

**MINUTES
DOVER CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR COUNCIL MEETING
OCTOBER 12, 2005
7:00 P.M.**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members Present: Councilor Colwell-Ellis, Mayor Scott Myers, Councilor Otis Perry, Councilor Dean Trefethen, Mayor Pro Tem Jason Hindle and Councilor Bob Keays were present. Councilor Matt Mayberry arrived at 7:15 PM. City Manager Mike Joyal was also present.

Councilor Robert Lewis, Councilor Doug DeDe, were absent.

4. PROCLAMATIONS / AWARDS

The Mayor asked Pete Lavoie to come to the podium as he read the proclamation for his retirement after 28 years.

5. CITIZEN'S FORUM

Philip Loud of 9 Governor Sawyer Lane is here representing the Dover Teachers Union of which he is Vice-president; he thanked Councilor Perry for supporting the teachers of Dover. He has a message for Colwell Ellis and Mayor Myers and he respects and applauds both of them for their opinions. They feel the rest of the council used poor judgment and they are disturbed by their decision against education. He commented on Hindle's remarks to Fosters, on Saturday 8-13-2005; he takes exception to the comments, they cannot afford to do without this contract, he is a taxpayer and they cannot afford to do without this contract. These men and woman sit here today as educators, they help support some of our most needy individuals; he shudders at the thought of the expense to this city not only financially but socially. He takes exception the statement of part time with full time benefits; these people stay way beyond their normal hours. They not only do full time duty but overtime as well. He could not do his job with out them if these men and women were not doing their job. He sited the same article with reference to Perry. He asks them to sit here today and how they can sit in judgment. They are not here to pass judgment, the Para educator's union and our school board has sat through many sessions and came to an agreement that was mutually agreeable. He asked them to look and think hard about this. He asks that they visit a classroom and see how these people work. He asked Mr. Hindle several questions. And they will wait for his response to these questions. It is not too late to consider their contract. He asked for a vote in favor of the contract. A vote against one of them is a vote against all of them. Put your faith in the negotiating team as they negotiated in good faith. Vote in favor of education.

Don Medbury stated he rebuts this as he is a citizen and tax payer, he feels the council made a conscious vote, what ever happened to teacher's aides volunteering their time. He feels the prior speech was unfair. He then read a prepared statement regarding the taxpayers and elected officials. He has both Rochester's and Dover's budget and he praised the Rochester budget. He stated on election day, Nov 8th we must all get out and vote; we can't change the past but we can determine our future. (See council folder of 10-12-2005 for prepared statement).

Stephanie Keegan of 58 Cherrywood Drive is currently working as a paraprofessional while waiting for her contract to be approved. She is here about her concerns for the paraprofessionals. She too read the article in Fosters; she explained the details of the proposed contract. She concluded by saying the contract is an issue of respect; upon the failure of the approval of this contract Dr. O'Connor stated in the paper the city council failed to recognize the school paraprofessionals are valuable skilled employees who are the lowest paid in the City. She would like them to take the time to reconsider the contract; it really is a matter of respect.

Doug Conway of 41 Glenwood Avenue and President of the paraprofessional educators, he was a firefighter for Dover for 24 years during his career and after his retirement he chose to work as a paraprofessional. He explained about the stress involved but it is also rewarding to work with the children.

Diana Pettis of 32 Union Street grew up in a military family, and she wanted things different for her daughter. She found herself working in the school system, and it has been a privilege for her to see all that children can learn. Being flexible is the key, they provide one to one to the children. They also cover endless meetings that the teachers attend. The first person a child sees each day may be a paraprofessional; also she is a special-ed paraprofessional and works with several severely handicapped children, she has also been bitten but she accepts these risks. She is recertified annually and some of them have requirements that they get 50 hours of certification; she enjoys her job and would like to continue doing it. She is a taxpayer and homeowner in Dover.

Darlene Shanahan of 508 Tolend Road lives here with her husband and 3 children. She has been a resident for 19 years and has volunteered as a paraprofessional at WPS. She explained the projects that she has participated in. Her biggest accomplishment was making the WPS playground. She works at the Dover preschool program with students from 3-5 years with special needs. She is certified by the State of NH and she takes every opportunity to advance herself. Often on her own time at her own expense, their contract will be before them soon, she asked does she deserve a decent wage, the vast majority of them work 30 hours or more.

