

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
SEPTEMBER 14, 2005
7:00 P.M.**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Members Present: Councilor Robert Lewis, Mayor Scott Myers, Councilor Otis Perry, Councilor Dean Trefethen, Councilor Doug DeDe, Mayor Pro Tem Jason Hindle and Councilor Bob Keays. Councilor Colwell-Ellis and Councilor Matt Mayberry arrived at 7:05 PM.

- 4. PROCLAMATIONS/AWARDS**
- 5. CITIZEN'S FORUM**

The Mayor opened Citizen's Forum asking if anyone wished to speak.

Richard Lord of 31 Mast Road Extension stated last night the Planning Board approved a project behind his home. And the City wants to clear cut the hill and drop the grade and they are also looking for a deal where they can have the gravel, this issue is coming up for a vote tonight, the vote was 4-2 on the Planning Board. He objects to clear cutting the hill also there is an aquifer near there and nothing can be built within 50 feet of an aquifer and he is upset that Pete Lavoie says there is no aquifer. He does not know if they are aware of the fact that a prior Mayor had an eye for the future, and the city already has aquifers in use near the barn on Mast Road. Also Mr. Swett struck water in his pit and that was the end of gravel taking in that pit. The city bought, the state has now passed a law that pits have to be restored, the walls in the back have not been restored, and Pete Lavoie wants to use this pit and combine it with the other, he continued explaining, he wants a ROW from Shaw's Lane to this project on Garrison Road. The Mayor asked him to limit his comments to three minutes. He continued apparently from the cities point of view, as far as he knows the Swett pit walls have not been restored and there is some erosion that has taken place, nothing has been done and we have this easement coming before the council and the city is taking advantage of the neighbors and they are very much opposed to the clear cutting of the hill. At Ford's Landing and Tideview people are very much opposed to this clear cutting. If we get a heavy rain, there will be erosion. He thinks it takes 6 council votes to send an item back to the Planning Board. He reviewed the building of Fords Landing from back in 1990. He wants this current project to go back to the Planning Board for another vote or otherwise his neighbors will be flooded out if we have a storm.

John Scruton of 99 Sixth Street stated open space is better than money in the bank. He then spoke on natural resources, we should let open space be our motto for the next several and then some years, some of the tell tale signs, you see are traffic congestion all day long, low water pressure especially up by Strafford farms, and all he keeps hearing about is parking garages. He does not feel it is the taxpayer's job to build parking garages. We are digging ourselves a hole. Open space does not show up for new water mains, contracts or the CIP, he feels we could save a lot of money by having open space.

Don Medbury of 3 Covered Bridge Lane read a prepared statement (see folder of 9/14/2005) for a copy.

William Carswell of 98 Silver Street stated his store is at 9 Chestnut Street and he has been there since 1972, he understands the city wants to upgrade the street and the sewer. But he feels it is a waste of money to fix a side street, they will be creating a hazard in the area. He wants them to leave the street alone to resolve the problem, if you do this it will make the street alot smaller. The Planning Board had the sidewalks on the opposite side of the street from his store, if this is not the best situation it will impact his business negatively, it will only improve his neighbors business; if you are going to change the traffic pattern on the street, there should be some recourse, while we are talking about this project; he hears about a parking garage and that might help.

Rick Hebbard 97 Spruce Lane tries to tell the council of issues on the greater safety good for people. The first issue is signs being placed in the middle of the roadway to have them corrected and they are still on the sidewalk;

it is difficult for people to navigate around them with a wheelchair. The second issue is Garrison Hill and as most of them know that the tower would not be there if it was not for him. Many people gave money to ensure the tower was built. He was disheartened that they took Garrison Hill picnic tables to be used for the Irish Festival. As of today they are still have not been returned up there. Garrison Hill is a disgrace, Abbey Sawyer would be rolling in her grave if she knew; there was money left in the trust fund for this park. He hopes the City of Dover will always recite the Pledge of Allegiance in it's schools unlike the judge that is opposed to it.

