department recommendation
- 41-9 status changed to Reserved (formerly Standards for Subdivision Approval) per department recommendation
- 41-10 status changed to Reserved (formerly Conditional Approval of Plats) per department recommendation
- 41-11 status changed to Reserved (formerly Plat Submission Procedure) per department recommendation
- 41-12 status changed to Reserved (formerly Separate Acceptance of Streets and Open Space) per department recommendation
- 41-13 status changed to Reserved (formerly Street Acceptance Procedure) per department recommendation
- 41-14 status changed to Reserved (formerly Access to Public Streets) per department recommendation
- 41-15 status changed to Reserved (formerly Sale of Land Prior to Approval; Penalties) per department recommendation
- 41-1 Establishment – RSA notation standardized
- 41-2 Powers and Duties – updated per Department recommendation/review
- 41-3 Composition of Board – standardized language, clarified per Department recommendation/review
- 41-4 through 41-15 revoked department recommendation status Reserved (formerly...)

Chapter 45 FILING OF RULES AND REGULATIONS:

- Formatting verified
- HISTORY updated
- Footnotes fixed – previously referred to A172 no longer used

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Chapter 50 SEAL:

- Formatting verified
- HISTORY updated

Chapter 53 SURETY LIMITATIONS:

- Formatting verified

PART II - GENERAL LEGISLATION

Chapter 56 ADULT BOOKSTORES:

- Statute language standardized (RSA)
- 56-3 RSA clarification
- 56-3 fine updated \$200 to \$300 dollar amount standardized
- Annotations (amended... restored)
- Formatting verified

Chapter 58 ALARMS AND SECURITY:

- TABLE OF CONTENTS ARTICLE IV TELEGRAPH FIRE ALARM – clarified Repealed Ordinance/Date
- 58-3 Definitions and Word Usage – standardized definition language
- 58-5 Enforcement and 58-6 Inspections– verbiage Article standardized to Chapter
- 58-7 Responsibility for Compliance and other sections of Chapter capitalized for proper reference to definitions
- 58-10 Exterior Doors... clarified references and definitions
- 58-16.1 → 58-17
- 58-17 → 58-18
- 58-18 → 58-19
- 58-19 → 58-20
- 58-20 → 58-21
- 58-21 → 58-22
- 58-22 → 58-23
- 58-23 → 58-24
- 58-24 → 58-25
- 58-25 → 58-26
- 58-26 → 58-27
- 58-27 → 58-28
- 58-28 → 58-29
- 58-29 → 58-30
- 58-30 → 58-31
- 58-31 → 58-32
- 58-32 → 58-33
- 58-33 → 58-34

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Chapter 60 AMUSEMENTS AND ARCADES:

- ARTICLE I title changed from BOXING to PROFESSIONAL FIGHTING SPORTS COMPETITIONS
- 60-1 Bouts changed to Professional Fighting Sports Competitions
- 60-11 Machine License Transfer Fee - \$10 changed to refer to Fee Schedule
- 60-12 Arcade License Transfer Fee – \$100 changed to refer to Fee Schedule
- Use of Chapter language standardized
- Clarified definition for MECHANICAL DEVICE
- 60-10 Referred to Fee Schedule (where fee was \$100.00) in Chapter

Chapter 63 AUTO COURTS AND TRAILER CAMPS:

- REPEALED - Status Changed to RESERVED per Department

Chapter 66 BICYCLES, SKATEBOARDS AND SCOOTERS:

- HISTORY added amended notations
- 66-1 Definitions – qualified Scooter
- 66-2 Bicycle Registration Required; Non Transferability – added Dover Residence as a qualifier
- 66-5 Violations and Penalties – standardized monies notation, qualified wording on violation

Chapter 68 BUILDING CONSTRUCTION:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- HISTORY – included amended notation missing
- 68-1 Statutory Authority – standardized RSA notation
- 68-2 Adoption of Standards – included missing amended notation, clarified specific and general language in paragraph to Building Code
- 68-3 Office of the Building Official Established – clarified language
- 68-3 chief executive officer of the City of Dover → City Manager
- 68-13 Building Official – fixed footnote and amended language (done throughout Chapter as in others)
- 68-7 68-9 68-10 68-11 added repealed notations and formerly titles
- 68-11 REPEALED status changed to Reserved (formerly Fees)
- 68-14.D Building Permit Procedure – clarified/added
- 68-16 Building Permit Fees – clarified see Fee Schedule

Chapter 71 BUILDING WRECKING AND DEMOLITION:

- Corrected Footnotes

Chapter 74 CEMETERIES:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected Footnotes
- 74-4 Certain Vehicles and Domestic Animals Restricted – corrected annotations, clarified motorcycles, bicycles with OHRV Off Highway Recreational Vehicles

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Chapter 77 CITY MOTOR VEHICLES:

- Corrected Footnotes

Chapter 79 CITY PROPERTY:

- Corrected Footnotes
- Standardized RSA reference
- 78-7 Naming of City Property – standardized RSA reference
- 78-8 Violations and Penalties – standardized dollar notation
- 79-10 Storage of Sludge on City Property Prohibited - standardized dollar notation
- 79-11 Disposing of Tax Deeded and City Owned Real Estate changed to Disposing of City Owned Real Estate, paragraph language clarified/updated, amended notations corrected/added, dollar notation standardized
- 79-11(J) REMOVED
- 79-11(J) as Renumbered → Corrected referenced names for DBIDA – Dover Business and Industrial Development Authority (was Dover Economic Development Corporation)
- 79-12 Use of City Property – language clarified/updated
-

Chapter 82 CURFEW:

- Added Reserved and formerly language to Chapter (was REPEALED in 2008)

Chapter 86 DANCES AND DANCE HALLS:

- 86-3 Fees – moved to Fee Schedule
- 86-10 Closing Hours on Sunday – REMOVED added Reserved and formerly notation
- 86-11 Violations and Penalties – updated fine from \$100 to \$500 and standardized dollar notation

Chapter 89 DOGS:

- Corrected footnotes and amended notation language and placement, standardized Chapter reference
- Fees in 89-3 remain in chapter set by state
- 89-6 Penalty for Unlicensed Dog – verified fines with state amounts
- 89-7 Seizure of Unlicensed Dogs – clarified names and entities of organizations
- 89-9 Impoundment – clarified language
- 89-10 Notice to Owner; Redemption – clarified language, put in Fee Schedule reference

Chapter 92 DRIVEWAYS:

- Clarified language throughout, defined terms capitalized
- 92-2 Statutory Authority– standardized, verified and updated RSA
- 92-3 Applicability – clarified and changed language
- 92-4 Driveway definition changed
- 92-5 Construction Permits – standardized, verified and updated RSA
- 92-6 Standards – corrected format of defined terms

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- 92-7.B Paving Contractor's License – put in Fee Schedule reference was \$2
- 92-10 Modifications of Standards – clarified references
- 92-11 REMOVED “All abutters shall be notified of said hearing by certified mail.”
As language in 92-11(A) was updated to clarify requirement

Chapter 94 DRUG PARAPHERNALIA:

- REPEALED per department recommendation added Reserved and formerly reference

Chapter 97 TRASH AND RECYCLING COLLECTION:

- Clarified language throughout, defined terms capitalized
- History added amended language
- 97-1 Definitions added amended language, took out “means”
- 97-3.A Commercial Collections – updated
- 97-6 RSA updated
- 97-16.D Composting Operations – removed paragraph (b)
- 97-15 Fines updated

Chapter 99 EATING AND DRINKING ESTABLISHMENTS:

- Table of Contents 99-11 updated with Reserved
- 99-1 Definitions - updated
- 99-3 Fees – clarified Fee Schedule language
- 99-5 Inspection updated from 3 to 6 months
- 99-6.M Sanitation Requirements temperature from 50 to 40 degrees
- 99-11 put in Reserved formerly language

Chapter 100 ELECTIONS:

- 100-3 Candidates – updated RSA reference, clarified Chapter 137 reference
- 100-4 Conduct at Polls – clarified language 10 foot corridor
- 100-4(E) Added bi-annual election law class
- 100-5 Election Assistants – clarified language
- 100-6 Board of Supervisors of Elections – standardized RSA references
-

Chapter 102 ELECTRICAL STANDARDS:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- 102-3, 102-5, 102-8 added Reserved with formerly reference
- Restored amended notation
- 102-30 Fees – clarified language

Chapter 109 FIRE PREVENTION AND LIFE SAFETY:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- Clarified language throughout, defined terms capitalized

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- 109-1 Statutory Authority – standardized RSA notation
- 109-3, 109-4, 109-12 added formerly language to Reserved title
- 109-15 Violations and Penalties – put in standardized dollar notation
- 109-19 Smoke Detection Requirements – clarified language reference to editions of NFPA guides
- 109-24 Violations and Penalties – clarified language
- 109-27 Oil Burners and Equipment clarified RSA 153 State Board of Standards reference
- 109-29 Violations and Penalties – clarified language
- 109-30 Installation of Sprinkler System Required – clarified language reference to editions
- 109-32 Violations and Penalties – clarified language
- 109-33.J Public Safety Amplification System Required in Large Facilities – Violations and Penalties - clarified language

Chapter 113 FLOODPLAIN DEVELOPMENT:

- TABLE OF CONTENTS **renumbering of Chapter (113-4 through 113-14)**, to move Definitions to beginning of Chapter
- Inserted Article II WORDS and PHRASES from Article V
- ARTICLE V → ARTICLE II
- ARTICLE II → ARTICLE III
- ARTICLE III → ARTICLE IV
- ARTICLE IV → ARTICLE V
- Clarified language throughout, defined terms capitalized, standard Chapter word use inserted
- 113-4 Definitions was 113-14 – new terms inserted, updated existing terms
- Annotations added/restored

Chapter 116 HEALTH, PUBLIC:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- 116-2.1 Feeding of Wildlife on Public Property renumbered to 116-3
- 116-3 renumbered to 116-4 – Reserved with formerly reference
- 116-5 Household Drains replaced 116-5 Construction of Privies and Cesspools
- 116-6 Reserved with formerly language to include reference for 116-5 Construction of Privies and Cesspools and 116-6 Hours of Cesspool Cleaning
- 113-3 REMOVED (formerly Keeping of Animals) status changed to Reserved see Chapter 170 Zoning
- REMOVED Construction of Privies and Cesspools, Permitted Hours for Cesspool Cleaning
- 116-7.1 → 116-8
- 116-7.2 → 116-9
- 116-8 → 116-10
- 116-9 → 116-11
- 116-10 → 116-12

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- 116-11 → 116-13
- 116-12 → 116-14
- 116-13 → 116-15

Chapter 119 HOUSING STANDARDS:

- TABLE OF CONTENTS, combined Title and Statutory Authority sections to move Definitions to beginning of Chapter from 119-34 to 119-2
- Updated GENERAL REFERENCES section to put in Chapter 102 Electrical Standards
- 119-2 Definitions moved from 119-34
- 119-3 Purpose – language and RSA reference clarified
- 119-6 Defense of Officers and Employees – language clarified
- 119-8 Administration - language clarified
- 119-11 Basic Equipment and Facilities – removed footnote and annotated paragraph title, corrected paragraph C annotation
- 119-12.B(3) Occupancy Standards – inserted Chapter reference for clarification
- 119-13.B(3)(d) Space, Use and Location – clarified State Building Code and State Fire Code reference
- capitalization of defined terms throughout Chapter

Chapter 126 MANUFACTURED HOME PARK:

- Title of Chapter changed title from Mobile Home Parks
- Changed referenced to mobile homes to manufactured home
- Footnotes corrected
- 126-1 Definitions – updated
- 126-2 location in Manufactured Home Parks; Standards – clarified language and HUD reference
- 126-5 Site Requirements – updated/clarified
- 126-5.I update 3 to 5 feet
- 126-6 Streets, Walks and Parking – updated/clarified
- 126-6.C changed from 2 to 3 feet
- 126-7 Utilities – updated/clarified
- 126-9.C RSA notation standardized
- 126-12 Appeals – RSA language standardized

Chapter 127 MUNICIPAL RECORDS:

- HISTORY updated/clarified
- 127-1 Municipal Records Committee – clarified with State Statute, verbiage clarified specific to Dover
- 127-2 Definitions – updated
- 127-3.O powers, Duties, and Guidelines - clarified
- 127-4 Records Management Officer – section clarified, gender neutrality included

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Chapter 131 OFFENSES:

- TABLE OF CONTENTS – updated, sections changed
- 131-1 Reserved – now Definitions – Definitions added to Chapter with formerly Loitering and Obstruction language
- 131-3 Prohibited Weapons – language updated
- 131-3.1 → 131-4 Safe Storage of Firearms formerly language added
Definitions removed
- 131-4 Reserved – struck out removed for renumbering of 131-3.1
- Amended notation corrected/restored
- 131-13 formerly language added
- 131-13.1 → 131-14 Fireworks – language added for clarification Chapter 109
Fire Prevention and life Safety
- 131-13.2 → 131-15 Operation of Boats and Vehicles on Willand Pond
Restricted
- 131-14 → 131-16 Violations and Penalties
- 131-15 → 131-17 Sale of Rolling Papers to Minors – language updated
- 131-16 → 131-18 School Truancy
- 131-17 → 131-19 Facilitation of a Drug or Underage Alcohol Party – dollar
amounts standardized, amended language corrected
- 131-18 → 131-20 Use of Tobacco Products in Henry Law Park, School
Grounds – title changed, language added/updated, clarified, dollar amount
standardized notation
- 131-19 → 131-21 Use of Tobacco Products on the Grounds of the McConnell
Center and Dover Public Library – amended language corrected, dollar amounts
standardized
- 131-20 → 131-22 Registered Sex Offender Restrictions – amended language
corrected, language updated/clarified, defined terms capitalized, paragraph
sequenced
- O-2013.01.09-002 Adopted during Codification

Chapter 132 ADULT ENTERTAINMENT PROHIBITIONS:

- REPLACED - This Chapter is recommended by Committee and Department through
advice and research by Department – updated to conform to State Statute, portions
removed and added/updated, also consistent with other communities.

Chapter 133 PEDDLERS AND VENDORS:

- 133-1 Purpose – standardized and verified RSA notation
- 133-2 License Required: Display of License – clarified language, capitalized defined
terms
- 133-3 Definitions – updated
- 133-6 Fees – Fee Schedule
- 133-7.B Exemptions – clarified for agricultural
- 133-8 Violations – dollar standard notation put in
- Amended language clarified and restored

GENERAL PROVISIONS

Chapter 135 PLUMBING:

- TABLE OF CONTENTS – added formerly references
- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- 135-24 Violations and Penalties – updated fine from \$100 to \$200

Chapter 137 POLITICAL CONTRIBUTIONS AND EXPENDITURES:

- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- Capitalized defined terms

Chapter 140 RESERVED:

- Verified added Reserved formerly Refuse and Annotation to ordinance reference language

Chapter 143 SCENIC ROADS:

- Fixed footnotes and annotations
- 143-1 Designation – clarified language
- 143-21 143-2 Effect of Designation – fixed RSA reference from 252:18 to 231:158, reference to City Council
- 143-4 Protection of Stonewalls – clarified language, City Council, reference to this Chapter

Chapter 147 SEWERS:

- Corrected table contents added formerly language to Reserved.
- Updated defined terms with Capitalization for clarity
- Fixed paragraph run-ons
- 147-3 Fee Schedule reference added
- City's authorized representative changed to Community Services Director, or designee,
- 147-6.E(2) changed Dover Utilities Commission to Director of Community Services, or designee,
- Corrected tables 147-6.E(10)
- Corrected CFR reference and other language 147-13
- 147-15.C(1)(b) language clarification

Chapter 148 WATER SYSTEM:

- REPLACED - This Chapter is recommended by Committee and Department through advice and research by Department – updated to conform with State Statute, portions removed and added/updated, also consistent with other communities.

Chapter 149 SITE REVIEW REGULATIONS:

- HISTORY – added reference to original City Council adoption 1978.

DOVER CODE

- Chapter 149 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Fixed reference typing throughout (ie: 149-13(19), 149-14(2)(c)) reference changed to Chapter 147 Sewers (was rules and regulations of the Dover Sewer Ordinance)
- Fixed tables

Chapter 152 STREETS AND SIDEWALKS:

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language, renumbered 152-6.1 to 152-6, removed Specific Areas of Five Year Prohibition, Waiver of Provisions,-152-6.1 Application; Denial; Appeal, Article XIV corrected to XIII, title updates for 152-28, 152-32
- HISTORY – fixed incorrect ordinance reference/added missing ordinance reference
- 153-3 Reserved – added formerly language
- clarified footnotes
- corrected/restored annotation references
- capitalized defined terms
- ARTICLE III-A changed to ARTICLE III formerly language added
- 152-11 Violations and Penalties – standard dollar notation put in
- 152-13 Violations and Penalties – standard dollar notation put in
- 152-15 Violations and Penalties – standard dollar notation put in
- 152-20 Interference with Vehicular or Pedestrian Traffic – language clarified
- 152-21 Violations and Penalties – standard dollar notation put in
- ARTICLE XII changed to ARTICLE III amended language added, Definitions language clarified
- 152-28.C Licensing of Location – News Rack Limited Exception – paragraphs fixed language clarified
- 152-31 hold Harmless and Insurance – language clarified – terms updated

Chapter 155 SUBDIVISION OF LAND:

- HISTORY – added reference to original City Council adoption 1978.
- Chapter 155 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Added 4” and 16” to language 155-40.D(d)
- Minor language and syntax updates throughout

Chapter 161 TAXICABS:

- 161-1 Definitions – language standardized
- Defined terms Capitalized throughout Chapter
- Amended language restored

GENERAL PROVISIONS

Chapter 163 TREES AND VEGETATION:

- HISTORY – fixed added reference
- 163-2 Definitions – clarified terms, City Arborist
- Capitalized defined terms, clarified language

Chapter 165 MOTOR VEHICLE REGISTRATION EXEMPTION FOR PRISONERS OF WAR:

- HISTORY – fixed added reference

Chapter 166 VEHICLES:

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language
- HISTORY – fixed incorrect ordinance reference, clarified history
- FOOTNOTES – corrected, clarified
- Formatted – corrected amended notations
- O-2013.04.10 -003, -004, -005, -006, -007 Adopted and included during Codification ordinances passed by City Council on 04-24-2013
- Included Department recommendations
- Included missing ordinances (ie: 2012.07.25-11)
- Most schedules were revised
- 166-47 Reserved corrected
- 166-53 Schedule F: Commercial Vehicle Travel Restricted – Department recommended extensive update as code was outdated.
- 166 Schedule H updated per department
- 166-56 Schedule I: No Parking Any Time – updates and clarifications

Chapter 170 ZONING:

- Updated annotation references (adding “20” to years after 2000)
- Capitalized Chapter
- Added “designee” removing gender specific language
- Standardizing on section references
- Verifying where indications to numbers were it was enumerated (ie: two (2))

DOVER CODE

ARTICLE III

MATTERS OF THE CODE

1-28. Legislation Adopted/Excluded During Codification Authentication Effort.

