

PUBLIC HEARING – MARCH 21, 2011

Mayor Grenier opened the duly advertised public hearing at approximately 8:03 p.m. to receive public input regarding the following subject matters:

- Ordinance 2011-01 Amending Chapter 15 to Add “No Parking” in Front of 124 Wight St. No comments.
- Resolution 2011-05 To Apply for Additional \$3.5 NSP Funds:

Neighborhood Stabilization Program 3 Public Hearing - City of Berlin, March 21, 2011

Andre F Caron, Housing Coordinator for the City of Berlin, asserted that a copy of this presentation was made available to the public and gave the following presentation:

The City of Berlin has been invited to apply for and compete for Neighborhood Stabilization Program 3 (NSP3) Funds authorized under Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 for the Neighborhood Stabilization program (NSP) that was originally established under the Housing and Economic recovery Act of 2008 (HERA).

These NSP3 funds were allocated by a formula based on the number of foreclosures and vacancies in the 20 percent of U.S. neighborhoods (Census Tracts) with the highest rates of homes financed by a subprime mortgage, are delinquent, or are in foreclosure. The net result is that these funds are to be used in highly targeted areas to communities with the most severe neighborhood problems associated with the foreclosure crisis which in this case includes Berlin.

Under NSP3 rules, the minimum grant amount was \$1 million for non-state grantees and the basic allocation is adjusted to ensure that every state receives a minimum of \$5 million. The State of New Hampshire was granted \$5 million and signed their agreement with HUD on March 3rd of this year. In this application, we will be requesting \$3.5 million of \$4.5 million that will be made available to the communities.

NSP3 funds are a special appropriation of Community Development Block Grant (CDBG) fund and are targeted to households with incomes at or below 120% of the area median income (AMI), with a portion of the funds targeted to households with incomes at or below 50% AMI. Under NSP3, Berlin will have to expend 50% of the funds by March 3, 2013 and 100% of the funds by March 3, 2013.

Under Resolution No. 2011-05, the City, in partnership with New England Family Housing, seeks authorization to tend an application to the New Hampshire Community Finance Development Authority (NHCFDA) - Neighborhood Stabilization Program 3 (NSP3) for a grant amount up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) to stabilize the neighborhoods known as Notre Dame, Lower East Side and the Granite/Main Street areas affected by high foreclosure rates and sub-prime mortgage-related problems.

These funds will be used in 2 different ways within the targeted neighborhoods;

1. Acquire and rehabilitate foreclosed or empty buildings to the standards required by the NSP Program and rent them to occupants who make less than 50% AMI in some cases and other who make up to 120% of AMI in others.
2. Demolish abandoned, blighted or non-habitated and non-habitable buildings that are beyond their economical life span were they to be brought up to NSP 3 requirements.

Does anyone have any questions on what I have described?

Councilor Remillard asked if the document will tell what percentages are to be used for demolition. Mr. Caron replied the percentage used will be mandated.

In addition, under Resolution No. 2011-05, we request that the Mayor and Council review reaffirm and readopt the attached City's Housing and Community Development Plan. The City's Housing and Community Development plan in addition to continued development, has, as a policy, that the involuntary displacement of households from their neighborhoods shall be minimized with numerous short and long term goals related to housing and neighborhood development. In the case of our NSP3 plan, the targeted buildings are already vacant.

Does anyone have any questions on the Housing and Community Development plan? No questions at this time.

We also request that the Mayor and Council review reaffirm and readopt the attached Residential Antidisplacement and Relocation Plan. We do not anticipate any displacement as a result of this project but should the need arise; the City will comply with the Residential AntiDisplacement and Relocation Assistance Plan. The planned rehabilitations will be accomplished without the need to relocate residents.

Does anyone have any questions on the Residential AntiDisplacement and Relocation Assistance Plan?

Mayor Grenier asked if we have to update the Residential AntiDisplacement and Relocation Assistance Plan. To that Mr. Caron replied it was recently updated in May 2010.

Andre Caron concluded his presentation at this time.

Mayor Grenier asked if there was anyone else who wished to comment at this time.

Kevin Lacasse of New England Family Housing, from New Hampton New Hampshire wanted to speak in favor of the NSP3 Program. They partnered with the City of Berlin on the NSP1 Program and have 85% done with 20 units that have been renovated out of 39. He feels this made a positive impact on the City of Berlin. They kept suppliers local and supported local workers.

Councilor Rozek, asked what Mr. Lacasse is proposing and roughly the number of units he plans to refurbish? Mr. Lacasse said that depends how much they do get for funds with the NSP3 Program but given their initial application, they are targeting another twelve buildings. Councilor Rozek added that they are doing a very good job.