Tom Backowies of 61 Fieldstone Drive, and owns a business at 7 Chestnut Street, he was the one who initiated a petition to see where people wanted a sidewalk, it would benefit his store but he does not know if it would hurt Mr. Carswell's store or not. Right now he can park 10 to 12 cars there; sometimes his customers park in front of Mr. Carswell's store. He felt he needed to say something, as he had a consultant and if there is parallel parking on his side of the street he feels he would lose 20% of his business. He hopes the work being done does not impact either business.

Seeing no one else the Mayor closed citizen's forum.

6. PUBLIC HEARINGS

- A. Ordinance #17-08/10/2005, Chapter 166, Vehicles and Traffic, Section 166-57, Schedule J, Limited Time Parking, 30 minutes, Central/Hale and Central/Second. Sponsored by Mayor Pro Tem Jason Hindle, TAC Chair. **(See Item 11A-1)**

The Mayor opened the public hearing seeing no one he closed it.

7. MINUTES

- A. Regular Council Meeting – July 13, 2005
- B. Council Workshop – July 27, 2005
- C. Council Workshop – August 3, 2005
- D. Regular Council Meeting – August 10, 2005

Hindle moved seconded by DeDe with all in favor.

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry **(REPORT SUBMITTED)**

Perry listed the new appointments and reappointments. (see council folder of 9-14-2005)

- B. Arena Commission – Councilor Darlene Colwell-Ellis - No report
- C. Arts Commission – Councilor Matt Mayberry

Mayberry stated the next meeting would be on October 12th at 5:30 PM in the auditorium.

- D. McConnell Center Committee – Councilor Otis Perry/Councilor Doug DeDe

DeDe reported they have been meeting on a weekly basis; they have had a couple of meetings in which Joyal has attended

- E. Planning Board– Councilor Dean Trefethen **(REPORT SUBMITTED)**

Lewis asked a question about the State's Park and Ride program saying Liberty Mutual is talking about a park and ride, he would not characterize it as a problem about who is going to pay for certain things and how it will all work together. Lewis thanked Trefethen for the detailed reports he does each month.

- F. Cable Franchise Negotiations Committee – Councilor Doug DeDe

DeDe reported the cable franchise committee were working on surveys and doing findings for public input at their last meeting.

- G. School Board Liaison – Councilor Doug DeDe
- H. City/School Joint Services Study Committee – Councilor Doug DeDe
- I. Solid Waste Advisory Commission – Councilor Otis Perry
- J. Transportation Advisory Commission – Councilor Jason Hindle

Hindle publicly thanked Richard Dolbec who has served on this commission and now resigned, he had served for the last 5 years. There is now one opening,

- K. Joint Building Committee – Councilor Jason Hindle

Hindle reported they had met before the council meeting tonight and were continuing to discuss the gymnasium.

- L. Recreation Advisory Board – Councilor Bob Keays

Keays reported there will be a report next month

- M. COAST Bus – Mayor Scott Myers

Hindle moved seconded by Mayberry to accept with all in favor.

9. MAYOR'S REPORT

The Mayor stated this has been a busy month with several new businesses opening.

Senator Gregg was here to do a presentation of additional funds to support the continued dredging of the Coheco River. Mayberry attended along with the City Manager and city staff, Senator Gregg spent a good half hour down at the river discussing the project.

The Mayor also spent time at the Seymour Osman Center reading a story about science technology. He continued by thanking the Dover police charities for putting on the Irish Festival, he appreciates all their work. Also there is a county inmate work crew program that has expanded and we now only pay for the cost incurred for the price of the materials to be used. They have worked on several buildings within the city and they are currently working on the Woodman Institute's new building. Speaking of the county he did go to the meeting last night where they are asking for a supplemental budget, or a 25% increase that our tax payers will be getting in their bills this fall. One of the reasons he went was to bring attention to the fact of how the state impacts the county and then down to the city, Dover fared a lot worse than other cities in the county. Finally he wants to encourage residents to get involved in municipal government. Mayberry asked if the delegation voted last night on that increase. The Mayor stated he did not stay until the end of the meeting so he is not aware of the way the vote went. Hindle moved seconded by Lewis to accept with all in favor.