- A. Chapter 166 Vehicles and Traffic ordinances were presented and voted on April 24, 2013. These changes were included and placed into the Code with format changes, other conventions implemented during the codification.
- B. Chapter 5 Boards, Commissions and Committees ordinances were presented on January 09, 2013 and June 26, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- C. Chapter 170 Zoning ordinances were presented on April 10, 2013 and August 14, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- D. Chapter 131 Offenses ordinance was presented on January 9, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- E. Chapter 170 Zoning was reviewed by the Committee for formatting only, other standardization suggestions were forwarded to the Planning Board.
- F. Chapters 92, Driveways, Chapter 149 Site Review Regulations, and Chapter 155 Subdivision Regulations are included in the Code as regulations of the Planning Board.

1-29. Documents, Bylaws, Rules and Regulations.

Documents open to public inspection pertaining to municipal bylaws, rules and regulations are on file in the office of the City Clerk, where they may be examined during regular business hours or anytime on the City of Dover's website.

- A. City Council Rules and Regulations
- B. Merit Plan
- C. Budget
- D. Fee Schedule
- E. Municipal Records Retention Schedule
- F. All Boards, Commissions and Committees Rules and Regulations

GENERAL PROVISIONS

1-30. Green Book Header Page and Table of Contents.

The Green Book of Dover contains THE CHARTER and THE CODE inclusive. The codification standardized the three (3) sections of the Header section of the Green Book as:

- A. First Page:
 - (a) The Official Seal of Dover, NH
 - (b) The wording in Capitals, Bold and Large Font Centered

**CITY OF DOVER, NH
CODE BOOK**

PUBLISHED BY THE CITY CLERK'S OFFICE

- B. Next Page:
 - (a) The Official Seal of Dover, NH
 - (b) The wording in Capitals, Bold and Large Font Centered

OFFICIALS OF THE CITY OF DOVER, NH

**Municipal Building
288 Central Avenue
Dover, New Hampshire 03820
Tel: (603) 516-6021
Fax: (603) 516-6666
2013**

DOVER CITY COUNCIL

- (c) A table of the Dover City Councilors with the appropriate Ward

To Be Determined	Mayor
-------------------------	--------------

DOVER CODE

Edward Spuler	Ward 1
William Garrison	Ward 2
Michael Crago	Ward 3
Dorothea Hooper	Ward 4
Catherine Cheney	Ward 5
Michael Weeden	Ward 6
Robert Carrier	At Large/Deputy Mayor
Karen Weston	At Large

(d) Names and Titles of the City Clerk, General Legal Counsel and City Manager:

KAREN LAVERTU
City Clerk

ANTHONY I. BLENKINSOP
General Legal Counsel

J. MICHAEL JOYAL JR.
City Manager

C. Next Page:

(a) Table of Contents Containing:

- i. The Charter with the Articles of Such
- ii. The Code with the Parts of Such

1. PART 1 ADMINISTRATIVE LEGISLATION

2. PART 2 GENERAL LEGISLATION

1-31. Other Findings.

During the codification authentication of the Code there were instances where differences were found in electronic recording of the Ordinances, in the indexing and with the date of adoption and the ordinance numbers themselves. Ordinances will continue to be identified by the date of their first reading and a number for the agenda/docket ie: O-2013.10.09-013 the date is the date of the vote ie: 11-13-2013. Thus this Ordinance is recorded as Added on 11-13-2013


GENERAL PROVISIONS

by Ord. No. 2013.10.09-013. Online the reader will see an 'O-' preceding the Ordinance number: O-2013.10.09-013.

1-32. Originating Official Ordinance with Voting Records.

The following is a copy of the Originating Ordinance O-2013.10.09-013 pages 1 & 2 for Adoption of this Chapter. The entire Ordinance with complete Code volume with strikeouts and underline presentation as required in Charter section C3-8 is available in the Clerk's Office and online on the City of Dover's Website.

DOVER CODE

 <p>CITY OF DOVER</p>	CITY OF DOVER - ORDINANCE		Agenda Item#:
	Ordinance Number	O-2013.10-09-013	
	Ordinance Title:	General Provisions (et al)	
	Chapter	1 (referencing therein Chapters 2 – 170)	

The City of Dover Ordains:

1. PURPOSE

An Ordinance adopting a codification and revision of the Ordinances of the City of Dover, County of Strafford, New Hampshire pursuant to Dover Charter C3-10; providing for the maintenance and adoption of said Code; except as noted therein; repealing and saving from repeal certain Ordinances not included therein; establishing a penalty for altering or tampering with Code, and making certain changes in previously adopted Ordinances.

2. AMENDMENT

Chapter 1 entitled "General Provisions," with subsequent referenced ordinance chapters through Chapter 170, is hereby adopted.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

3. TAKES EFFECT


This attached Ordinance in its entirety shall take effect upon passage and publication of notice as required by RSA 47:18.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Ordinance Verification and Authentication Committee	Sponsored by:
Approved as to Legal Form:	Anthony I. Blenkinsop City Attorney		Ward 5 Councilor Catherine Cheney, Chair At-Large Councilor Karen Weston, Co-Chair Ward 6 Councilor Michael Weeden, Clerk
Recorded by:	Karen Lavertu City Clerk		

GENERAL PROVISIONS

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#:
	Ordinance Number	O-2013.10-09-013	
	Ordinance Title:	General Provisions (et al)	
	Chapter	1 (referencing therein Chapters 2 – 170)	

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date: <u> </u>	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote: <u> </u>	YES	NO
Mayor		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does <u>not</u> pass.		

ORDINANCE BACKGROUND MATERIAL:

The Dover Charter C.3-10 requires codification of the ordinances of the City of Dover every ten years. Over the last year, in cooperation with Department Heads, the Ordinance Codification and Verification Committee reviewed all the ordinances of the City of Dover. Through the adoption of Chapter 1 some Chapters are being recommended for repeal and some amendments to Chapters are being recommended.

Document Created by: <u>Legal</u>	O-2013.10.09_General Provisions Chapter 1
Document Posted on:	Page <u>1</u> of <u>1</u>



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2013.10.09 – 114**
Resolution Re: **Naming of Tim Little Field**

WHEREAS: The City of Dover owns an athletic field utilized in large part by the Dover Soccer Association and located on Shaws Lane that was designed by Tim Little at no cost; and

WHEREAS: The concession building at the Shaws Lane athletic facility was also designed at no cost by Tim Little; and

WHEREAS: The Board of Dover Soccer Association has proposed the field be named in honor of Tim Little, a Dover resident and dedicated volunteer who has performed years of volunteer work in the community and especially related to youth soccer.

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

The soccer field that was recently designed by Tim Little and constructed at Shaws Lane is named the “Tim Little Field” to acknowledge Mr. Little’s efforts supporting Youth Soccer for boys and girls in the City of Dover.

PUBLIC HEARING REQUIRED PURSUANT TO DOVER ORDINANCE 79-2

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch Sponsored by: Deputy Mayor Robert Carrier
Finance Director

Approved for Legal Compliance: Anthony I. Blenkinsop 10/17/2013
City Attorney

Recorded by: Karen Lavertu 10/17/13
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2013.10.09 – 114**
Resolution Re: **Naming of Tim Little Field**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Tim Little has been involved with the Dover Soccer Association for over 11 years. He is the President of the Soccer Association and has also served as head of the House League for many years. He has donated his services as an engineer to design the Concession/Bathroom building and the newest soccer field at no cost.

Tim's volunteerism has extended past the time his own children were in the program so that a smooth transition could take place with new leadership. Tim is a recipient of the "Don Heyliger Award" which is the award given annually to valued City sports volunteers. He has also been awarded Dover Recreation Volunteer of the year and has been instrumental in establishing Dover Soccer Association as a model program for the region and the State. The Dover Recreation Advisory Board has voted at its meeting on September 23, 2013 to approve of the designation of the new soccer field as the "Tim Little Field".