Glenn Grasso of 1 Pebble Hill Drive wants to change the subject for a second; he is here to talk about resolution 12B-2 and the tract of land that is on the agenda. He strongly supports this measure as it will benefit everyone in the City, this will make Dover a better place to live.

Mark Seymour of 12 Hemlock Circle (see handout #2) wants them to support the large tract of land also.

Alice Briggs of 10 Cote Drive stated she is very familiar with the rails to trails committee even though she is not serving on the committee, she has a place in Georgia and walks the trail there frequently. She had with her some trail books she offered to let them look at. She explained the good things that happen on the trails. Back a month or two ago she had dropped off rails to trails magazines; she continued with info on the trails.

Also she is concerned about the lack of commercial development in Dover. She feels Dover is losing every opportunity to bring shipping into Dover. We do not have enough of our tax burden going to industrial.

Kurt Shuman an abutter of the community trail urged them to support the resolution on the trails.

Catherine Cheney of 9 Snows Court is here for the voters on proposal #12B-10, and it would not cost too much more to open the polls at 7am. In talking to a lot of people they will be able to go before work and vote. She implores that the hours be increased. There are contested seats but even if there are no contested seats, we need the voter turnout. She is running in ward 5 and would like the council to not support this resolution.

John Murphy of 207 County Farm Cross Road is here for an easement in his neighborhood and asks for their support.

Alison Goss of 3 Grady's Lane has two boys in school system and has a boy with cerebral palsy and he has special needs. She has the utmost respect for the paraprofessionals that work with the children on a daily basis. She pointed out a couple of the paraprofessionals in the audience that have worked with her son. As a mother she does many of the things that the paraprofessional can and does. She wants him to be as self sufficient as he can be, so that children like Jarod will not need their services when they grow, they offer a very special gift to her son and others like him.

Mark Raiche of 7A Oxbow Lane is new to the Dover papa's as he started in March. He has a medical background, he did not plan on speaking tonight, however he left the medical field because he did not like to see the kids in pain. He has 3 children. He really respects these children, his biggest concern is insurance and when he took the position, he knew he was going to take a cut in pay; unfortunately he can only insure himself. So his wife is not covered at all. He implores them to look again at the package because he cannot afford the insurance offered by the City.

Aviva Meyer of 1 Pebble Hill Drive is here to urge them to approve the expenditure for the conservation commission to preserve the land.

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

6. PUBLIC HEARINGS

- A. Ordinance #18-09/14/2005 Chapter 131, Offenses, Add Section 131-19, Registered Sex Offender Restrictions. Sponsored by Councilor Matt Mayberry. **(See Item 11A-1)**

The Mayor opened the public hearing. Seeing no one he closed the public hearing.

- B. 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. **(See Item 11A-2)**

The Mayor opened the public hearing. Seeing no one he closed the public hearing.

7. MINUTES

- A. Council Workshop – August 17, 2005
B. Regular Council Meeting – September 14, 2005

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

8. REPORTS OF SPECIAL AND STANDING COMMITTEES

- A. Appointments Committee – Councilor Otis Perry
B. Arena Commission – Councilor Darlene Colwell-Ellis
C. Arts Commission – Councilor Matt Mayberry
D. McConnell Center Committee – Councilor Otis Perry/Councilor Doug DeDe

Perry stated this is the most dedicated committee he has ever served on; they have been dealing with the architect and engineers and now are in the process of finding a construction management firm. They have interviewed prospective tenants including city departments to put together a rational plan for the building. Also there will be a special briefing for the council next Wednesday night by members of the committee.

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

Trefethen highlighted a couple of items in his report. He pointed out a subdivision on Dover Point Road the last of the gravel pits that was up for approval in the spring has finally come back and is ready to be approved.

- F. Cable Franchise Negotiations Committee – Councilor Doug DeDe
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

Perry stated they had met on 9/15 with a monthly up date on the vehicle reclamation fund. Mike Moore had reported the recycling operations went smoothly this summer, he mentioned the Freon extractor that takes a lot of time to operate. Curb side collection has a new contractor and there have been some private drives that are getting curbside pick up and this is against the planning violations. They discussed the new bags with drawstrings and how most people seem to be satisfied with them.