10. CITY MANAGER'S REPORT

City Manager Joyal reported the manager's report has been sent out to all of them by email. He highlighted the economic development front that they are very active in working with the Chamber and Dover Main Street and they are really starting to work with the local visitors and businesses coming to town. Something Dover Main Street has picked up on is the holiday lighting theme in the downtown area. He also wants to work with the businesses and create a nice welcoming lighted atmosphere in lieu of the all the trees in the spirit of the holidays. Also there will be the Christmas tree lighting along with different characters in costume who will be visiting the downtown area.

In addition he has been working with the Chamber to promote Dover as a destination and they will be having brochures made up to distribute around the state for people to spend their money on here in Dover.

There are a number of construction projects in the city being worked on. On land sales we are proceeding on the advertising and bidding for the sale of the Grove Street property which the senior center currently occupies to actually sell it with the stipulation that the intent is the seniors can use the Center until it is sold. He also has received notice from a developer that is working on a project off from Route 108 to sell that property that they had a bid out on once before. He has now received another request to sell this property, he must follow the procedures on the books with regard to this property as we have an ordinance in place for the process that he will follow.

Lastly he is working on the inventory of city buildings, and one building stood out and that is the ward house on Fifth Street. It no longer used for a ward house purpose and currently they use it for storing bicycles and other storage. What he wants to do is put an RFP out to see what kind of proposals he will get back to put this property back into productive use in the neighborhood for any private users to make use of it. The Fire Department

overtime is working as anticipated. Lastly energy costs are up and in the area of gasoline we purchase through the State of NH master contract so we are somewhat isolated; also the council locked in on fuel oil for this upcoming winter so we will not see these huge prices the public will be seeing. A number of our buildings use natural gas to heat these facilities, he has heard a 50 to 75% increase on the rate and the arena is very heavily dependent on natural gas. On that note he distributed a financial statement on the ice arena showing we are in the black for \$41,000 this year; going forward the staff has been pleased with what they have done this past year, he cautioned them on the high energy costs. They are currently not subsidizing the energy costs. Mayberry asked about the public fuel assistance program. Joyal is very concerned about this as this budget is minimal at best, when it is no longer available, we are the last resort. The human services director is also very concerned about this. Mayberry asked if it is OK for a citizen that is truly in need to apply for assistance, Joyal confirmed this confirmed the city must provide for folks in need.

Mayberry asked if he has had an update on the paving on Central Avenue, Joyal says some grinding has been done so the pavement can be put down and they will be back September 18th to finish it and second can we move the signs off the sidewalk as this is Mr. Hebbard's concern. Joyal will speak to staff about this but in some instances they may belong to private contractors. Trefethen asked about the process of selling city property. Keays asked Joyal what it costs an individual boy to rent ice time, Joyal says last year the rate was \$198 for private use and this year it is \$225 to rent. Keays asked if the girders have been painted yet, Joyal says not yet. Keays also asked why we stripe roads, then hot top them and then re-stripe them again. Perry has two issues on selling property; he wants it in the real estate section rather than in the public notice section. He too agrees with Mr. Mayberry and Mr. Hebbard with regards to the traffic signs in people's way. Keays had an issue recently with an out of state vehicle at recycling. Joyal wants to know immediately when someone sees a person violating the waste rules and he will address it himself. Lewis commented on the graffiti at Garrison Tower which is horrible. Hindle moved seconded by Mayberry to accept with all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #17-08/10/2005, Chapter 166, Vehicles and Traffic, Section 166-57, Schedule J, Limited Time Parking, 30 minutes, Central/Hale and Central/Second. Sponsored by Mayor Pro Tem Jason Hindle, TAC Chair.