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2013.10.23 - 115**
Resolution Re: Financial Advisory Services B13074

WHEREAS: Sealed Request for Proposals B13074 were requested and received for Financial Advisory Services on July 23, 2013 at 10:00 am. The agreement shall be effective for a period of one (1) year with option to renew for four (4) additional one year terms. Four replies were received along with two no bids; and

WHEREAS: Three vendors were selected for interviews which were conducted on September 3, 2013. The City has determined after careful and lengthy review of the credentials and pricing structure offered by all the responding firms that the response from The PFM Group is most advantageous and best meets the current and future needs of the city; and

WHEREAS: The City Council approved Authorizations for Bonding for FY13 and FY14 CIP projects and the City will be proceeding to issue bonds accordingly and has determined that use of financial advisory services is in the best interest of the City; and

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to The PFM Group for Financial Advisory Services given the rates provided in conjunction with B13074. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000.1.190.41991.4312.00000	Misc Gen Gov Management Svs	\$25,000.00	\$25,000.00

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch* 10/17/13
Daniel R. Lynch
Finance Director
Sponsored by: Deputy Mayor Robert Carrier
By request

Approved for Legal Compliance: *A. I. Blenkinsop* 10/17/2013
Anthony I. Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk *K. Lavertu* 10/17/13



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2013.10.23 - 115**

Resolution Re: Financial Advisory Services B13074

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2013.10.23 - 115**

Resolution Re: Financial Advisory Services B13074

RESOLUTION BACKGROUND MATERIAL:

The past ten years the City has utilized financial advisory services to assist in the process of issuing general obligation bonds to finance major capital improvements and capital equipment purchases as approved in the City's Capital Improvements Plan.

The City wishes to utilize financial advisory services to assist in the process of issuing bonds to finance projects approved by City Council as part of the FY13 and FY14 CIP.

Sealed request for proposals for financial advisory services were requested and received from four firms: Eastern Bank, First Southwest Company, and The PFM Group and Willdan Financial Services.

The City has determined that The PFM Group best meets the needs of the City based on their RFP response document, an oral interview presentation, the firm's experience in NH, and their fee structure.

The PFM Group is knowledgeable about NH state laws regarding municipal bond issues (RSA Chapter 33 *Municipal Finance Act*) and provides service to other NH municipalities such as Manchester, Rochester, Derry, Bedford, Durham and Londonderry, as well as Strafford County. This will provide the City of Dover with an assurance that advice provided is consistent with state law and will allow for opportunity to draw upon the experiences of other NH municipalities issuing bonds. One of the other firms that responded has a total of 1 municipal client in NH, and the other firm that responded has a total of 9 municipal/county clients in NH.

The PFM Group has been providing financial advisory services for 38 years. One of the other firms have been providing services in NH since 2008, the other firm has been providing services for the past 67 years.

The fee schedule provided by The PFM Group is most advantageous and competitive for the size of bond issues the City will be offering. The City conducted reference checks with municipal entities that have experience with these vendors. The PFM Group was noted as having a strong level of experience and knowledge working in NH and was instrumental in the Town of Bedford's success of being the first NH community to obtain the highest credit rating (Aaa) from Moody's. The PFM Group has worked with Strafford County to improve the county's credit rating with Moody's.

The PFM Group provides additive services such as conducting marketing of an official offering, as well as arbitrage and rebate compliance that the City may utilize. The PFM Group has a documented phased process for assisting municipalities with bond issues.

The PFM Group has direct insight and experience with the bond market, market conditions and data, and potential market reaction to any innovative features bond issuers have in their official offering. The PFM Group is a national firm, which allows them to obtain relevant information that affect the bond market throughout the USA. The PFM Group is well versed and equipped to address the ongoing rating structure changes coming from Moody's and S&P. The PFM Group has developed some recommendations to assist the City with retaining our current credit ratings, as well as attempt to improve the City's ratings.

The City recognizes that the selection of The PFM Group will result in changing from a long-term financial advisory service relationship that existed with First Southwest Company for the past 10 years. The City believes that The PFM Group has communicated and demonstrated their commitment to the City in



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2013.10.23 - 115**

Resolution Re: Financial Advisory Services B13074

providing financings at the lowest possible cost that provides public transparency. The PFM Group recognizes the importance of a long-term understanding/perspective of an issuer's financial position, long-term financial plans and its past and future capital projects. The PFM Group has demonstrated they have obtained a significant portion of this knowledge about the City.

Award Information:

A purchase order will be issued to authorize this expenditure.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	49 emailed/22 mailed	Number of Responses:	4 and 2 NB
Warranty:	Meets Specifications	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	As needed
Recommended Award to:	The PFM Group	Fund:	Misc Gen Gov
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	no	Reason for Council Approval:	Cost estimated at \$25,000 or greater

Results and Vendor Solicitation List:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2013.10.23 – 116**
Resolution Re: B14001 Household Hazardous Waste Clean Up Day

- WHEREAS: Sealed bid B14001 was requested and received for household hazardous waste collection day on July 24, 2013 at 11:00 am; and
- WHEREAS: Three qualified firms responded with price quotes for different chemicals that would be collected for the project in its entirety; and
- WHEREAS: Low bid meeting specifications was submitted by MXI Environmental Service LLC of Langhorne PA at varying rates for various household hazardous waste chemicals. The estimated annual expenditure is \$20,000.00. The Household Hazardous Waste Collection Day was held on September 21, 2013; and,
- WHEREAS: The actual cost of the collection day was \$27,040 which exceeds the \$25,000 threshold, thereby requiring council approval.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to MXI Environmental Services LLC for household hazardous waste day in September 2013 given rates provided in conjunction with bid B14001. The amount of this authorization shall be limited so as not to exceed available funding.


Financing

Account	Description	Appropriation	Balance
1000.1.300.43240.4420	Recycling Management Collection	376,000.00	28,975.00

AUTHORIZATION

 10/17/13
 Approved as to Funding: Daniel R. Lynch, Finance Director Sponsored by: Deputy Mayor Robert Carrier, By request

 10/17/2013
 Approved for Legal Compliance: Anthony I. Blenkinsop, General Legal Counsel

Recorded by: Karen Lavertu, City Clerk 



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2013.10.23 – 116**

Resolution Re: B14001 Household Hazardous Waste Clean Up Day

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2013.10.23 – 116**

Resolution Re: B14001 Household Hazardous Waste Clean Up Day

RESOLUTION BACKGROUND MATERIAL:

Sealed bid B14001 was requested and received for HHW collection on July 24, 2013 at 11:00 am. Three qualified vendors responded with various price quotes for the various chemicals collected. Low bid meeting specifications was submitted by MXI Environmental Services LLC and has been awarded. The Household Hazardous Waste Collection Day was held on September 21, 2013 from 8:30am - 12:30pm.

For the past several years the amount of this project has not exceeded \$20,000 so no resolution was generated. Actual expense for the project came in at \$27,040.00 thereby requiring council approval. The city received a grant in the amount of \$6,610.00 and shares from the towns of Madbury, Lee and Rollinsford totaling \$4,699.00 for this project.

Purchasing Information:

Type:	Purchase Order	Advertised:	yes
Invitations Mailed:	93	Number of Responses:	3
Warranty:	na	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	until completion HHW	Estimated Delivery:	As needed
Recommended Award to:	MXI	Fund:	Recy Collections
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List and Bid Results:

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2013.10.23 – 117**
Resolution Re: **B14009 Segregation and Recycling of Construction Debris and Demolition Waste**

WHEREAS: Sealed bid B14009 was requested and received for the segregation and recycling of construction debris and demolition waste on October 9, 2013 at 11:00 a.m. The city also requested pricing for stump and tree waste recycling services should the need arise; and

WHEREAS: Responses were received from two vendors, of which one was a no bid. Pricing was offered by the current vendor and was reviewed and evaluated and deemed most advantageous for the city to accept. It is the recommendation to accept proposal submitted by Aggregate Recycling Corp. in the amount of \$67.50 per ton for construction and demolition debris.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Aggregate Recycling Corp of Eliot ME given per ton rates provided in conjunction with B14009 on October 9, 2013. The amount of this authorization shall be limited so as not to exceed available funding.

Financing			
Account	Description	Appropriation	Balance
1000.1.300.43240.4421.0000.00	CS Recycling Mgmt Waste Disposal	64,800.00	64,800.00

AUTHORIZATION

Approved as to Funding: *Daniel R Lynch* 10/17/13
Daniel R. Lynch, Finance Director
Sponsored by: Deputy Mayor Robert Carrier
By request

Approved for Legal Compliance: *AIBL* 10/17/2013
Anthony I. Blenkinsop, General Legal Counsel

Recorded by: Karen Lavertu, City Clerk
KL 10/17/13



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2013.10.23 – 117**
Resolution Re: **B14009 Segregation and Recycling of Construction Debris and Demolition Waste**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2013.10.23 – 117**
Resolution Re: **B14009 Segregation and Recycling of Construction Debris and Demolition Waste**

RESOLUTION BACKGROUND MATERIAL:

The Community Service Department has solicited to several companies that provide segregation and recycling of construction debris and demolition waste services. The city has moved away from sending construction debris waste to land fills and toward recycling as much of this material as possible. The city generates approximately 900 tons of debris annually and has two dumpsters that it will fill and haul to Aggregate Recycling in Eliot ME for segregation and recycling.