Tim Coulombe, 417 South Avenue Berlin, is Mr. Lacasse's business partner. He reiterated that what was done with the first program was to keep the work, contractors and buying supplies local. They are training local contractors on better ways to build energy efficient programs. With NSP3 they also plan to keep it local again. It helps our economy and provides nice housing for local people with good management.

Mayor Grenier asked how many units were filled. Mr. Coulombe responded that that they have an occupancy rate of 20 available units with only 4 vacant and they have a waiting list for other possible units with other projects.

Mayor Grenier commended both men for doing a great job.

- Resolution 2011-06 Amending the Speed Limit Map for Sullivan Street School Zone. No comments.
- Resolution 2011-07 Grant Application for BioMass at BHS. No comments.

There being no one else wishing to speak for or against the subject matters, the Mayor closed the public hearing portion on the meeting at approximately 8:13 p.m.

REGULAR CITY COUNCIL MEETING – MONDAY, MARCH 21 2011

Mayor Grenier called the regular City Council Meeting to order at approximately 8:14 p.m. in the Council Chambers of City Hall. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, McCue, Evans, Rozek, Nelson and Theberge. Councilor Danderson was excused for being absent since he previously contacted Mayor Grenier to let him know he would not be attending the meeting. Also present: Pat MacQueen, Deputy Police Chief Valerino, Corinne Cascadden, School Board members, BEA Members, Andre Caron, BHS Civics Class students, several citizens and the press.

Minutes, Previous Meetings

Councilor Remillard moved with a second by Councilor McCue to accept the minutes of the March 7 Work Session/Regular Meeting and March 14 Work Session. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims to pay all bills dated 3/10/11–3/23/2011 for a total cash disbursement of \$1,402,737.24 Draft #1636. Councilor Remillard moved with a second by Councilor Nelson to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS: No Comments.

UNFINISHED BUSINESS

1. Council Committee Reports – No Reports
2. Ordinance 2011-01 Amending the Code of Ordinances, Chapter 15, Traffic & Vehicles, Article III, Stopping, Standing and Parking, Sec 15-69. Prohibited at all times in designated places by adding “No Parking Between Signs” in front of 124 Wight Street. (tabled 3/07/11)
Be it ordained by the City Council of the City of Berlin, as follows: That Sec. 15-69 is hereby amended by adding the designation depicted below.
Sec. 15-69. Prohibited at all times in designated places.
(a) When signs are erected, or other markings made, giving notice thereof, no person shall park a vehicle at any time upon any of the following streets or parts of streets longer than necessary to load or unload passengers or commodities: Wight Street, east side, “no parking between signs” at the pole located in front of 124 Wight Street (map 109:lot 92) for a distance of twenty feet (20’) to the south. This Ordinance shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor McCue to remove the ordinance from the table at this time. So moved, the motion carried.
Councilor Remillard moved with a second by Councilor McCue to have the ordinance read a second time by title only. So moved, the motion carried.
Councilor Remillard moved with a second by Councilor McCue to have the ordinance read a third time by title only. So moved, the motion carried.
Councilor Remillard moved with a second by Councilor McCue to pass the ordinance. So moved, the motion carried.
3. Resolution 2011-05 Authorizing an application to the New Hampshire Community Finance Development Authority (NHCDFA) Neighborhood Stabilization Program 3 (NSP3) for a Three Million, Five Hundred Thousand Dollars (\$3,500,000) grant to stabilize neighborhoods affected by high foreclosure rates and sub-prime mortgage-related problems. (tabled 3/07/11)
Resolved by the City Council of the City of Berlin as follows:

Whereas, the City of Berlin is considered by the CDFA as a Tier 1 community having some of the highest concentrations and volume of foreclosures and sub-prime mortgages and the highest risk factors for future foreclosures; and

Whereas, the City of Berlin has achieved great success with the Neighborhood Stabilization Program 1 (NSP 1) and has submitted a Letter of Intent in February 2011 to apply for NSP 3 funds (which is by invitation only); and

Whereas, the NHCDFA has extended an invitation to the City of Berlin to compete for the \$4,500,000 NSP 3 available funding; and

Whereas, the City of Berlin will partner with New England Family Housing, LLC of New Hampton, NH to manage portions of the grant to complete renovations on designated properties and the City will complete demolition of blighted properties, de-densify neighborhoods and create green space; and