Hindle moved seconded by Mayberry to adopt. Hindle explained the ordinance; Mayberry stated he will vote to oppose this because there are residents that need to park here for extended periods of time. Perry questioned the enforcement of this. Right now we have a traffic enforcement person every two hours will we have someone check it every 30 minutes now. Hindle says no, if an issue arises, they will need to contact the police department. DeDe will also vote against this and his rationale is the number of restaurants in the area; he does not feel 30 minutes is enough time for a lunch. Also if he sees a 30 minute spot, he does not think he would even stop for lunch. Trefethen added that there is no enforcement; why don't we put an enforcement limit time right on the signs. The Mayor is in favor of this item and thinks it is a great idea. Trefethen asked can we amend the ordinance to put the times on the sign as it is very misleading for someone who does not know or is not from the area, we need to rectify this. Hindle believes the signs on Central Avenue already have time restrictions but he will address this issue with the TAC. Joyal suggested that we write the ordinance to show the times it would be in effect but he thinks this is already in the code. Motion passed roll call 6-3 with DeDe, Mayberry and Perry.

B. ORDINANCES IN 3RD READING – NONE

C. RESOLUTIONS – NONE

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Raffle Permit – Foster's Daily Democrat
2. Raffle Permit – Dover High Football Boosters
3. Assembly/Raffle Permit – Dover Main Street
4. Raffle Permit– Southeast NH Habitat for Humanity
5. Parade Permit – Knights of Columbus Council 807

6. Resolution RE: Setting the Voting Hours for the Municipal Election on November 8, 2005. Sponsored by Mayor Scott Myers by Request.

Hindle moved seconded by DeDe to grant. DeDe wants to remove item 12 A-6 from the consent calendar and Trefethen wants item 12 A-1 removed. Motion to grant items 2-5 passed with all in favor.

Trefethen asked about item 12A-1; Joyal suggests they approve it on the condition it is for non-profit purpose with all in favor. The City Clerk will call Fosters to confirm this information. **

DeDe stated having served as ward moderator for many years he wants the polling places to open at 7:30 AM on election day. Perry too feels this would make it easier for people to vote. Hindle asked why 7:30 AM and why not 7 AM instead. DeDe thinks 7 AM is fine, DeDe feels the point should be made that it will make it easier for people to vote. DeDe moved seconded by Perry to move the opening time to 7 AM. Lewis feels the idea to extend it is a reasonable approach. He thinks people would be willing to go along with the 7 AM hour. The Mayor would like the number of people per hour tracked at the polls to see how many people do vote between 7 and 8 AM. Perry says it is the perception that it is difficult to vote and this earlier time will help. Motion to move the time from 8 AM to 7 AM with all in favor of the new time except Keays was opposed.

All were in favor of 12 A-6 as amended.

B. RESOLUTIONS

1. **Resolution RE: Donation to American Red Cross for Hurricane Katrina Relief. Sponsored by Councilor Matt Mayberry.**

Hindle moved seconded by Mayberry to adopt. The Mayor stated, for the record this is a resolution for the folks at home to show support for the hurricane victims. DeDe has issues with this as there are already many individuals that have already contributed to the Red Cross. He thinks citizens will have a problem with the concept of donating tax payer dollars to the Red Cross. He will not vote for this; Perry says he has struggled with this also. This is a concrete way for us to show sympathy of what the folks in the gulf states are going through. Lewis will not vote for it either but at the same time he thanked Mayberry for bringing it up to show the City's concern. Hindle feels this sets a very dangerous precedent. Taxpayer dollars should not be used for this effort. Mayberry says it is interesting that we use the word "dangerous" to give \$2500 to people that have nothing. Leadership is set by the example we set each and every day sometimes we have to set a precedent because unprecedented circumstances force us into it.; these people have nothing. This is a dangerous precedent he will gladly support. Lewis moved the question, motion to adopt failed on a vote of 3-6 with Colwell-Ellis, Mayberry and Myers in favor.