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	198	Number of Responses:	2
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	No
Prices will hold for:	One year	Estimated Delivery:	As needed
Recommended Award to:	ARC	Fund:	Recycling Management
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List:

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

Bid Results

<u>Vendor</u>	<u>Per Ton for Debris</u>	<u>Per ton for Stumps</u>	<u>Per ton for Tree Waste</u>
Aggregate Recycling 434 Dow Hwy Eliot ME 03903	\$ 67.50	\$35.00	\$20.00
Waste Management PO box 7065 Rochester NH 03839	No Bid	No Bid	No Bid



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2013.10.23 – 118**
Resolution Re: **B14011 Snow Plowing/Hauling Services for City Streets and Parking Lots**

WHEREAS: Sealed bid B14011 was requested and received for Snow Plowing/Hauling Services for City Streets and Parking lots on October 9, 2013 at 11:30 a.m.; and

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

- | | |
|----------------------------------------|-----------------------------------|
| Bob Sherwood Landscape Co. Dover, NH | Gil's Trucking, Dover NH |
| Norman Gagnon Const, Rollinsford, NH | Elf's Landscape, Rochester NH |
| Marshall Rental Center Inc, Kittery ME | Mick Construction, Rollinsford NH |
| Scott A. Turcotte, Rochester, NH | SUR Construction, Rochester NH |
| NoPano Construction, Rochester NH | Renaud Industries, So Berwick Me |
| MacKinnon & Sons, Somersworth NH | Tri-State Sealcoating & Paving |

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

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

The Purchasing Agent is hereby authorized to issue Purchase Orders to the vendors identified above given the rates provided in conjunction with RFB B14011. Additional qualified vendors may be added as discovered and approved by Community Services Director. The amount of this authorization shall be limited so as not to exceed available funding.

Financing			
Account	Description	Appropriation	Balance
1000.1.300.43125.4422.00000.00	CS - Contract Snow Plowing	70,000.00	70,000.00

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch 10/17/13*
Daniel R. Lynch
Finance Director
Sponsored by: Deputy Mayor Robert Carrier
By request

Approved for Legal Compliance: *ABL 10/17/2013*
Anthony I. Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk *KL 10/17/13*



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2013.10.23 – 118**
Resolution Re: **B14011 Snow Plowing/Hauling Services for City Streets and Parking Lots**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2013.10.23 – 118**
Resolution Re: **B14011 Snow Plowing/Hauling Services for City Streets and Parking Lots**

RESOLUTION BACKGROUND MATERIAL:

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

Bid Information:

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

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	110	Number of Responses:	11
Warranty:	None	Terms:	Net 30, FOB Dover
Work Bonded:	NA	Contract:	No
Prices will hold for:	April 30, 2014	Estimated Delivery:	As needed
Recommended Award to:	Various	Fund:	Snow Removal
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation List & Bid results

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2013.10.23 – 119**
Resolution Re: Approval of the Cook & Baker LLC Lease,
Rooms 127 And 131

WHEREAS: The Cook & Baker LLC seeks to enter into a lease agreement with the City of Dover regarding a food preparation/service business; and

WHEREAS: The location the Leased Premises is to be at the McConnell Center, 30 St. Thomas Street, Dover, New Hampshire, Rooms 127 and 131 which contain 849 square feet.

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

The City Manager is authorized to sign a lease with The Cook & Baker LLC for a term of five (5) years with the option to renew for three (3) additional five (5) years.

AUTHORIZATION

Approved as to Funding: *Daniel R Lynch 10/17/13* Daniel Lynch Finance Director Sponsored by: Mayor By request

Approved as to Legal Form: *ATB 10/17/2013* Anthony I. Blenkinsop City Attorney

Recorded by: Karen Lavertu City Clerk *Kal 10/17/13*



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2013.10.23 – 119**
Resolution Re: Approval of the Cook & Baker LLC Lease,
Rooms 127 And 131

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City of Dover generally leases space at the McConnell Center to non-profit organizations and state agencies. This lease concerns leasing space to a for-profit business that will engage in food preparation/service to other tenants and the general public.



CITY OF DOVER

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LEASE AGREEMENT

This Lease Agreement is entered into this _____ day of _____, 2013 and is by and between **The Cook & Baker LLC, 180A Henry Law Ave. Dover, NH 03820**, registered to do business in New Hampshire (hereinafter called “Lessee”) and The City of Dover, New Hampshire, of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire (hereinafter referred to as “Lessor”).

WITNESSETH:

1. Description and Term.

That the Lessor does hereby demise and lease to the Lessee the Premises within the City’s McConnell Center located at 30 St. Thomas Street, Dover, New Hampshire, which Premises is intended to contain **849** square feet and more particularly identified on the McConnell Center Plans dated February 6th, 2006 as rooms **127 and 131**, (hereinafter called the “Premises”).

In conjunction with the use of the Premises, Lessee shall have the right to use parking spaces for its employees in the adjacent City Parking lot to the rear of the Public Library during Lessee’s normal operations or between the hours of 8 am and 4 pm Monday through Friday. Additionally, Lessee shall be able to utilize the loading zone off the courtyard adjacent to the building on St. Thomas Street, as needed.

In conjunction with the use of the Premises, Lessee shall have the right to install signage conforming to the requirements of the RM-10 Zone. One free standing 16 square foot sign is allowed outside of the building, as well as necessary directional signage within the building. Lessor reserves the right to approve the location of all signage.

The Premises is leased for the following purposes:

- a) Internal Food Service Services: The Lessee may operate a catering service for other Lessee agencies within the McConnell Center and meeting room users. The Lessee may solicit customers within the building to provide ongoing contract based food services or other food services as requested in compliance with all applicable local, state, and federal regulations.
- b) External Food Service Services: The Lessee may also operate a catering service for the general public in compliance with all applicable local, state, and federal regulations. Such catering services may include, but not be limited to, conferences, parties or other such events.



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- c) Vending machines: The Lessee shall have exclusive control over any vending machines located in the cafeteria area (more particularly identified on the McConnell Center Plans dated February 6th, 2006 as room 141) of the McConnell Center. The total number and location of vending machines shall comply with life safety or building codes and must be approved by the Lessor. Other vending machines not under the control of the Lessee may be operated in locations controlled by other Lessees in the building.
- d) General Food Provisions/Restaurant: The Lessee may operate as a restaurant for members of the general public between the hours of 8 a.m. to 6 p.m., Monday – Friday (or other hours as agreed upon in writing with the Lessor).

The term of this Lease shall be for **five (5)** years beginning on _____, **2013** and ending on _____, **2018**. The Lessee may renew for three (3) additional **Five (5)** year periods as outlined below in section 7.

The monthly rental fee shall be paid the first of each month to the City of Dover Finance Director, 288 Central Avenue, Dover NH 03820. The rental fee for the first year shall be based upon a space allocation of **849** square feet and calculated using the following components:

Rent Assessment FY 14			
Component	Rate	Annual	Monthly
Debt Repayment	\$6.50	\$ 5,518.50	\$ 459.88
Capital Reserve	\$0.40	\$ 339.60	\$ 28.30
Operations/Maintenance (a)	\$5.26	\$ 4,465.74	\$ 372.15
Other as agreed [rubbish removal] (b)	\$0.40	\$ 339.60	\$ 28.30
Total Rent Assessment	\$12.56	\$10,663.44	\$888.62

The rental fee for each subsequent year shall be adjusted per adjustments to Operations/Maintenance costs as set forth in section 2 of this Lease. Additionally, Lessee shall be responsible for all costs to operate the Premises including, but not limited to:

- i. Food purchasing, processing of invoices, payment of invoices
- ii. Detergent and cleaning supplies, paper supplies, menu paper and printing, tickets and stationery items, garbage liners, and postage.



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iii. Hiring and supervision of all personnel, payment of all wages, payroll taxes, fringe benefits, insurance benefits, preparation of payroll, processing of payroll and Worker's Compensation.

iv. Cleaning of the kitchen, which shall be the sole responsibility of the Lessee (the cafeteria area and the hallways adjacent to the Premises shall be maintained and cleaned by the Lessor).

The Lessee is responsible for compliance with all applicable health, safety, and building codes.

2. Operations and Maintenance.

The Lessee, as part of its rent outlined in section 1 above, shall pay its portion of all operations and maintenance costs associated with the Premises, including utilities (electricity, water, gas, heat) and shared custodial, snow removal and associated supplies. Operations and Maintenance costs for the first fiscal year of this lease is established at **\$5.26/** square foot. Thereafter, including any renewal period, these costs shall be revised annually and prorated per square foot based upon the previous fiscal year's actual cost of operating and maintaining the building.

The Lessee shall be responsible for placing all solid waste and recyclables generated on the Premises and cafeteria during hours of operation inside dumpsters provided by the Lessor and located in the adjacent loading bay. The Lessee shall empty the waste container on the outside patio adjacent to the building during fair weather months. Lessor shall contract with a vendor to remove the solid waste and recyclables from the Premises.

3. Condition of Premises.

The Premises is leased with the understanding that the Premises was previously utilized as a kitchen, but that the Premises currently has limited kitchen equipment, which is set forth in *Exhibit A* attached hereto and incorporated herein. The Premises requires fit out with additional appropriate kitchen equipment in order to meet the needs of the Lessee and comply with health and building codes. Within thirty (30) days of the execution of this Lease the Lessee shall provide the Lessor a written list of additional kitchen equipment necessary to complete the fit out with associated costs. Within sixty (60) days of execution of this Lease the Lessor, the Lessee, and the McConnell Center Advisory Committee shall agree in writing on what items from the written list the Lessor shall provide to complete the kitchen fit out. Should the parties be unable to come to an agreement within the time period allotted, either the Lessor or Lessee may terminate this Lease without penalty, by providing written notice to the other. The Lessor shall own all kitchen equipment currently in place and those pieces of kitchen equipment purchased by the Lessor to complete the fit out. The Lessee shall be responsible for the general care



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and day to day maintenance of the kitchen equipment. The Lessor shall be responsible for repairs to such equipment.