- J. Transportation Advisory Commission – Councilor Jason Hindle
K. Joint Building Committee – Councilor Jason Hindle **(REPORT SUBMITTED)**
L. Recreation Advisory Board – Councilor Bob Keays **(REPORT SUBMITTED)**
M. COAST Bus – Mayor Scott Myers

Hindle moved seconded by Mayberry with all in favor.

9. MAYOR'S REPORT

The Mayor reported there was a ground breaking ceremony at the South End Fire Station where Trefethen and city staff were present as well. He also did many ribbon cuttings last month. He thanked the Main Street people as the Garrison Hill Panorama was a huge success along with the Apple Harvest Day. He was able to make this event and the weather could not have been more spectacular. A couple of weeks ago he testified on behalf of the city where they looked into the Henry Law Trust, he was encouraged by the way things went that morning. He attended an open house last week over at the Dover Teen Center to meet with new program coordinators. There is a lot of energy and the program is improving.

And finally he read councilor Lewis's statement on not running for city council in ward 6 as he is not a candidate even though his name is on the ballot. He read the prepared statement for the record. Hindle moved seconded by Perry with all in favor.

10. CITY MANAGER'S REPORT

City Manager Joyal stated he has a few items and he had sent his manager's report but not until late today and there are a couple of issues in the report tonight and the CIP has been prepared for 2012. Starting next Wednesday they will be having a Joint Planning Board workshop to help them through the process. He really wants them to approve the CIP by December of this year as we have been going out to bid late this year and this has had a negative effect on the city projects. Secondly he passed out the Dover Main Street banner program, he had money in the budget from assorted budgets he provided a handout of how the banners will look; also there will be a sponsorship drop on the banners. Also the Kirt Schuman committee helps different storefronts see how they could look with these banners. He wants them to be aware of this and he will be going forward with the Main Street Program. Trefethen says there is a sample banner in the package and he is assuming the banners will change with the time of year but the format will be the same. Joyal says they eventually want to get into seasonal banners. Perry understands Rochester had a private contract for their banners and they were not being maintained. Joyal says our program will be run by the Dover Main Street Program and installed by a local sign company here in Dover. Perry says he is amazed at how rapidly the banners can deteriorate. Mayberry asked if on the bottom it will be a standard print or have different logos, because Rochester's overpowers the banner. Trefethen asked about the weather that has not been cooperative with paving on Central Avenue and we have them all ready to go. Pete Lavoie added he wants them here as much as they do. Mayberry wants comments on the human resource manager and other positions and will they see them before the people are hired. He also wants to know about the city attorney's position. Joyal says he did advertise for the city attorney position and he has just completed the interview process and wants to have someone on board by December. As far as the human resource director's position, he feels the organization needs a human resource person on a full time basis, he recently advertised for that position. Joyal continued Pete is retiring in the next couple of days and he will be advertising for that position as well but he will be talking to the department to maybe reconstruct the position as he would like to have recreation report directly to him. He has not advertised for this as yet. He mentioned the request to have a meeting on the department head's rates of pay, there is a conflict in the administrative code and with the charter; the charter is clear that the city manager through the merit plan is responsible for establishing the pay plan. There is some question on if the administrative code supersedes the charter. He is proceeding to hire as it is currently worded. Hindle spoke with some people from the Knights of Columbus who want to relay their thanks and commented on the police professionalism at their event on Central Avenue this week and with regard to the discussion on absenting balloting, when is that available. The City Clerk confirmed ballots are available now. Keays asked about the human resource director; is this going to be similar to the job that Joyal just vacated. He explained the human resource portion is this going to be in the \$50,000 - \$75,000 salary range. Back in 92 and 93 says Keays there was a study and all the departments were changed around. He now just listened to Joyal and hears that he wants to bring recreation back under him. Joyal is talking about having just the program portion of recreation report to the city manager. He thinks recreation is a function that is separate from the other entity. But he will get the council's approval before this. Keays continued about his objection to all the superintendents in the community services department. He thinks this is money being wasted. Joyal continued about the weight restrictions on the Whittier Street Bridge saying we are proceeding with the temporary repairs to restore the Whittier Street Bridge's load capacity in hopes of having them complete it before snowfall. To complete the project we will need to purchase large and relatively expensive steel plates. We will be bidding the plates, approx \$24,000 and expect the cost to be in the vicinity of the threshold requiring Council approval. So as to not delay the project, he will be asking you during his Manager's Report to authorize in advance the purchase of the steel plates based on the low bid received.