2. **Resolution RE: Authorization of a Building Permit on a Class VI Highway. Sponsored by Mayor Scott Myers, by Request.**

Hindle moved seconded by Mayberry to adopt. Trefethen asked Mr. Towle to answer their questions; Michael Towle explained the stone wall issues and buffer zone that must be kept. Also there will be no city services and this too will be on file with the registry. DeDe asked if there is fire and police protection. Joyal confirmed to the best of our ability there will be. Joyal says it is not uncommon for people in these class 6 roads that they demand these services. After the council approves this, it will be a condition of the deed. Joyal says there is a statute that all of this flows from. Part of the process is for a person that is building there to acknowledge these circumstances. Colwell Ellis wants the statute for future building. Keays asked if there are other properties, DeDe will not vote for it because the best we can do is not good enough. Towel clarified it is plowed and there is a turnaround. Trefethen says there are a number of people that live on these class 6 roads per our ordinances; at some point you have to let a landowner develop their own land, he will be voting yes. Colwell Ellis would like to see the document before it is recorded. Joyal explained they would be approving this with the condition that these other things would be completed; these conditions are set by statute. Trefethen says the way the process is structured and the way the process works is they put the restrictions on the deed then the building permit is granted; we do this all the time for these kinds of things. Motion passed 8-1 with DeDe opposed.

3. **Resolution RE: Locust Street Parking Changes. Sponsored by Mayor Pro Tem Jason Hindle, Chairman Transportation Advisory Commission.**

Hindle moved seconded by Mayberry to adopt. Hindle explained the resolution. The Mayor clarified this is to authorize spending and then they will come back with an ordinance to purchase. Motion passed on roll call vote of 8-1 with Mayberry opposed.

** CLERK'S NOTE: (Funds will go to Make A Wish Foundation)

4. **Resolution RE: Request for Replacement of Docking Facility at Hilton Park. Sponsored by Councilor Robert Lewis.**

Lewis moved sec by Colwell Ellis to adopt. Lewis explained and urged them to vote in favor. DeDe concurs with Lewis on this. All in favor

5. **Resolution RE: Establishing a Standing Finance Committee. Sponsored by Councilor Robert Lewis.**

Lewis moved seconded by Hindle to adopt. Lewis read corrections to the "be it further resolved" section he has found. Mayberry asked how this will work as it should be a standing committee or what does he envision the workings of this. Lewis assumes this committee will come together on a quarterly basis from time to time and they should look at the annual audit to see what the ramifications are for it. The Mayor asked if this will be a standing committee it would have to be established in the admin code. The mayor does not want this to be so detailed in resolution form. Perry thinks we should put this in ordinance format and adopt as part of the code... This will be a legacy to this council. He proposes that this be an ordinance to be referred to and it would enhance the council's ability to deal with these issues. Lewis would like to see it this way if it going to be part of the process.

Hindle is in favor of this also but he says the cleanest way is to withdraw it tonight and bring it back as an ordinance next month but we currently have a Jojnt Fiscal Committee made up of school and city people. Lewis also commented that he did get in touch with Chairman Fisher and she too was in favor of it. Joyal added he has a concern the way it is worded he is in favor of suggestions, Lewis moved to withdraw to put this in the form of ordinance.

6. **Resolution RE: Preserve American Community Designation. Sponsored by Mayor Scott Myers, Mayor Pro Tem Jason Hindle, Councilor Otis Perry and Councilor Douglas DeDe.**

Hindle moved seconded by Perry to adopt. Trefethen is concerned about how if this could be used against us as we are a Tree City and every piece of property in New England is historic and if there is a way of controlling this he would be open to hearing it. Mayberry says historic district commission, if you even want to changer the paint color on a building you must apply to them. He wonders if this should not be tabled for one month so they can receive the supporting documents. Mayberry moved to table with Myers Hindle, DeDe and Perry opposed on a 4-4 vote. Lewis was out of the room. Mayberry moved to reconsider when Lewis came back and motion to table carried on a 5-4 vote with Colwell Ellis, Mayberry, Lewis, Trefethen and Keays in favor of tabling.