Whereas, all grant proceeds shall be deposited with the City Treasurer and that any additional use of the funds beyond the scope of work as listed in the application shall require prior approval of the City Council. Now Therefore Be it Resolved by the City Council of the City of Berlin as Follows: That the City re-adopts its Housing and Community Development Plan, re-adopts its Residential Anti-displacement and Relocation Plan and that the City Manager is authorized to sign and submit a Neighborhood Stabilization Program 3 Grant application for Three Million, Five Hundred Thousand Dollars (\$3,500,000.) to stabilize neighborhoods being affected by high concentrations and volume of foreclosures and sub-prime mortgages and having the highest risk factors for future foreclosures; the City Manager is authorized to sign all documents and do all things necessary to effectuate the grant; Be it further resolved that the City Manager is authorized to receive said grant and the grant proceeds are hereby appropriated, in addition to all other funds, for the purpose of the grant. This Resolution shall be in full force and effect from and after passage.

Councilor McCue moved with a second by Councilor Nelson to remove the resolution from the table at this time. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Nelson to have the resolution read a second time by title only. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Nelson to have the resolution read a third time by title only. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Nelson to pass the resolution. So moved, the motion carried. Councilor McCue noted that along with this resolution the city does re-adopt the AntiDisplacement Plan and Housing and Community Development Plan.

4. Resolution 2011-06 Amending the City of Berlin's Speed limit map by creating a fifteen (15) mile per hour School Zone of Sullivan Street between Grafton and Coos Streets and on Grafton Street between Rockingham and Cheshire Streets pursuant to the City of Berlin's Code of Ordinances Sec. 15-41. (tabled 3/07/11) Resolved by the City Council of the City of Berlin as follows:

Whereas the Community Bible Church operates the Community Bible Academy at 593 Sullivan Street; and

Whereas, no School Zone exists at that location; and

Whereas, the City Council has determined that there is a need for a School Zone in this area around this School, and

Whereas, pursuant to the City of Berlin's Code of Ordinances Sec. 15-41 speed limit zones are amended by resolution. Now therefore, be it resolved that the City Council of the City of Berlin hereby amends the City of Berlin's Official Speed Limit Map by creating a 15 mile per hour School Zone on Sullivan Street between Grafton and Coos Streets and on Grafton Street between Rockingham and Cheshire Streets pursuant to the City of Berlin's Code of Ordinances Sec.15-41. This Resolution shall be in full force and effect from and after passage

Councilor Nelson moved with a second by Councilor Remillard to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Remillard to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor McCue to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Remillard to pass the resolution. It is noted that Councilor Evans voted no. So moved, the motion carried.

5. Resolution 2011-07 Authorizing an application for \$250,000 of funding from the USDA Forest Service 2011 Woody Biomass Utilization Grant Program for engineering services to convert the heating system at Berlin High School to Biomass. (tabled 3/07/11)
Resolved by the City Council of the City of Berlin as follows:

Whereas, the Berlin Public Schools are seeking to reduce the short and long-term cost of heating Berlin High School by replacing the current oil-fired boiler with a biomass boiler; and

Whereas, cost savings in #2 fuel oil by such a conversion are estimated to be substantial enough to equal two to three full time teaching positions annually; and

Whereas, funds from the Woody Biomass Utilization Grant program are available for planning such facilities by funding the engineering services necessary for final design and cost analysis of such a project. Now therefore, be it resolved that the City Council of the City of Berlin hereby authorizes an application for \$250,000 to the USDA Forest Service 2011 Woody Biomass Utilization Grant Program for engineering services to develop the conversion of the heating system at Berlin High School to biomass; and further, if awarded, the City Manager is authorized to accept the grant and to sign and do all things necessary to effectuate and carry out the grant; and further that the grant funds upon receipt are hereby appropriated to the Berlin Schools for the purpose of the grant. This Resolution shall be in full force and effect from and after passage

Councilor McCue moved with a second by Councilor Remillard to remove the resolution from the table at this time. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Remillard to have the resolution read a second time by title only. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Remillard to have the resolution read a third time by title only. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Remillard to pass the resolution. So moved, the motion carried.

NEW BUSINESS

6. Resolution 2011-08 in support of Androscoggin Valley Public Access Committee's promotion of greater access to public, education and government (PEG) local television programming. (1st read)

Councilor McCue moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on April 4. So moved, the motion carried.

7. Resolution 2011-09 authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2012. (1st read)

Councilor Remillard moved with a second by Councilor McCue to table the resolution and schedule a public hearing on April 4. So moved, the motion carried

8. BEA Union Contract Decision

Mayor Grenier explained to the new Council members the mechanics of approving a contract. Under RSA 273, which covers public employees, there is a governing body which is the Berlin Board of Education and a legislative body which is the Mayor and Council. It is the Mayor and Council who have to approve of any cost items of any collective bargaining agreement between the governing body within the city such as the Police Commission and Berlin Board of Education and their member unions. The sole discretion of the legislative body is to vote up or down the cost items in a contract and that is the only thing that the legislative body can vote on.