He continued Pete is retiring and he has asked Doug Steele to serve as acting director effective Saturday and this also creates a vacancy on the Planning Board. He would like to continue with Doug Steele sitting on the Planning Board and he would like to remove the business assistant position and appoint the Fire Chief in her place, this would require the consent of the council as part of his report. Lastly Pete is retiring and he has been here a long time, he is a most knowledgeable person with a "can do" attitude. Fortunately Doug will be calling Pete in the early morning hours. Mayberry heard Pete volunteered to drive a snow plow this winter. Mayberry mentioned the Alstead flood and are our bridges up to speed, Joyal says in general our bridges are in good shape. Mayberry asked in the assumption of the new human resource position does this have to come before the council for approval. Joyal says the city manager maintains the classification plan and it is solely at the discretion of the City Manager.

Myers stated with the acceptance of the City Manager's Report we will be voting on the steel plates for the Whittier Street Bridge as well as the Planning Board appointments. Trefethen wants to know if there is not some other way to handle the Whittier Street bridge. Joyal responded we will have a workshop meeting but this is a routine bidding issue so he would like them to endorse it ahead of time. Hindle moved seconded by Mayberry and Keays with all in favor.

11. UNFINISHED BUSINESS

A. ORDINANCES IN 2ND READING

1. Ordinance #18-09/14/2005 Chapter 131, Offenses, Add Section 131-19, Registered Sex Offender Restrictions. Sponsored by Councilor Matt Mayberry.

Mayberry moved seconded by Hindle to adopt. Mayberry moved to make an amendment of wording under definition of School/Day Care in Section A. It should read: "Any public or private educational facility that provides services to children in grades K-12 or licensed day care facility that is clearly marked". Hindle seconded the amendment. Trefethen has a question on K-12 and licensed daycares. Why are we cutting it off at K and not adding daycares. Mayberry does not have an answer but maybe the daycare can come under the preschool. Myers concern is does it include a public or private licensed daycare, Perry clarified his wife used to run a day care that was approved as a school. Mayberry additionally moved to add "pre" in front of the K-12, Perry feels it is covered. Motion to amend passed by all. Mayberry asked the Police Chief to come explain the predator free zones saying there are 7 states that have these zones; the Chief handed out a map showing the areas of registered sex offenders in the city, there are 35 currently in the city 29 of which are registered for life. He asked the Chief to explain, it has taken them about 3 months to research what is permissible and what is not and the correct language that can be used and enforced throughout the country, some states are more restrictive than others. They found in case law especially in the Iowa's example their law was challenged by the ACLU and given the fact that these persons are such predators, it will be retroactive, one of the major initiatives is to create a sex offender free zone.

The criteria for these people to appear on the predator list for life is for them to have done a crime against anyone under age 13. They think this ordinance is broad enough to pass a constitutional challenge and goes along with the governor's draft; his is a 1000 foot zone. He thinks the city should go ahead and send a message to other communities to be in the forefront on this issue. Perry asked if we have any idea what impact these zones will have on development. Perry also wondered how we are going to maintain this map if the boundaries change. The Chief says all the sex offenders have to register with the Police department and tell them where they plan to live. Perry says presuming someone is a sex offender and serves their sentence may they or may they not be able to live with their family. The Chief confirmed they cannot live with the family. Trefethen asked about any half way houses in Dover that may accept any of these people. The Chief says there are no half way houses. The only place is My Friends Place and that is a temporary housing shelter. Hindle commended Mayberry for bringing this forward this year. He asked the Chief about the list of sex offenders, what right do we have to distribute this to PTO groups, etc. The Chief says the public list is available on a public website. The distribution of the pictures is problematic though but there is legislation proposed to allow this. Hindle would like the list on the main page of the City website for easy access. The Chief stated the link is on the Police page. Mayberry added this is an additional layer of enforcement for our police department for when these people move to the area and do not register. Myers asked the Chief about someone who moves away temporarily, the Chief says they would look at the current definition of the law and use common sense. Perry finds this troubling as a society that we have chosen to label people, but he understands the concerns people have. He finds this troubling in our democracy in trying not to convict someone until found guilty, he will vote in favor because of the heinous nature of the offense.

