

**CITY OF DOVER**

## CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**  
Meeting Location: **City Hall, Council Chambers**  
Meeting Date: **Wednesday, October 26 2016**  
Meeting Time: **7:00 pm**

### 1. CALL TO ORDER

### 2. MOMENT OF SILENCE

### 3. PLEDGE OF ALLEGIANCE

Councilor Gasses led the Pledge of Allegiance.

### 4. ROLL CALL ATTENDANCE

**Present:** Mayor Weston, Deputy Mayor Carrier, Councilor Ciotti, Councilor Gagnon, Councilor Gasses, Councilor Greenshields, Councilor O'Connor, Councilor Shanahan, and Councilor Thibodeaux.

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

### 5. PROCLAMATIONS/AWARDS

Mayor Weston read a proclamation for Arthur Dubois.

### 6. APPROVAL OF AGENDA

Deputy Mayor Carrier added the Appointments Committee Report, the Joint Building Committee – Dover High School and Regional CTC Report, and Item 13.B. 1. to the Agenda.

Deputy Mayor Carrier moved to approve the Agenda as amended; seconded by Councilor O'Connor.

Vote: 9/0.

### 7. PUBLIC HEARINGS

#### A. CHAPTER 74, SECTION 2 – CEMETERIES

SPONSORED BY MAYOR WESTON BY REQUEST

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

#### B. CHAPTER 166, SECTIONS 21, 41, 50, 56, 57, and 59 – VEHICLES AND TRAFFIC

SPONSORED BY MAYOR WESTON BY REQUEST

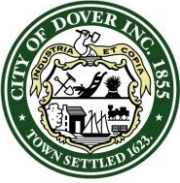
Mayor Weston, seeing no one wishing to speak, closed the Public Hearing.

#### C. CHAPTER 170, SECTION 8 – ZONING MAP

SPONSORED BY MAYOR WESTON BY REQUEST

**Christopher Triconi, 28 Quail Drive:** He spoke against the Zoning Map change.

**Nevin Brown, 7 Quail Drive:** He spoke against the Zoning Map change.



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**Emily Rose, 7 Quail Drive:** She spoke against the Zoning Map change.

**Jacob Banaian, 11 Quail Drive:** He spoke against the Zoning Map change.

**Brian Frankenfield, 18 Quail Drive:** He spoke against the Zoning Map change.

**James Civiello, 3 Quail Drive:** He spoke against the Zoning Map change.

**Scott Johnson, Member of Dover Business and Industrial Development Authority:** He spoke in favor of the Zoning Map change. He said he had no personal interest in this proposed ordinance change.

**Economic Development Director Daniel Barufaldi, 240 Blackwater Road:** He said he deals with facts and not conspiracies. He said change is difficult. He said this property should have been part of the industrial park a long time ago.

**Barbara Civiello, 3 Quail Drive:** She spoke against the Zoning Map change. She urged the City Council to hold off on their decision.

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

### **D. CHAPTER 170, SECTION 32 – UPDATING THE DOVER ZONING ORDINANCE SPONSORED BY MAYOR WESTON BY REQUEST**

**Mark Moeller, Attorney for St. John's United Methodist Church:** He spoke about temporary signs for non-profit organizations.

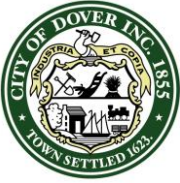
**Donna Capern, 1 Mulligan Drive, Member of St. John's United Methodist Church:** She spoke against the sign ordinance change for non-profit organizations.

**Wendy Alley, 28A Cataract Avenue:** She spoke against the sign ordinance change for non-profit organizations. She urged the City Council to vote no on this ordinance change.

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

### **E. ADOPTION OF FY2018-2023 CAPITAL IMPROVEMENTS PROGRAM (CITY COUNCIL VOTE TO OCCUR ON NOVEMBER 9, 2016) SPONSORED BY MAYOR WESTON BY REQUEST**

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



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**F. APPROPRIATION FOR FY2018 CAPITAL IMPROVEMENTS PROGRAM – NON-DEBT FINANCED PROJECTS  
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)  
(CITY COUNCIL VOTE TO OCCUR ON NOVEMBER 9, 2016)  
SPONSORED BY MAYOR WESTON BY REQUEST**

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

**G. APPROPRIATION FOR FY2018 CAPITAL IMPROVEMENTS PROGRAM AND AUTHORIZATION FOR BONDING  
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)  
(CITY COUNCIL VOTE TO OCCUR ON NOVEMBER 9, 2016)  
SPONSORED BY MAYOR WESTON BY REQUEST**

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

### **8. CITIZEN'S FORUM**

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

**David Sullivan, 6 Meridian Drive:** He spoke about the suspension of coaches because they purchased beer after a game on their own personal time in their personal vehicles. He said these individuals are devoted to this sport.