**Costs Items Associated With A One Year Contract For The BEA Union
Presentation to City Council March 21, 2011**

	2011-12
Increase to Base:	0.00
Salaries:	\$ --
Steps (Frozen at 2010-2011 level):	\$ (98,197)
Longevity (Frozen at 2010-2011 level):	\$ (9,865)
Health Insurance Plan Change (POS to HMO):	\$ (58,256)
Health Insurance Waiver (not taking insurance):	<u>\$ (37,750)</u>
Total Cost/Savings in FY12 Contract:	\$ (204,068)

The dollar amount of the premium co-pay paid by the employee in the final year of the contract will remain locked until renegotiated.

Cost of lock language if health insurance increases by 18% in 2013 and there is no successor contract in place: \$ 59,943.00

Mayor Grenier wanted to make it clear that although these numbers are negative numbers, these are numbers that would be removed from the proposed FY' 2012 budget. These numbers are not a reduction in the FY'2011 cost items.

Councilor Evans moved with a second by Councilor McCue to turn down the BEA contract Cost items as presented and to return the current proposal to the School Board with questions or comments to be directed to the City Manager. Roll call resulted in unanimous affirmative votes to reject the BEA Contract Cost items as presented.

9. City Manager's Report
State and Federal Prison Issues

The most recent state budget chatter has our State Prison in the mix with a threatened closure in order to meet certain state budget goals. Needless to say, such a plan no matter how unrealistic must be actively opposed. Our recent discussions with the Federal BOP-FCI has them worrying about whether we can handle their increased flows as they begin a ramp up. Now we are all worrying about whether in fact they will be starting up. Seems like there is no end to the problems which keep cropping up to get in the way of some real progress. That situation will be faced with no end to the determination to overcome those problems.

PSNH Energy Star Homes Program

Attached is some correspondence from Andre Caron which reviews the fact that we have 20 NSP renovated units which qualified for the Public Service's Energy Star Homes Program's incentives. As a result we have received two incentive checks totaling \$20,125 for 20 living units. Andres' memo goes on to explain some of the several secondary benefits that these home renovations have had.

Conway Bypass Communication and NCC TIP

Attached is correspondence from the Conway Board of Selectmen which conveys to NCC their concern about proper maintenance of the improvement already made in Conway to their road system as well as concern about what happens if the southern portion of the bypass is completed but not the northern two sections.

Impact of More Downshifting

Attached are a few more memos from Welfare Officer Angela Martin-Giroux which give her assessment of the various things going on with respect to the State budget and possible impacts on us. A report of the NH Center for Public Policy Studies has a report on the impacts of state cutback on municipalities at <http://www.nhpolicy.org/report.php?report=267>.

Police Generator Bid

You may recall that the Police Department has found that its standby generator no longer has the capability to power the Department in the event of a loss of power. The PD has been able to get Homeland Security funding to purchase and install a new larger capacity standby generator. This contract has been awarded to Pow'r Generation Systems of Oquossoc, ME in the amount of \$51,890. Six bids were received and the high bid was in the amount of \$94,500.

Meeting with State Health Officials in Concord

On Friday, I met with State Health Officials Joyce Welch of the Food Division and Louise Hannon who is the State Health Official Liason in Concord in relation to the various health issues we need to be dealing with in the absence of Laura Viger. The meeting was quite useful in determining what various resources are available from them as well as details on what we actually need to be doing.

Legislative Matters

SB118: This bill which would have extended the RGGI law past 2015 to indefinitely into the future was withdrawn and last Thursday's proposed hearing was not held. Laidlaw asked that this bill be withdrawn.

SB3: This is a comprehensive retirement reform package which has been passed a first time by the Senate. This bill is an NHMA policy bill and needs to be adopted by the state to help clean up the retirement mess. The details of the bill can be seen at <http://www.nhlgc.org/nhma/nhretirement.asp>.

SB133: This is the bill that would reinstate the Pole Tax Exemption. The Council has strongly opposed this bill as has NHMA. Its next hearing is this Thursday at 10am in Rm 301 of the LOB. Hopefully, it will go down for good this time.

HB1&2: This is the budget bill and its trailer. The House Finance Committee continues to work on this and it is being brought to full committee this week. It is still way too early to have any real feel for what the State is going to end up with for a budget and what that impact is going to be on us.

