

## **PUBLIC HEARING – JUNE 6, 2011**

Mayor Grenier opened the duly advertised public hearing at approximately 7:29 p.m. to receive public input regarding the following subject matter:

Ordinance 2011-03 Chapter 13 Pets Prohibited.

There being no one wishing to speak for or against the subject matter, Mayor Grenier declared the public hearing closed at approximately 7:30 p.m.

## **REGULAR CITY COUNCIL MEETING – MONDAY, JUNE 6, 2011**

Mayor Grenier called the regular City Council Meeting to order at approximately 7:30 p.m. in the Council Chambers of City Hall. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, McCue, Ducharme, Evans, Rozek, Nelson and Theberge. Also present: Pat MacQueen, Joe LaPuma, Walter Hansen, Bobby Haggart and the press.

### **Minutes, Previous Meetings**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the May 16 Work Session/Regular Meeting, May 23 Work Session, May 25 Budget Hearing. So moved, the motion carried.

**Disbursements:** It was recommended by the Committee on Accounts/Claims to pay all bills dated 5/19/2011–6/08/2011 for a total cash disbursement of \$2,774,344.46 Draft #1641. Councilor Remillard moved with a second by Councilor Otis 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 public comments

## **UNFINISHED BUSINESS**

1. Council Committee Reports – No Reports
2. Ordinance 2011-03 Amending the Code of the City of Berlin, Chapter 13 Streets, Sidewalks and Other Public Places, Article I in General; Section 13-1 Pets in Parks. (tabled 5/16/2011)  
Be it ordained by the City Council of the City of Berlin as follows: Sec. 13-1. Pets prohibited on city properties including parks, school yards, playgrounds and at Community events.
  - (a) *Prohibited.* All pets to include all dogs, cats, and other household pets as well as all exotic animals as defined by State law RSA 207:14 and further defined as controlled or non-controlled under the State of New Hampshire Administrative Rules of Fish and Game Chapter 800; PART 804 POSSESSION OF WILDLIFE; Section Fis 804.01 Definitions and Section Fis 804.02 Non-controlled Species are hereby prohibited on city properties, including parks, school yards, playgrounds and locations of community events. This prohibition includes pets under the control of their owner/keeper by leash or other means except for working (guide) dogs which are permitted.
  - (b) *Fines and penalties.* Any owner/keeper found violating any provision of this section shall be guilty of a violation and upon conviction shall be fined \$100.00 for each offense and shall be responsible for any and all cost incurred as a result of their violation.
  - (c) *Working Dog exception.* This ordinance shall not apply to any dog that is a certified dog assisting a person with a disability.
  - (d) *Enforcement.* The police department shall be charged with the enforcement of this section. This Ordinance shall be in full force and effect from and after passage.

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

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

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

Councilor Remillard moved with a second by Councilor Otis to pass the ordinance. So moved, the motion carried and Mayor Grenier declared the ordinance now passed.

## NEW BUSINESS

3. Resolution 2011-18 accepting Four Hundred Sixty-Five Dollars and Forty-One Cents (\$465.41) donated to the Recreation Department for the annual "Easter Eggstravaganza" (1<sup>st</sup> read)  
Councilor Nelson moved with a second by Councilor Evans to table the resolution and schedule a public hearing on June 20, 2011. So moved, the motion carried.

4. Resolution 2011-19 accepting Six Thousand, Four Hundred Thirteen Dollars (\$6,413.00) donated to the Berlin Industrial Development and Park Authority (BIDPA) for outdoor furniture for Bickford Place (1<sup>st</sup> read)  
Councilor Nelson moved with a second by Councilor Evans to table the resolution and schedule a public hearing on June 20, 2011. So moved, the motion carried

5. Resolution 2011-20 adopting a budget and appropriating money to defray the expenses of Berlin's City Government for the Fiscal Year 2012 (1<sup>st</sup> read)  
Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a special meeting for a final hearing on June 13, 2011. So moved, the motion carried

6. Resolution 2011-21 authorizing an application for a Community Development Block Grant in an amount up to Five Hundred Thousand Dollars (\$500,000) to be Sub-Granted to Norwich Corporation and/or their subsidiaries and partners to redevelop housing units at Brookside Park. (1<sup>st</sup> read)  
Councilor Remillard moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on June 20, 2011. So moved, the motion carried

Mayor Grenier asked the City Manager who is administering this grant. The City Manager replied that he thinks the park itself will administer this grant.

Councilor Remillard inquired if this was to just improve or add additional buildings to Brookside Park. City Manager MacQueen replied that it is to refurbish not add on.

### 6A AFSCME Local #1444 Tentative Agreement Two Year Contract Costs

	<u>FY 12</u>	<u>FY13</u>
	<u>Eff 7/1/11</u>	<u>Eff 7/1/12</u>
High Deductible HMO RX \$10/30/50 RM	(121,114)	
HRA at 100% of Deductible	36,750	
2% Pay Increase	25,313	25,819
FICA/WC/Ret.	5,822	5,938
Increase in Avg. OT Cost	1,347	1,374
Clothing Allowance	4,500	
Longevity	<u>2,800</u>	
Incremental Dollar Cost:	(44,582)	33,132

Councilor Remillard moved with a second by Councilor Otis to accept the tentative agreement with Local 1444. So moved, the motion carried. For the record, it was a unanimous affirmative vote by the Mayor and the entire City Council.