Lessee shall be solely responsible for insuring all improvements and contents of the Premises, and shall name Lessor as an additional insured. Proof of insurance coverage shall be provided to the Lessor within thirty (30) days of the execution of this agreement.

Lessee shall, at its own expense, maintain and keep Premises in a sanitary condition and good working order. Lessee shall remove food waste from premises as needed, and may utilize Lessor's solid waste dumpster for said purpose. Lessee shall routinely clean and maintain all grease traps and stove hoods.

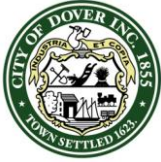
Lessor shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and building equipment. In addition, Lessor shall, at its own expense, make normal repairs and maintain performance of the leased Premises, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. Lessor shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they are at the date of the commencement of the term of this lease, reasonable wear and damage by accident, fire or other insured against casualty excepted.

Lessee and Lessor shall perform a walk through to evaluate condition of the Premises prior to occupancy.

Lessor agrees to make available a cafeteria area adjacent to the Premises from 8 a.m. to 6 p.m., Monday – Friday. Lessor shall provide, after consultation with Lessee, furniture for the cafeteria. Lessee recognizes that the cafeteria is common to other Lessees and to the public and is controlled by Lessor. Lessor shall maintain and provide custodial services to the cafeteria area. Lessee may decorate Premises provided Lessor is advised of, and approves in writing of the proposed decorations.

Lessee shall operate the Premises as a restaurant for the general public, and the other Lessees, during the hours of 8 a.m. to 6 p.m., Monday - Friday. These hours shall be the basic operational hours. The Lessee may operate the kitchen for catering and other food preparation purposes at other hours in addition to the basic operational hours. Any changes to the basic operational hours should be reviewed with the Lessee, but do not require the Lessee's approval.

Lessee agrees to the following conditions:



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- Lessee shall provide appealing and nutritionally sound food options, including a la carte items, snacks and beverages.
- Lessee shall promote nutritional awareness whenever the food service can interface with the agencies within the building.
- Lessee will work with the building administration and the McConnell Center Advisory Committee to analyze client input to provide a high quality food service.
- Lessee will provide any small wares needed to operate a kitchen.
- Lessee will make food service available to all other lessee organizations and their clients (estimated to be approximately 200 persons). Additionally the general public may access the food service.
- Lessee shall be an independent contractor and employees are not employees of the McConnell Center or the City of Dover.
- Lessee shall have the exclusive right to operate the foodservice program in the building including vending machines in the Cafeteria.
- Lessee shall comply with all federal, state and local health and safety regulations and post licenses and permits.
- Lessee should be capable of providing a selection of meals for a potential Senior Center meals program.
- The Lessee shall allow access to the kitchen for use, food preparation, and storage in the event the McConnell Center is used as an Emergency Shelter. This does not require that the Lessee operate the kitchen or provide food and supplies during such emergency situations. However, if the Lessee wishes to support the emergency services with their expertise and resources it would be welcomed and terms would be negotiated on a case by case basis in the issue of food provision.

4. Access to Premises.

The Lessor shall have the right to enter upon the premises at all reasonable times to inspect. The Lessor shall provide the Lessee with reasonable notice of any inspections of or visits to the premises.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty including fire not arising as a result of the negligence or intentional conduct of the Lessee whereby the premises or any portion of them are destroyed or damaged so as to be unfit for use or occupancy, the Lessor specifically reserves the option of terminating this Lease. However, that in the event of total destruction or damage which is equivalent of total destruction, this Lease shall automatically terminate.



6. Use.

The Lessee shall only use the Premises in compliance with the City's McConnell Center Reuse Steering Committee Report dated December 2004, and all applicable amendments thereto, all applicable City ordinances, rules and regulations. No residential use shall be permitted. The Lessee shall be prohibited from serving alcohol.

7. Renewal of Lease.

The Lessee may renew this Lease for three additional **Five (5)** year periods. At least one hundred twenty (120) days but no earlier than one hundred eighty (180) days prior to the expiration of the term of this Lease, the Lessee shall notify the Lessor in writing of the Lessee's intention to exercise its option to extend the term of the Lease for an additional period upon such terms and conditions as the parties may then agree.

8. Subletting and Assignment.

Lessee shall neither sublet nor assign the Premises or parking spaces under any circumstances without prior written consent by the Lessor.

9. Personal Property and Improvements.

In the event that at the end of the term or upon any earlier termination of this Lease, including, but not limited to, termination for failure of the Lessee to perform as required hereunder, there remains personal property of the Lessee in the Premises, the Lessor is authorized to dispose of said property after giving written notice of its intent to do so to the Lessee at the last known address of the Lessee. The Lessee shall not be entitled to compensation for personal property or improvements to the Premises upon the termination of this Lease.

10. Default/Early Termination.

In the event the Lessee fails to perform its financial obligations under this Lease, the Lessee shall be in default and the Lessor is entitled to possession of the Premises upon thirty (30) days written notice. If the Lessee shall default in the observance or performance of any conditions or covenants on Lessee's part to be observed or performed, under or by virtue of any provisions of this lease, the Lessor, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the Lessee. If the Lessor makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the Lessor as additional rent. In the event that there is damage to the Premises due to the Lessee's



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actions or inactions, or the Lessee fails to pay its monthly total rental fee assessment when due, the Lease may be terminated at the option of the Lessor.

Lessee agrees the Lease is subject to oversight by the McConnell Center Administrator in consultation with the McConnell Center Advisory Committee. The Administrator may issue warnings and directives, and expect actions to be corrected, if violations of the terms of the Lease exist. Lessor shall have the right to terminate this Lease with ninety (90) days written notice to the Lessee if violations involve matters other than non-payment of rent or other financial obligations.

If the Lessee or Lessor determine for any other reasons that it is not desirable to continue the lease agreement (90) days written notice by either party is required to officially terminate the agreement.

11. Indemnification.

Lessee agrees to pay, and to protect, defend, indemnify and save harmless Lessor from and against any and all liabilities, losses, damages, costs, expenses, including all reasonable attorney's fees and expenses, causes of action, suits, claims, demands or judgments of any nature whatsoever arising out of the Lessee's operations, including but not limited to:

- (i) any injury to, or the death of, any person or any damage to property or to the Premises, occurring during the course of Lessee's operations within the Lessee's Premises, if Lessee's negligent operations caused such injury, death or damages.
- (ii) any negligent act or omission of Lessee or its agents, officers or employees, if such negligent act causes damages.
- (iii) violation by Lessee of any agreement or condition of this Lease; or
- (iv) violation by Lessee of any law, ordinance or regulation affecting the Premises or any part thereof or the ownership, occupancy or thereof.

Lessee assumes the entire responsibility and liability in and for any and all damages and/or injuries of any kind or nature whatsoever to all persons, whether employees or otherwise, and to property growing out of or resulting from the operation of the food service program, and for any and all damages and/or injuries of any kind which occur in connection therewith.

12. Insurance.

Casualty and property insurance shall continue to be maintained on the subject property by the Lessor. Lessee shall procure and maintain in force, at its expense, liability and property damage insurance for the Lessee's leased Premises to be considered primary



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coverage. Said insurance to provide at least One Million Dollars in both liability and property damage coverage. Lessor has no obligation for any loss to personal property. Proof of Insurance shall be supplied to the Lessor at the time of occupancy. The City of Dover shall be listed as 'Additional Insured' on the policy and proof of insurance certificate. Additionally, Lessee shall procure and maintain in force, at its expense, during the term workman's compensation insurance for employees.

Lessee shall comply with all federal, state, and local health and safety regulations, procedures, and post licenses and permits.

13. Liens and Encumbrances.

Lessee shall not create or allow any lien, encumbrance or charge on the Lessee Premises or on the McConnell Center or on the rents or income there from which may be superior to the Lessor's rights hereunder.

14. Parties Bound.

This Lease and any addendums are binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

15. Notice.

All notices by either party to be given with respect to this Lease shall be in writing and shall be given by first class mail to the addresses stated above.

16. Modification of Lease.

This Lease contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

17. Section Headings.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

18. Severability.

Any determination that any provision of this Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not affect the



validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Agreement.

19. Laws Governing.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease and determine all rights hereunder.

20. Security Deposit.

Upon execution of this Lease, Lessee deposits with Lessor \$0.00 as security for the performance by Lessee of the terms of this Lease to be returned to Lessee, with interest, following the full and faithful performance by Lessee of this Lease. In the event of damage to the Premises caused by Lessee or Lessee's agents or visitors, Lessor may use funds from the deposit to repair, but is not limited to this fund and Lessee remains liable.

21. Merger.

This Lease contains all terms and conditions agreed upon by the parties hereto and not other agreements or representations, oral or otherwise, regarding the subject matter of this Lease shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease shall be in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease agreement this _____ day of _____, 2013.

The Cook & Baker, LLC
By: (Print & Sign)

Witness

Duly Authorized

The City of Dover
By: J. Michael Joyal

Witness

Duly Authorized



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2013.10.23 - 120**

Resolution Re: Approval of Zebra Crossings Lease, Room 328

WHEREAS: Zebra Crossings seeks to enter into a lease agreement with the City of Dover; and

WHEREAS: The location the Leased Premises is to be at the McConnell Center, 30 St. Thomas Street, Dover, New Hampshire, Room 328 which contains 227 square feet.