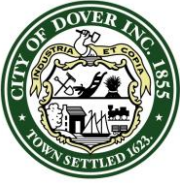
Mayor Weston, seeing no one else wishing to speak, closed the Citizen's Forum.

Councilor Shanahan moved to suspend the rules to address Item #12. Unfinished Business, #3 and #4 at this point of the meeting; seconded by Councilor Gagnon.  
Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 12.A.3.; seconded by Councilor Ciotti. Assistant City Manager Parker gave an overview of the process and proposed Ordinance change to the Councilor.

Councilor Greenshields moved to table until after the DBIDA meeting; seconded by Councilor O'Connor.  
Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 12.A.4.; seconded by Councilor Shanahan. City Manager Joyal gave an overview on the sign ordinance and why the City needs it. General Legal Counsel Blenkinsop gave an overview of the Supreme Court decision regarding Reed vs. Town of Gilbert, Arizona, and freedom of speech as it pertains to the signage ordinance. Assistant City Manager Parker gave an overview of the ordinance change. He said the Planning Board will be reviewing the entire signage section over the next year. Mayor Weston asked for a joint workshop with the Planning Board. Deputy Mayor Carrier moved the question.



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Mayor Weston asked for a roll call vote:

Roll Call Vote: 7/2; Passed. Councilors Gasses and Shanahan were opposed.

### 9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing today. He said the Public Library will be having their annual book sale on Friday. He said on Saturday, October 29, 2016 there will be a Halloween fundraiser at the Dog Park. He spoke about the upcoming November 8, 2016 General Election. He spoke about the drought conditions, and asked people to continue to conserve.

Deputy Mayor Carrier moved to accept the City Manager's Report; seconded by Councilor Thibodeaux.

Vote: 9/0.

### 10. APPROVAL OF MINUTES

- A. September 14, 2016 – Regular Meeting (reapprove)
- B. October 5, 2016 – Workshop Session
- C. October 12, 2016 – Regular Meeting

Deputy Mayor Carrier moved for the approval of the minutes; seconded by Councilor Ciotti.

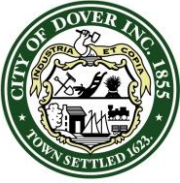
Vote: 9/0.

### 11. MAYOR'S REPORT

Mayor Weston said she attended the Lowell Avenue Treatment Facility Groundbreaking. She talked about Plaid Friday and other seasonal events in the downtown area. She attended the Joint Building Committee for Garrison Elementary School. She attended the candidate forum. Deputy Mayor Carrier talked about the Dover Main Street and businesses Trick or Treat. Councilor Shanahan gave a Spaulding Turnpike update.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Shanahan.

Vote: 9/0.



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### 12. UNFINISHED BUSINESS

#### A. ORDINANCES IN THE 2<sup>ND</sup> READING

##### 1. CHAPTER 74, SECTION 2 – CEMETERIES

SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux.  
Councilor O'Connor moved to amend the first and fourth line of the ordinance to strike "in" before between; seconded by Councilor Thibodeaux.

Vote: 9/0.

Councilor Ciotti moved for the adoption of the resolution as amended; seconded by Councilor Gasses.

Roll Call Vote: 9/0.

##### 2. CHAPTER 166, SECTIONS 21, 41, 50, 56, 57, and 59 – VEHICLES AND TRAFFIC

SPONSORED BY MAYOR WESTON BY REQUEST

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

Roll Call Vote: 9/0.

##### 3. CHAPTER 170, SECTION 8 – ZONING MAP

SPONSORED BY COUNCILOR CIOTTI AS PLANNING BOARD  
REPRESENTATIVE

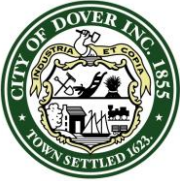
Council suspended the rules to move this up on the agenda to follow the Citizen's Forum.

##### 4. CHAPTER 170, SECTION 32 – UPDATING THE DOVER ZONING ORDINANCE

SPONSORED BY COUNCILOR CIOTTI AS PLANNING BOARD  
REPRESENTATIVE

Council suspended the rules to move this up on the agenda to follow the Citizen's Forum and Item 12.A.3.

#### B. ORDINANCES IN THE 3<sup>RD</sup> READING



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### C. RESOLUTIONS

- 1. APPROPRIATION OF ARENA CAPITAL RESERVE FUNDS AND AWARD OF ADDITIONAL SCOPE OF WORK ON ARENA GLYCOL LEAK WITH DAVIS MECHANICAL SERVICES, INC (REQUIRES 2/3 MAJORITY VOTE OF THE CITY COUNCIL)  
(POSSIBLE MOTION TO RENEW MOTION TO APPROVE RESOLUTION)  
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Greenshields.  
Councilor Gagnon moved to renew motion; seconded by Councilor O'Connor.  
Roll Call Vote: 9/0.  
Councilor O'Connor moved for its adoption; seconded by Councilor Ciotti.  
Roll Call Vote: 9/0.