### 7 City Manager's Report Bickford Place

Mayor Grenier presided over a great dedication of Bickford Place last Thursday evening during the "Drive in the Fifties" event. BIDPA is certainly to be highly commended for undertaking such an ambitious downtown project. It makes a statement that says, "We are open for business and we are here to stay."

It is going to require the vigilance and effort of all Berlin's citizens to be sure that this new center stays in first class condition and continues to be used by the public. They need to see it as their own facility which it is. If Berlin's general public decides it is going remain in first class condition, it will.

#### Health Software Demos

Staff has over the last couple of weeks witnessed software demonstrations from three separate companies who provide the type of software needed to better automate the visiting nurse function in the Health Department and which will be required by Medicare in the near future.

#### Oil Bids

This year only one bid was received for heating oil and it is significantly higher than last year's fixed price. This year our bulk price is \$3.24/gallon whereas last year's price was \$2.39/gallon. The bidder is CN Brown who also had last year's contract. Unfortunately, this means that we will need to add \$68,489 to our budget across all the Departments including Schools for heating fuel.

#### Long-Term CSO Plan to comply with our Administrative Order

In response to the EPA Administrative Order that we received in January which took us to task for the Combined Sewer Overflow (CSO) events we have had in heavy rain events , we have sent off to the EPA a draft of a long-term CSO mitigation plan. They will review this and approve it with any changes they require and then return it to us for follow through with it.

#### Phase I Update for Burgess WWTF

In line with the above, we have received word that the EPA has approved utilizing our Coalition Grant Funds for carrying out the Phase I environmental update. We should have this update in about three weeks. This update should allow us to make a decision relative to the acquisition of this property with minimal environmental liability. We are using GZA environmental consultants who is already state approved to do this type of work.

#### Cross Town ATV Trail

Late last year the Mayor and Council and group that has been dealing with the cross-town ATV trails heard from a number of residents on York Street who were very upset with the ATV's on York Street. Accordingly, we were able with grant funds to pave the trail through the Dead River Park and have that portion of the ATV back into the Park. The pavement should solve the dust problem which seemed to be the biggest part of the problem in the Park.

#### State Prison Letter of Deficiency

Attached is a letter of deficiency we received regarding the State Prison and the operation of two of its boilers and three of its emergency generators. Pam Laflamme is on the local Citizen's Advisory Board for the Prison and is assured that they are dealing with the problem which seems to be a lack of proper reporting to NHDES.

#### Police Commission Evening Meeting

Attached is an agenda for a Police Commission meeting scheduled for this Thursday at 6pm.

#### Legislative Matters

Budget Bills and SB3: The Senate has passed its version of the budget bills and it now seems fairly certain that the conservative revenues we project receiving in the budget are probably reasonably close to accurate. The biggest unknown at the moment is retirement and what the state will or won't contribute to it. It seems pretty clear that the State is going to drop its current 25% contribution level for teachers, police and fire to zero. This would translate to retirement cost increases for us in the range of 67 to 75%. The hope is that the retirement reforms in SB3 would offset these increases, but there is no guarantee of that. It is critical that the state reform the retirement system to make it solvent, and now it is even more critical that that happen in order to avoid municipalities having to absorb large additional retirement costs above the large retirement increases we are already absorbing.

Pole Tax Exemption SB133: The attempt to resurrect this special interest bill which would make permanent the infamous pole and conduit property tax exemption for telecommunications companies seems to have been headed off. The deadline now for the House acting on such bills has expired and so the bill remains on the table and can't by the House rules be removed without a 2/3 vote which seems very unlikely at this point.

PWD Monthly Report and Manager's Time-keeping available for review at the City Manager's Office

Councilor Rozek asked if the City Manager next month could add to the Public Works report, even though it is out of their jurisdiction, a report about the Water Department's major water line renovation on Route 16 to help them keep track of the project's progress.

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

Mayor Grenier, in an attempt to get his hands around who is speaking for and representing the City of Berlin, asked the City Manager if there has always been a representative from Berlin nominated and confirmed by the Council for the Northern NH Correctional Facility Citizens Advisory Committee. The City Manager confirmed that Pam Laflamme currently serves and attends meetings regularly.

Mayor Grenier then asked who serves on the CEDC and what is that term? The City Manager said that Andre Caron currently serves on that board but will be leaving the board soon. The City Manager will provide Mayor Grenier with information on those terms and members.

8 Mayor's Report

ZBA Appointments:

- Joe LaPuma as a regular member with a term to expire April 2013. Councilor Nelson moved with a second by Councilor Theberge to accept the Mayor's nomination of Mr. LaPuma. So moved, the motion carried.

- Christopher Burke as an alternate member with a term to expire April 2014. Councilor Nelson moved with a second by Councilor Evans to accept the Mayor's nomination of Christopher Burke. So moved, the motion carried.

The Mayor then thanked city staff members and volunteers for their hard work at the Drive in the '50's. There was a good turnout despite the cold weather. Pat's Auto said they had 122 registered vehicles in the show and the Mayor thanked all for a job well done.

Mayor Grenier reminded everyone that the BHS Baseball Team are in the semifinals and are playing Thursday at 4:00 - go Mountaineers!

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.

9 Public Comments No comments

10 COUNCIL COMMENTS No comments

11 Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Evans moved with a second by Councilor McCue to adjourn the meeting. So moved, Mayor Grenier declared the Regular Meeting adjourned at approximately 8:01 p.m.

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