7. **Resolution RE: Instructing the City Manager to Create a Residential Taxpayer Median Income Versus Residential Tax Dollars Paid Survey. Sponsored by Douglas DeDe, Ward 2 Councilor.**

Item was pulled.

8. **Resolution RE: Acceptance of NHDES Grant Funds for City Pet Waste Reduction and Education Project. Sponsored by Mayor Scott Myers, by Request.**

Hindle moved seconded by Lewis to adopt. Motion passed on roll call of 9-0.

9. **Resolution RE: Award of RFP #B06006 for Engineering Services for Replacement Bridge 136/123 – Washington Street Over Cocheco River – Dover 13945. Sponsored by Mayor Scott Myers, by Request.**

Hindle moved seconded by Trefethen to adopt. Joyal explained the resolution for preliminary engineering Passed on a roll call vote of 9-0.

10. **Resolution RE: Award of Bid #B06007 SCADA System Improvements – Control Panel(s) Design/Manufacture. Sponsored by Mayor Scott Myers, by Request.**

Hindle moved seconded by Mayberry to adopt. Motion to adopt passed on a roll call vote of 9-0.

11. Resolution RE: Award of Bid #B06012 for Consultant Services for the Cochecho Waterfront Development Advisory Committee (CWDAC). Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Trefethen to adopt. The Mayor explained the resolution. Lewis is concerned that there is no budget for this project. The mayor disagrees saying that back in June we brought this line item up then. Motion to adopt passed on a roll call vote of 7-2 with Keays and Lewis opposed.

12. Resolution RE: Award of Bid #B06013 for Highway Winter Road Salt. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Keays asked what kind of salt this is. Doug Steele explained exactly what solar salt is and that it is sea water with the brine taken out. Motion to adopt passed on a roll call vote of 9-0. Joyal explained we have to commit to our vendor; Keays wants them to do just the main drag in the City. Joyal stated we have a policy of having black pavement within 24 hours after a storm.

13. Resolution RE: Award of Bid #B06014 for Lincoln Street Reconstruction. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to suspend the rules to bring item forward; motion passed on a roll call vote of 7-1 with Perry opposed and DeDe out of room. Trefethen has a concern because if we rebuild this road he is not sure this is a wise expenditure of funds. Lewis is quite satisfied if we do nothing on this. Hindle explained the background on this. Mayberry says government interference does more harm than good. Joyal wants to give staff perspective, there are two driving projects, there is a utility project coming in and the street will be ripped up. 2ndly from a pl perspective, this is in our master plan and it does guide us for roads, etc. as Hindle pointed out there is a need to create sidewalks in the downtown area. The parking situation is not working, we have a new business and there are even more parking issues on the street. Joyal urged the council to not put this project away with all the competing projects on this street. Mayberry asked with a loss of space how is a sidewalk going to help. Perry asked about the utility work, Joyal asked about the drainage that is there and this is part of the project. Joyal explained the process that has been followed so far. Lewis stated point of order he does not need more justification, he feels it is more of a question if we are looking at background or foreground. Joyal emphasized there is a need with regards to the city infrastructure, if we don't do it now in 50 years it will still be a problem. Keays asked how much we have spent in studies on these streets. Joyal says about \$50,000 and we have councilors that want to scrap it. Keays can tell you the last time it was done was in 1978 and nothing else has been done, lets get this taken care of. Motion to adopt passed on a roll call vote of 6-3 with Lewis, Trefethen and Mayberry opposed.

14. Resolution RE Award of Bid #B06016 for Fisher Street Roadway Improvements. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Trefethen wants to establish a policy on how we are going to maintain our current sidewalks. Hindle says Trefethen brings up a good point but there is a master plan in place and part of our policy to put sidewalks in the urban core area. Trefethen understands but thinks it is time to review the master plan. Motion to adopt passed on a roll call vote of 9-0.