He wanted to mention these issues on a difficult question. Motion to adopt passed on a roll call vote of 7-0.

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.

Hindle moved seconded by Perry to adopt. Perry explained about the vehicles that use them for advertising their business as these people are trying to avoid the sign ordinance. Motion passed on a roll call vote of 7-0.

B. ORDINANCES IN 3RD READING – NONE

C. RESOLUTIONS

1. Resolution RE: Preserve American Community Designation. Sponsored by Mayor Scott Myers, Mayor Pro Tem Jason Hindle, Councilor Otis Perry and Councilor Douglas DeDe.
(To be removed from the table)

Hindle moved seconded by Perry to remove from the table with Trefethen and Keays opposed. Hindle moved seconded by Perry to adopt. Joyal explained this is for the McConnell project to defray the cost of this. He noted the handout and one paragraph such as the historic district commission, and the city can control the scope of this. Their mission is to protect the district. There should be some sort of inventory of historic assets which we already do. Trefethen asked if we pass this resolution is it in effect forever or can we take a vote at another time and that will take us out of the Preserve American umbrella. Joyal says it allow us to apply for the designation. Trefethen says given that we are getting grant money for the McConnell and when it gets used for other aspects he sees trouble coming down the road. What would be the status of any money we receive from Preserve America. Joyal says this is a good point; after we apply we would come back to the council and determine if there are any strings attached. Perry says he was on the commission when it was active and they did do a study of these. If we get the designation we can then apply for the grant and this vote will not guarantee us a successful plea for funds. Motion to adopt passed on a vote of 7-0.

2. Resolution RE: Renewal of License Agreement with TYRA Inc. Successor to S&H Enterprises, Inc. (and Sara Davis and Henry Sanborn). Sponsored by Mayor Scott Myers, by Request.
(To be removed from the table)

Hindle moved seconded by Perry to remove from the table with all in favor. Hindle moved seconded by Mayberry to adopt. Perry moved to amend by adding at the end of the third paragraph - Insurance "the Certificate shall list the City of Dover as insured or additional insured for liability coverage". He also wants to add a new paragraph 8: "Licensee agrees to comply with the terms of the Excavation Permit letter dated 10/5/2005. Failure to comply with the permit may cause the city to terminate this license at its own discretion". Mayberry seconded the motion to add the amendment." He feels we need to tie the license agreement with the agreement to extract. Mayberry asked Trefethen his thoughts on this. Trefethen says they are not unique in that they were not ready in May; they had varying degrees of waivers to correct. He hopes the five pit operators understand that we mean business. And the operators need to keep their pit up to date. This particular pit had some unusual situations and they have rectified them. It has become a matter for the city staff to make sure they remain that way. Motion to amend was unanimous. Main motion passed on a roll call vote of 7-0.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. Tag Permit – Dover Little Green Cheerleading
2. Raffle Permit – People to People World Youth Games
3. Raffle Permit – Dover High School Girls Basketball
4. Raffle Permit– First Parish Church Congregational, U.C.C.
5. Resolution RE: Closing a Portion of Central Avenue for the Annual Holiday Parade. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to grant. Motion passed by all with Perry out of the room.

B. RESOLUTIONS

1. Resolution RE: Authorizing Release of Funds from the Conservation Fund for a Conservation Easement by the Dover Conservation Commission (Winning Ways Stable, Inc.). Sponsored by Councilor Robert Lewis and Councilor Doug DeDe..

Hindle moved seconded by Mayberry to adopt.