HB457: This is the bill that would lower by half the interest rates on delinquent taxes. Despite a 15:1 committee vote to ITL it, the full House passed it based on inaccurate information to the effect that these rates are higher than federal or state rates on delinquent taxes. NHMA is hopeful that the Senate will still kill it.

Councilor Remillard moved with a second by Councilor Nelson to accept the City Manager's Report and place it on file. So moved, the motion carried.

Councilor McCue asked what becomes of those incentive checks for the energy star programs. The City Manager replied they are being used for that same purpose in our program.

10. Mayor's Report – Appointment: Board of Assessors Kem Rozek, 2525 Howard Street, for a three year term to expire 4/2014.

Councilor Evans moved with a second by Councilor Rozek to accept the Mayor's nomination of Kem Rozek to the Board of Assessors. So moved, the motion carried.

Councilor McCue moved with a second by Councilor Remillard to accept the Mayor's report and place it on file. So moved, the motion carried.

11. Public Comments

Ted McCormick, 119 Prospect Street, has been teaching in Berlin 26 years. He taught many of the Councilors and their children since he started in 1986 since his class is mandatory. He was very upset and said he was looking to Council for two answers. Unfortunately the students left but he wanted Council to look at the students and tell them why they don't deserve an education. Second, from last weeks' meeting, Council was disgusted by the number of kids in the early classes. His two daughters are in those classes. He wants the Council to tell him, as a father, that those girls don't deserve an education like their kids. Third, he asked the City Manager why it is ok and he has the exact number of \$31 dollars plus per thousand that goes to the schools. He previously was in a department of 6 people now it has 2. Last year Council laid off 12 and the year before 6, that is 18 of his peers out of 220. If you round it off that is 10%. Who else has taken 10%? It is very disturbing. He just spent 10 days out of his pocket taking 24 kids to 4 foreign countries and spent an entire week with 96 kids after school until 4:30 out of his pocket. His computer died 2 years ago losing 20 years worth of information and had to pay \$1,600 to retrieve that from a special company in California. He received nothing for that! He doesn't expect anything but does it because it is part of his job. Now Council is insulting him as a professional who continually gets constant upgrading of his skills. He understands the plight Council is in but they are not going attract people here if they can't promise them an education. The brightest and best will not stay here if you can't promise them anything from an education. Where are Mr. Danderson's 2 boys? They are not in Berlin because we can't promise them anything. You have to change the mindset and the culture and you have to start with the children. Council is short-changing them and it is not right. So when Council reconsiders how much money the schools get, they get from the state a lot of money because they don't have a lot. When they allocate some of that money to go build a road, and don't put it towards the schools, they hurt the kids in a double whammy. And again, that is not fair.

12. COUNCIL COMMENTS

Councilor McCue thanked Angela Martin-Giroux for information she provided about the DHHS proposed budget cuts at the state level. It is frightening what some of the folks in Concord are considering. It is a situation where if you address our short term needs, you need to be aware of the long term consequences. When people with challenges in their lives don't get the services they need early on in their life they end up in the court system.

He went on to commend the gentlemen and the NSP Program. He just heard about all the great work they did under the energy star program. It is nice to see the work being done in Berlin. He also commended the School regarding the biomass heating project. This is a start to develop other energy levels instead of using fuel oil.

Councilor McCue gave everyone a copy of SB118 which did not get out of committee. It was interesting that the original bill first dealt with electric generating facilities and the amendment they discussed a couple weeks ago completely changed the bill into something dealing with renewable energy standards. It is dead for now.

The Main Street Program has begun to plan the annual Drive in the 50's which is scheduled for the first Thursday in June. Council will hear from the MSP regarding permission to close the road. They also are working with BIDPA on a plan to have a ribbon cutting ceremony for Bickford Place.

Councilor Rozek proudly announced a new milestone in his life. Yesterday, their daughter Barbara, who is a Registered Nurse in the Operating Room, delivered a healthy baby boy weighing 7.3 oz. He was very excited to share the good news about becoming a grandfather.

Councilor McCue welcomed the two new Council members and thanked all those who stepped up and submitted letters of interest. There are a number of positions open in city government and he encouraged people to get involved.

Councilor Otis thanked those who voted for him tonight. This is a good way for him to get his feet wet and he is proud to be here.

Councilor Theberge has been reviewing minutes and said although this is a new learning curb, he is willing to take the challenge. He added that he has a lot of respect for the School Board for coming here to show that education is important.

13. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Nelson to adjourn the meeting. So moved, Mayor Grenier declared the Regular Meeting adjourned at approximately 8:55 p.m.

A True Record, Attest:
Debra A. Patrick, CMC
City Clerk