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

The City Manager is authorized to sign a lease with Zebra Crossings for a term of two (2) years.

AUTHORIZATION

Approved as to Funding:

Daniel R Lynch 10/17/13
Daniel Lynch
Finance Director

Sponsored by:

Deputy Mayor Carrier
By request

Approved as to Legal Form:

Anthony I. Blenkinsop 10/17/2013
Anthony I. Blenkinsop
City Attorney

Recorded by:

Karen Lavertu 10/17/13
Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2013.10.23 - 120**

Resolution Re: Approval of Zebra Crossings Lease, Room 328

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor, Robert Carrier, At Large		
Councilor Ed Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor, Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

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



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LEASE AGREEMENT

THIS LEASE made this _____ day of _____, 2013, by and between **Zebra Crossings**, a New Hampshire 501(c)(3) nonprofit organization of 61 Locust Street, Room 328, Dover, New Hampshire 03820 (hereinafter referred to as “LESSEE”), and The City of Dover, New Hampshire, of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire (hereinafter referred to as “LESSOR”).

WITNESSETH:

1. Description and Term.

That the LESSOR does hereby demise and lease to the LESSEE the Leased Premises within the City’s McConnell Center located at 61 Locust Street, Dover, New Hampshire, intended to contain **227 square feet** and more particularly identified on the McConnell Center Plans dated February 6, 2006 as **Room 328**.

In conjunction with the use of the Leased Premises, LESSEE shall have the right to use **Three (3)** parking spaces for its’ employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE’s normal operations between the hours of 8 am and 4 pm Monday through Friday. Additionally, visitor parking spaces are available in a parking lot created adjacent to the building on St. Thomas Street. Parking spaces will not be reserved and will be available on a first come first served basis with no signage designating spaces to the LESSEE. The parking spaces may be subject to relocation within the entire parking lot at the sole discretion of the City of Dover.

The term of this lease is 24 months beginning on **July 1, 2013 and ending on June 30, 2015**.

Monthly rent shall be paid on the first of each month to the City of Dover. The first year of rent charges are based upon a space allocation for the Leased Premises of **227 square feet** and calculated using the following components:

Component	Rate	Annual	Monthly
Fixed Rent	\$6.50	\$ 1,475.50	\$ 122.96
Capital Reserve	\$0.40	\$ 90.80	\$ 7.57
Utilities (*)	\$5.26	\$ 1,194.02	\$ 99.50
Other as agreed	0	0	0
Total Rent Assessment	\$12.16	\$ 2,760.32	\$ 230.03



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603.516.6000

2. Utilities and Maintenance.

The LESSEE is responsible for payment of all operations and maintenance costs associated with the Leased Premises, including utilities (electricity, water, gas, heat) and shared custodial, snow removal and associated supplies. Operations and Maintenance costs of this lease are established at **\$5.26/sf**. Utilities and Maintenance costs shall be revised annually and prorated per square foot based upon the previous years actual cost of operating and maintaining the building. The total square footage of leased space is **227 square feet**. The annual revision of operation and maintenance costs shall occur in February and take effect the following July 1st.

3. Condition of Premises.

The LESSOR leases the Leased Premises "AS IS". LESSEE is solely responsible for all associated costs for desired original and future build out of the Leased Premises. Plans and specifications for build out shall be reviewed and approved by the LESSOR prior to the start of construction.

LESSEE is solely responsible for insuring all improvements and contents of the Leased Premises, and shall name LESSOR as an additional insured. Proof of insurance coverage shall be provided to the LESSOR. The LESSEE'S policy shall contain a provision requiring thirty (30) days written notice of cancellation of coverage to the LESSOR.

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the Leased Premises, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its' expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they are at the date of the commencement of the term of this lease, reasonable wear and damage by accident, fire or other insured against casualty excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Premises prior to occupancy.

LESSOR agrees to maintain the Leased Premises in condition fit for their intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and sound physical structure. Furthermore, LESSOR shall maintain the outside grounds, remove the common area rubbish, and maintain and keep the parking areas, sidewalks and entrances/exits to building reasonably free from snow and ice.



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4. Access to Premises.

The LESSOR shall also have the right to enter upon the Leased Premises at all reasonable times to inspect same. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the premises.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty including fire not arising as a result of the negligence or intentional conduct of the LESSEE whereby the premises or any portion of them are destroyed or damaged so as to be unfit for use or occupancy, the LESSOR and/or LESSEE reserves the option of terminating this Lease. However, that in the event of total destruction or damage which is the equivalent of total destruction, this Lease shall automatically terminate.

6. Use.

The LESSEE shall only use the Leased Premises in compliance with the City's McConnell Center Reuse Steering Committee Report dated December 2004, and all applicable amendments thereto, all applicable City ordinances, rules and regulations. Additionally, the Leased Premise shall be used for non-profit purposes only. No residential use shall be permitted.

7. Renewal of Lease.

At least sixty (60) days, but no earlier than one hundred twenty (120) days, prior to the expiration of the initial term of this Lease or the expiration of an additional term, the LESSEE shall notify the LESSOR in writing of the LESSEE's intention to exercise its' option to extend the term of the Lease for an additional period and seek to continue its' Lease upon such terms and conditions as the parties may then agree.

8. Subletting and Assignment.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR, such intent shall not be unreasonably withheld.

9. Personal Property.

In the event that at the end of the term or upon any earlier termination of this Lease, including, but not limited to, termination for failure of the LESSEE to perform as required



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hereunder, there remains personal property of the LESSEE in the Leased Premises, the LESSOR is authorized to dispose of said property after giving ten days written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

10. Default/Early Termination.

In the event the LESSEE fails to perform its' obligations under this Lease, this Lease is defaulted and the LESSOR is entitled to immediate occupation and possession of the Leased Premises and the associated parking spaces. If the LESSEE defaults in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed, under or by virtue of any provisions of this lease, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Leased Premises due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease may be immediately terminated at the option of the LESSOR.

11. Indemnification.

LESSEE agrees to pay, and to protect, defend, indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses, including all reasonable attorney's fees and expenses, causes of action, suits, claims, demands or judgments of any nature whatsoever arising from:

- (i) any injury to, or the death of, any person or any damage to property or to the Space;
- (ii) any act or omission of LESSEE or its agents, officers or employees;
- (iii) violation by LESSEE of any agreement or condition of this Lease; or
- (iv) violation by LESSEE of any law, ordinance or regulation affecting the Space or any part thereof or the ownership, occupancy or thereof.



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12. **Insurance.**

Casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its' expense, during the term of this lease agreement, and any extensions of such term, liability and property damage insurance for the Leased Premises to be considered primary coverage. LESSOR has no obligation for any loss to personal property. Proof of insurance shall be supplied to the LESSOR at the time of occupancy. The City of Dover shall be listed as 'Additional Insured' on the policy and proof of insurance certificate.

13. **Liens and Encumbrances.**

LESSEE will not create or allow any lien, encumbrance or charge on the Leased Premises or on the McConnell Center or on the rents or income therefrom which may be superior to the LESSOR's rights hereunder.

14. **Parties Bound.**

This Lease and its' addendums are binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

15. **Notice.**

All notices by either party to be given with respect to this Lease shall be in writing and shall be given by first class mail to the addresses stated above.

16. **Modification of Lease.**

This Lease contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

17. **Section Headings.**

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

18. **Severability.**

Any determination that any provision of this Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not affect the validity,



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legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Agreement.

19. Laws Governing.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease and determine all rights hereunder.

20. Security Deposit.

Upon execution of this Lease, LESSEE deposits with LESSOR \$0, as security for the performance by LESSEE of the terms of this Lease to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease. In the event of damage to the Leased Premises caused by LESSEE or LESSEE's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

21. Merger.

This Lease contains all terms and conditions agreed upon by the parties hereto and no other agreements or representations, oral or otherwise, regarding the subject matter of this Lease shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease shall be in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease agreement this _____ day of _____, 2013.

ZEBRA CROSSINGS

Duly Authorized

DATE:

CITY OF DOVER

J. Michael Joyal, City Manager

DATE:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2013.10.23 - 121**
Resolution Re: Additional Consulting Services for Griffin & Ireland Well Study

- WHEREAS: The City of Dover in cooperation with the owner of the metal recycling facility, formally known as Madbury Metals, have agreed to work in cooperation to address the water quality issues and capacity in the Pudding Hill aquifer which supplies the Ireland and Griffin wells; and,
- WHEREAS: The city currently retains Emery & Garrett Groundwater, Inc for consulting services for Phase I of the Griffen & Ireland Well Study which was recently completed and therefore, requested a scope of services and cost estimate to implement the recommendations in the Phase I report in a phased approach; and,
- WHEREAS: The EGGI Phase I report recommends the relocation of the Griffin well and the implementation of an aquifer recharge system, the City has requested a phased proposed scope of work that identifies the tasks required and budget to complete the relocation of the Griffin well. To facilitate the project in a cost effective manner the City proposes to authorize EGGI to complete Phase II and if appropriate Phase III & IV of the scope of work; and,
- WHEREAS: In an effort to proactively address the potential water quality issues and enhance the water quantity at the Griffin well the City reached out to the current owner of the metal recycling facility. The cost of the work to complete Phases II, III, and IV will be shared equally between the City and Schnitzer.