The Mayor asked Marsha Colbath, Vice Chair of Conservation Commission to give the background. Marsha explained the council authorized the expenditure of \$400,000 from the conservation fund for the purchase of a conservation easement a 32 acre parcel known as the Smith Murphy parcel that links two existing conservation areas. There are many good reasons for conserving this area. Also these parcels are recommended by the City's Master Plan and have been identified as important parcels to be conserved.

Hindle commented thanking the Conservation Commission on all their projects and added in the upcoming CIP there is more funding for open space protection. The Mayor echoed these comments as well. Motion passed 6-0 with Colwell Ellis out of the room.

2. Resolution RE: Authorizing Release of Funds from the Conservation Fund for a Purchase of a Parcel of Land by the Dover Conservation Commission (Kageleiry/Kane). Sponsored by Councilor Robert Lewis and Councilor Doug DeDe..

Hindle moved seconded by Perry to adopt. Trefethen stated he will vote against this because it leads to the trail on the abutment and maintaining this forever is one more piece of infrastructure we will be out maintaining. Mayberry says the Conservation Commission does an excellent job and they set criteria to purchase these pieces of land. The question is on the \$185,000 assessment seems high to him for a piece of land that is landlocked and cannot be developed. He asked is this a city assessed piece for a 2.6 acre parcel. Steve Bird says yes it is based on an appraisal by the city, the issue is develop ability and it has limited development potential. Mayberry can see two lots coming off Fisher and one of off Silver Street. .Steve Bird says one lot could have two units only was the thought the developer had. Marsha confirmed this parcel is purchased outright. Motion passed a roll call vote of 4-2, with Keays and Trefethen opposed.

3. Resolution RE: Authorizing Release of Funds from the Conservation Fund for a Purchase of a Parcel of Land by the Dover Conservation Commission (171 Watson Road of Dover Holding Corp). Sponsored by Councilor Robert Lewis and Councilor Doug DeDe..

Hindle moved seconded by Perry to adopt. Trefethen asked having walked this property in the spring and there are sewer lines down the middle of the railroad and he assumes a portion is un-developable and secondly a lot of this is in the wetlands so what is it that we are buying? He is not sure this is a prudent way to spend money. Bird says the \$140,000 amount is a negotiated amount between the landowner and the City. Bird assured him there is some development potential. This is the ETP district and the development would be commercial. He would be happy to show it to Trefethen. Trefethen asked when we put in the sewer line did we purchase the easement. Pete Lavoie thinks it is just a utility easement of 30 ft wide. Trefethen says so whenever the sewer line was put in did the landowner receive monetary compensation, and are we paying twice for the use of this land. The Mayor confirmed that the appraisal took into consideration of the original easement. Perry commented on the sewer line easement the sign says no trespassing and with the other side of the river, access was cut off and this will provide this access forever as we will own it. Keays asked what we are purchasing. Bird says we are purchasing the development rights on this parcel. Keays asked do they pay taxes on it. Motion passed on roll call vote of 7-0.

4. Resolution RE: Purchase of Easements for the location of a new sewer line between the Varney Brook Pump Station and the Waste Water Treatment Plant. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Joyal explained the resolution and how we have to have an easement to complete the project. Motion passed on a roll call vote of 7-0.

5. Resolution RE: Council Support of Newington-Dover Project Alternative 3. Sponsored by Mayor Scott Myers and the Dover City Council.

Hindle moved seconded by Mayberry to adopt. The Mayor explained this lets us go on record supporting the State's Option #3. Trefethen says even though they would like our support there are not too many other options. Mayberry says this is a huge project for his ward after everyone speaks on this he will ask that we wait 30 days after approval for this. There are folks that want to push for a 6-W loop to come up through. He has 2 neighborhoods that want to wait the 30 days on this. Perry noted on the street lights the air quality is of concern. He would like to hear from Bruce Woodruff on this issue as they have been going to these meetings. Hindle asked Mayberry about his recommendation, what would happen if we table it for 30 days. Woody explained the time line is that the next significant even is another advisory task force meeting, the project manager wants form Dover is a statement of support although they could wait 30 days. Several citizens came out and spoke in favor of retaining the General Sullivan Bridge. Mayberry wants clarification that the folks are working politically not administratively. Hindle commended Thom Fargo, Jack Newick and Bruce Woodruff for the 20 months of time they put into this on going project. Mayberry moved to refer to next month's meeting Trefethen seconded the motion with all in favor.