15. Resolution RE: Award of Purchase Order for Stovetop Fire Extinguishers. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote of 9-0.

16. Resolution RE: Award of Bid #B06009 for Knox Marsh Road Sidewalks. Sponsored by Mayor Scott Myers, by Request.

Item was withdrawn.

17. Resolution RE: Shaw's Lane Sewer Line Extension and Related Sand Sale to PRPC Development Group, LLC. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to suspend the rules to bring this item forward. Motion passed on a roll call vote of 8-1 with Perry opposed. Hindle moved seconded by Mayberry to adopt. DeDe stated he will abstain as the applicant is his client. Trefethen would like a very brief overview by the applicant. Attorney Malcolm MacNeill is the representative for this project, he came forward and stated last night

the planning board approved this plan of a condo project of Mast Road and the applicant has agreed to build a walkway down to the Shaw's Lane. Despite the fact the parcel could sustain a septic on its site they want to install a sewer line. They had some issues adjusting the slope but the public works director stated this will stop erosion and give people a place to sit at the ball field. He is here to get permission to construct the sewer line to facilitate the construction of the site. The estimated amount of sand is 10,000 yards at \$1.75 per yard. Hindle asked Trefethen who voted against this at the Planning Board. MacNeill says Ciotti and he does not remember who else voted against it. Lewis mentioned the gentleman that spoke earlier this evening and his concerns about the removal of trees. MacNeill says this has been addressed. Joyal clarified from the city perspective we believe it would be beneficial to have the sand removed and more importantly we would like a sewer line to the ball field. Stancel explained there is no longer a potential for putting a city well there as it was determined that the yield would not be great enough to build a well there; so the ground water protection area was removed by zoning as a potential aquifer. Stancel continued saying with the clear cutting there are certain requirements in zoning so to create the correct topography it will be required to cut it. Perry asked about the developer that Darryl Sprague represents and he explained it will cost about \$150,000 to do the sewer. Stancel explained there may be \$40,000 difference if he was to put in a septic system as opposed to joining onto the city sewer. Mayberry clarified this will allow the city to install restrooms at the ball field. Trefethen says we gain the opportunity to construct restrooms at the ball field also part of this plan is this will correct the erosion problem; this is a win/win situation for the city, and the people who own this property have the right to develop it. Motion passed roll call 8-0 DeDe abstained.

C. ORDINANCES IN 1ST READING

1. **Ordinance #18-09/14/2005 Chapter 131, Offenses, Add Section 131-19, Registered Sex Offender Restrictions. Sponsored by Councilor Matt Mayberry. (To be referred to a public hearing on October 12, 2005)**

Mayberry moved seconded by Hindle to refer to a public hearing with all in favor of referring. Perry stated point of order as he wants a legal opinion about the definitions and distances on this issue also a map of the city with the schools delineated. Lewis added if someone from the ACLU could be here to speak on this. All were in favor.

2. **Ordinance #19-09/14/2005 Chapter 166, Vehicles and Traffic, Add Section 166-16 (F), Parking for Primary Purpose of Advertising Prohibited. Sponsored by Mayor Pro Tem Jason Hindle and Councilor Otis Perry. (To be referred to a public hearing on October 12, 2005)**

Hindle moved seconded by Perry with all in favor to refer to a public hearing on 10/12/2005.

D. COUNCIL CORRESPONDENCE

1. New Hampshire Fish and Game Department RE: relocating parking area @ Bellamy River WMA
2. Wetlands Application – Summit Land Development
3. Wetlands Application – City of Dover (Fisher Street)

Hindle moved seconded by Mayberry be placed on file with all in favor.

13. COUNCIL MATTERS OF INTEREST

Mayberry offered his apology to Hindle and Perry on the Preserve American resolution and about jumping the gun on this issue.

14. ADJOURN

Hindle moved seconded by Perry to adjourn at 10:50 PM with all in favor.