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

The Purchasing Agent is hereby authorized to issue a purchase order to Emery & Garrett Groundwater Inc of Meredith NH in the amount of \$125,000. The amount of this authorization shall be limited so as to not exceed available funding.

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4757.03571.12	Water Exploration	100,000.00	61,262.00
5300.1.300.43320.4757.03571.13	Water Exploration	50,000	49,726.38

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch 10/17/13* Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Robert Carrier
By request

Approved for Legal Compliance: *ATB 10/17/2013* Anthony T. Blenkinsop
General Legal Counsel

Recorded by: *Kell 10/17/13* Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2013.10.23 - 121**
Resolution Re: Additional Consulting Services for Griffin
& Ireland Well Study

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2013.10.23 - 121**
Resolution Re: Additional Consulting Services for Griffin
& Ireland Well Study

RESOLUTION BACKGROUND MATERIAL:

The proposed study seeks to address water capacity and water quality issues in the Pudding Hill aquifer which is the source for both the Griffin and Ireland water supply wells.

The City has used the wells since the 1960's when the City acquired the property. A recharge system was constructed in the 1980's when the City realized the benefit a gravel washing operation located at an adjacent gravel pit had provided by increasing the yield at the Griffin well. Once the gravel washing ceased the well capacity diminished. Water was taken from the Bellamy River and seeps into the sand and becomes available water supply. Pruven restated the gravel washing in the 1990's obviating the need for the City to operate its recharge operation until 2011 when the Pruven gravel pit was sold and gravel washing stopped. The City needs to begin recharging again to increase the well capacity at the Griffin well.

The auto recycling facility, formerly known as Madbury Metals was identified as the source of volatile organic compounds reaching the Griffin well rendering it unusable for a water supply. An air stripper was added to the existing water treatment plant to remove those contaminants in the late 1990's. Several years ago the chemical compound known as 1,4 dioxane was identified as a human carcinogen. The maximum allowed concentration allowed in drinking water was set at 3 parts per billion. 1,4 dioxane has been consistently detected at .5 parts per billion in the Griffin well water. EPA is reevaluating the standard and is considering lowering the 1,4 dioxane standard to .3 parts per billion. If the standard is adopted the Griffin well will not meet the new standard.

In an effort to proactively address the potential water quality issue and enhance the water quantity at Griffin well the City reached out to the current owner of the metal recycling facility, Schnitzer proposing a cooperative effort to address the issue. Schnitzer has agreed to work in cooperation with the City of Dover and we jointly met with Emery and Garrett Groundwater (EGGI) to discuss potential options to solve the problems. EGGI has completed the initial work that investigated ways to increase capacity and address the potential 1,4 dioxane issue. The report of the Phase I investigation recommends the relocation of the Griffin well and the construction of aquifer recharge facilities. EGGI has developed an additional scope of work and budget to implement the recommendations of the Phase I report in a phased approach.

The City staff recommends that Phase II and III of the scope of work be approved by the City Council at this time to move the project forward in a timely and cost effective manner.

Tasks include:

PHASE II -- DRILL TEST WELLS TO CONFIRM POTENTIAL OF IDENTIFIED LOCATIONS TO RELOCATE THE GRIFFIN WELL AND EXPLORE THE POTENTIAL FOR A WELL AT ANOTHER CITY OWNED PROPERTY LOCATED ON ROUTE 108.

Task 1 – Drill 2 small diameter test wells at locations identified in Phase I and perform preliminary evaluation of well potential.

Task 2 – Conduct geophysical survey at alternative city owned property.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2013.10.23 - 121**
 Resolution Re: Additional Consulting Services for Griffin
 & Ireland Well Study

Task 3 -- Drill test well if a potentially suitable well site is found at alternate city owned property based on results of the geophysical survey and perform preliminary evaluation of well potential.

PHASE III-- ONCE A PREFERRED WELL SITE IS FOUND IN PHASE II, AN EIGHT INCH TEST WELL WILL BE INSTALLED AND A PRELIMINARY PUMP TEST WILL BE CONDUCTED TO CHARACTERIZE THE WELL'S CAPACITY.

Task 1-- Drill 8 inch test well at preferred location and perform preliminary pump test.

Task 4 -- Meeting with NHDES

PHASE IV-- PREPARE A PRELIMINARY ASSESSMENT REPORT ON THE WELL'S CAPACITY AND POTENTIAL AS A PUBLIC WATER SUPPLY FOR REVIEW BY NHDES.

Task 1 -- Prepare report on preliminary findings of test well's potential for public water supply development for submission and review by NHDES.

The total estimated cost to complete this work for Phase II, III, and IV is \$125,000.

Purchasing Information:

Type:	Purchase Order	Advertised:	NA
Invitations Mailed:	NA	Number of Responses:	NA
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	As contracted	Estimated Delivery:	As needed
Recommended Award to:	Emery & Garrett Groundwater Inc	Fund:	Water CIP/Schnitzer
Other Approvals Required:	Schnitzer	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2013.10.23 – 122**
Resolution Re: Establishment of Arts Legacy Trust Fund

- WHEREAS: The Arts Commission shall serve in an advisory capacity to the City Council and City Manager to enhance an appreciation and awareness of arts and culture in the community through increased dialog and participation of citizens; and
- WHEREAS: The Arts Commission wishes to develop sources of funds to enhance the awareness and appreciation of Arts in Dover; and
- WHEREAS: The Arts Commission voted on October 14, 2013 to seek City Council approval to establish the Arts Legacy Trust Fund; and

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

The City of Dover hereby establishes the Arts Legacy Trust Fund, for the purpose of accepting donations, bequests and any other funding which may become available to be utilized by the Arts Commission to enhance an appreciation and awareness of arts and culture in the City. The Trust Fund is established as an expendable trust fund, which allows for principal, any investment income and any additional donations to the trust to be disbursed for the purpose of the trust. The City of Dover Board of Trustees of Trust Funds will be trustees of these funds.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Daniel R. Lynch 10/17/13

Sponsored by: Edward Spuler
Councilor, Ward 1

Approved for Legal Compliance: Anthony Blenkinsop
General Legal Counsel

Anthony Blenkinsop 10/17/2013

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2013.10.23 - 122**
Resolution Re: Establishment of Arts Legacy Trust Fund

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor - vacant		
Deputy Mayor Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2013.10.23 - 122**

Resolution Re: Establishment of Arts Legacy Trust Fund

RESOLUTION BACKGROUND MATERIAL:

The Arts Commission shall serve in an advisory capacity to the City Council and City Manager to enhance an appreciation and awareness of arts and culture in the community through increased dialog and participation of citizens (Administrative Code 3-69). The Arts Commission has been discussing options for raising monies to help fulfill their mission. The Arts Commission wanted a vehicle in order to accept and expend donations, bequests and any other funds that would become available. The determination was made that the establishment of a Trust Fund would allow for the proper acceptance of donated monies and the proper accounting for the expenditure of money.

The principal, any investment income and any additional donations for the trust will be dispersed for the purpose of promoting an appreciation and awareness of arts and culture in the City. Any expenditure of the Trust will be based on a vote of the Arts Commission.

All funds of the trust will be managed and reported on by the Trustees of Trust funds in accordance with State law.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2013.10.23 - 123**

Resolution Re: 2014 Ford E350 Van Donated by Dover Police Charities

WHEREAS: The Dover Police Charities is a 501c3 charitable non-profit organization. The Dover Police Charities raises money to support various efforts in the community, including helping to feed the needy, the sponsorship of youth athletic teams, and financial support of the Dover Crimeline and the Dover Mounted Police; and

WHEREAS: The Dover Police Charities purchased a 2014 Ford E350 15 passenger van for the amount of \$25,563 and wishes to donate it to the Dover Police Department; and

WHEREAS: The new van will be used primarily by the Dover Teen Center and Dover Youth to Youth, but it may also be used for other purposes as determined necessary by the Dover Police Department.

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

The contribution of a 2014 Ford E350 van by the Dover Police Charities to the Dover Police Department and the City of Dover is a sign of its great generosity and willingness to support the community and is accepted with gratitude.

AUTHORIZATION

Approved as to Funding: *Daniel R. Lynch 10/17/13* Daniel R. Lynch Finance Director Sponsored by: Deputy Mayor Robert Carrier By request

Approved for Legal Compliance: *[Signature] 10/13/2013* Anthony I. Blenkinsop City Attorney

Recorded by: *[Signature] 10/17/13* Karen Lavertu City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2013.10.23 - 123**

Resolution Re: 2014 Ford E350 Van Donated by Dover Police Charities

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor	Vacant	
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.		

RESOLUTION BACKGROUND MATERIAL:

Until recently, the police department had two 15 passenger vans to use. One is a 1998 Dodge van and the other is a 2007 Chevy van. Both have about 75,000 miles on them. The vans are primarily used by the Dover Teen Center and Dover Youth to Youth for transportation around the City and on trips. For that reason, they must be safe and reliable. The vans are also used by the police department when large numbers of officers need to go to an event or, if during an evacuation, citizens need to be transported. The vans have also been used for the staff to transport groups for tours. Because the Dodge van has reached the end of its useful life, the Dover Police Charities purchased a 2014 Ford 15 passenger van that it wishes to donate to the Dover Police Department for its use.