6. Resolution RE: Award of Change Purchase Order for Night-Time Paving Service Premium. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Joyal explained the change order is because of Central Avenue and the Park Street paving sidewalk and this is brought to you after the fact. Keays says aren't these jobs put out to bid, why do we have to pay a premium. Joyal says it was part of an overall bid and we did not anticipate we were going to have night paving needs on Central Avenue as a result of the traffic volumes we are required to pay the additional costs. Motion passed on a roll call vote of 6-1 with Keays opposed.

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

Hindle moved seconded by Mayberry to adopt. Perry asked about labor compliance, Woody confirmed this; Trefethen asked is this a sidewalk that we are going to plow, Joyal says we do not plow this. Mayberry asked Woodruff if this is adjacent to a bike route. Woody says there are bike shoulders on Route 155 with the sidewalk coming over near Whitecliffs. Will there be a crosswalk for people to get on the bus on the other side. Woody confirmed they passed crosswalk standards by the state. There will not be a crosswalk there. The Mayor agrees with Trefethen about how we are going to maintain the sidewalks Motion passed on a roll call vote of 7-0.

8. Resolution RE: Award of Purchase Order for Chemical Root Control Services. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote 7-0.

9. Resolution RE: Award of Blanket Purchase Order for Continued Wood and Tree Waste Recycling Services. Sponsored by Mayor Scott Myers, by Request.

Hindle moved seconded by Mayberry to adopt. Motion passed on a roll call vote 7-0.

10. Resolution RE: Reconsideration of Municipal Election Polling Hours. Sponsored by Councilor Robert Lewis and Mayor Pro Tem Jason Hindle.

Hindle moved seconded by Mayberry to adopt. Hindle explained he is for extending polling hours but perhaps during the federal election we should reconsider this. Perry will not vote for this as he was a poll worker and they should be open for voting as much as possible. He will vote against this. The Mayor will also vote against. We passed this for the right reasons as we have some contested races in this election. Mayberry will vote for it as voting is a two way street and beginning today you can pick up a an absentee ballot, we have older workers at the polls and 3 and half weeks and 11 hours for you can get your vote in. The Mayor stated a yes vote is for the hours of 8 am to 7 pm and a no vote is for 7 am to 7 pm. Motion to reconsider failed on a roll call vote of 3-4 with Trefethen, Colwell-Ellis, Myers and Perry voting no so polls will open at 7 am.

11. Resolution RE: Acceptance of Ivans Lane as a City Street. Sponsored by Mayor Scott Myers, by Request.
(TO BE REFERRED TO A PUBLIC HEARING ON November 9, 2005)

Hindle moved seconded by Mayberry to refer to a public hearing with all in favor.

Hindle moved to suspend the rules to bring forth item 12B-12. Motion passed on a roll call vote of 7-0.

12. Resolution RE: Appointment of Ward 4 Supervisor of the Checklist. Sponsored by Councilor Dean Trefethen.

Trefethen moved seconded by Hindle to adopt, motion passed by all.

C. ORDINANCES IN 1ST READING - NONE

D. COUNCIL CORRESPONDENCE

1. Wetlands Application – Patricia Anderson
2. Wetlands Application – Barry Williams
3. Wetlands Application – Marie Donner
4. Wetlands Application – Leo Bosse

5. Wetlands Application - Montgomery Childs
6. Wetlands Application – Nelson Cook
7. Wetlands Application – David Della Penta
8. Wetlands Application – Russell Lyon
9. Wetlands Application – Jack MacLatchy
10. Wetlands Application – Marke Uhlar

Hindle moved seconded by Mayberry to accept and place on file with all in favor.

13. COUNCIL MATTERS OF INTEREST

Perry publicly acknowledged his pleasure of working with Pete Lavoie and wishes him well in his retirement. Hindle too thanked Pete for his many years of service; he also wished Hiroko Sato, Fosters reporter well as she moves on to the Lowell Sun in MA.

14. ADJOURN

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

Judy Gaouette, City Clerk