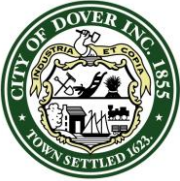
### 13. NEW BUSINESS

#### A. CONSENT CALENDAR

- 1. AWARD OF PHASE II B14074 PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEMS FACILITY UPGRADES  
SPONSORED BY MAYOR WESTON BY REQUEST**
- 2. B17014 SNOW PLOWING/HAULING SERVICES FOR CITY STREETS AND PARKING LOTS  
SPONSORED BY MAYOR WESTON BY REQUEST**
- 3. EXEMPTION OF PLAID FRIDAY (NOVEMBER 25, 2016) FROM METERED HOURS OF OPERATION 166-37  
SPONSORED BY MAYOR WESTON BY REQUEST**
- 4. GRAPHIC ART FUNDS – MOSAIC PROJECT DOVER PARKING GARAGE  
SPONSORED BY MAYOR WESTON BY REQUEST**

### COMMITTEE REPORTS

- School Board
- Planning Board
- 3. Appointments Committee**
- Arena Commission
- Arts Commission
- Legislative Liaison
- Library Board of Trustees
- McConnell Center Advisory Committee
- Ordinance Committee
- Parking Commission
- Pool Advisory Committee
- Recreation Advisory Board
- Solid Waste Advisory Commission
- Transportation Advisory Commission
- 15. Joint Building Committee – Dover High School and Regional Career Technical Center**
- Joint Building Committee – Garrison Elementary School
- Dover Main Street



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Deputy Mayor Carrier moved for the adoption of the Consent Calendar; seconded by Councilor Thibodeaux.

Mayor Weston asked the Council if they had items they would like pulled for further discussion. Councilor Gagnon pulled Item 13.A.2.

Deputy Mayor Carrier pulled the Appointments Committee and Joint Building Committee – Dover High School and Regional CTC Reports.

Mayor Weston asked for a roll call vote on the remaining items of the Consent Calendar.

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item 13.A.2.; seconded by Councilor Shanahan. Councilor Gagnon recused himself from the vote.

Roll Call Vote: 8/0. Councilor Gagnon recused.

Deputy Mayor Carrier gave an overview of the Appointments Committee Report and made the following recommendations for appointment:

Robert Berry – Utilities Commission – regular member

James Burdin – Planning Board – alternate member

Jeffrey Lapak – Arena Commission – alternate member

Deputy Mayor Carrier moved to accept the appointments; seconded by Councilor Ciotti.

Tristian Donovan – Planning Board - alternate member – on hold for General Legal Counsel review if he can serve on both Planning Board and Conservation Commission.

Councilor O'Connor moved to accept the appointments; seconded by Councilor Greenshields. Vote: 9/0.

Deputy Mayor Carrier discussed the Energy Commission members who wish to change their status:

Cyrus Esmaelli – from regular to alternate

Grant Faustino – from alternate to regular

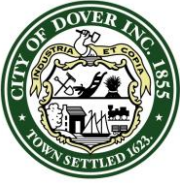
Deputy Mayor Carrier moved to accept the appointments; seconded by Councilor O'Connor.

Vote: 9/0.

Deputy Mayor Carrier gave an overview of the Joint Building Committee – Dover High School and Regional CTC Report to the Council.

Deputy Mayor Carrier moved to accept the Joint Building Committee – Dover High School and Regional CTC Report; seconded by Councilor Thibodeaux.





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### **B. RESOLUTIONS**

- 2. APPROPRIATION OF SETTLEMENT FUNDING RECEIVED FROM STATE OF NH REGARDING CITY OF DOVER CHALLENGE TO CONSTITUTIONALITY OF RSA 198:41 (REQUIRES 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 9, 2016) SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a public hearing on November 9, 2016; seconded by Councilor Gagnon.

Vote: 9/0.

### **C. ORDINANCES IN 1ST READING**

#### **14. COUNCIL CORRESPONDENCE**

#### **15. COUNCIL MATTERS OF INTEREST**

Councilor Greenshields talked about cemeteries ordinance being looked at to allow children and dogs.

Mayor Weston asked the Council to bring in their Code books so the City Clerk can update them.

#### **16. ADJOURNMENT**

Councilor Greenshields moved to adjourn; seconded by Councilor O'Connor.