

Work Session July 5, 2011

Mayor Grenier opened the City Council Work Session at 6:30 pm in the City Hall Executive Chambers. Present were: Councilors Remillard, Otis, McCue, Ducharme, Evans, Rozek, Nelson and Theberge. Also present: Pam Laflamme as Acting City Manager, Michael Perreault, Betty Domino, Andre Caron, Robert Vachon and the press.

City Audit

Robert Vachon, co-partner of Vachon Clukay & Co., has been the City Auditor for many years. Instead of a power point presentation, Mr. Vachon submitted both a bound audit report and a written summary for the year ended June 30, 2010. He went on to say that in the bound copy is a Governance Report which is required to be communicated to the City Council. Mr. Vachon sees no issues whatsoever.

Independent Auditor's Report.

Every year they conduct the audit to look at risk assessment including fraud risk, risk of material misstatement of the City's financial statement and risk of noncompliance with the City's internal Control. The Water Works are included as a component unit of the City and are audited by other auditors.

Governmental Statement of Revenues, Expenditures and Changes in fund Balances.

The General fund revenues exceed the General Fund expenditures by \$30,000 on a Modified Accrual Basis where they take property taxes that are collected through August 31st and collect for the prior year anything after that is deferred and that is by national standards. It is not how you budget. So they have a beginning adjustment and an ending adjustment. Other non-major Governmental Funds expenditures exceeded revenues by \$125,000 and unreserved general fund balance for governmental fund basis statements is \$3.5 Million Dollars.

Enterprise Funds Balance Sheets.

The City has five enterprise funds: Sewer, BIDPA, Courthouse and Cates Hill Enterprise Funds. Investment in capital assets is \$19.7 Million Dollars for the Sewer Fund and \$1.4 Million Dollars for the other 4 funds. Outstanding debt is \$4.7 Million Dollars for the sewer fund and \$412,000 for BIDPA. Unrestricted net assets which represent the net difference between assets and liabilities are as follows: Sewer fund-\$4.6 Million; BIDPA-\$989,000; Others-\$60,000.

Enterprise Operations Statements of Revenues, Expenses and Changes in Net Assets.

Operating revenues were \$1.7 Million Dollars for sewer fund and \$141,000 for the other 4 funds. Operating expenses were \$1.9 Million Dollars for the sewer fund and \$134,000 for the other funds. Net change in change in net assets before capital contributions was a \$112,000 loss in the sewer fund after a depreciation charge of \$897,000 and a net loss of \$8,000 in the other funds after depreciation charge of \$41,000 in the other funds. Mr. Vachon added that the enterprise fund was in good shape.

Enterprise Operations Funds Cash Flows.

Sewer fund generated a positive cash flow of \$2.4 Million Dollars after a capital contribution of \$765,000. BIDPA generated a positive cash flow of \$16,000. Cates Hill generated a negative cash flow of \$2,800. The Courthouse Fund generated a negative cash flow of \$2,000.

General Fund Budget and Actual Comparison.

Total revenues estimates exceed actual by \$287,000 which means that the City overestimated their revenues and Mr. Vachon cautioned Council on that. Taxes received was \$9,000 more than estimated amounts. Licenses and permits were \$39,000 more than estimated amounts. Intergovernmental revenues were \$376,000 less than actual. Interest income was \$122,000 less than estimated amounts. Miscellaneous revenues were \$162,000 more than estimated amounts.

Total expenditures of \$31 Million Dollars are \$1 Million Dollars less than final budgeted amounts. Significant savings include: General Government-\$202,000; Public Safety-\$110,000; Highways and Streets-\$124,000; Capital Outlay-\$644,000. Actual revenues exceeded actual expenditures by \$355,000 so they did a good job managing the budget. No reportable conditions were found during the audit and no written management letter was deemed necessary.

Federal Compliance Audit.

The City/School receives more than \$500,000 in federal dollars and is subject to a federal compliance audit. Overall, the City expended over \$7.9 Million Dollars in federal funds, of this amount \$5.6 Million Dollars was received by the School Department. There were no findings for the current year.

Mayor Grenier explained that the total revenue estimate that they exceeded by Two Hundred Eighty Seven Thousand, most of that amount is because they missed the mark on Medicare and Medicaid revenues for the Health Department but they now have their arms around that. The Mayor asked where the enterprise fund in airport was. Mr. Vachon replied it is in back on the regular Audit Report. Mayor Grenier related that they have a \$106,000 deficit and asked how Mr. Vachon would propose they whittle away at that. Mr. Vachon said they only have two revenue sources: charge for services and miscellaneous. Over time they could wipe that out in five years. Over five years they have to make sure revenues exceed expenditures by twenty thousand per year which is not always possible. The only other way is to transfer money from the General Fund to subsidize it. That has been a thorn in the Mayor's side for many years and at some time they need to address that. Mr. Vachon agreed. Mayor Grenier said they have time to address that and Mr. Vachon agrees it will take time to look for a solution.

Mr. Vachon concluded that overall they are doing fine. They have had fund balances lower than they do now and had to struggle a few years back but considering what they have been facing, they are doing fine.

Councilor Evans asked Mr. Vachon to explain the accounting term for modified accrual.

Mr. Vachon explained that there are three different kinds of accounting used in this statement. Exhibit a & b in the report are like running a business most people don't use that but the ones that would be the bonding communities and Council would never use that. Modified is where they use property taxes collected 60 days after year end but you can't count it as revenue. It is sometimes used because some states don't have a strong tax collection policy but NH does. The third is how the City budgets and how they set their tax rate. The City does a good job of collecting property taxes. Mr. Vachon will return in September for this year's audit since Betty has not closed the books yet.

Sewer Abatements

Mayor Grenier explained that the city's policy has been not to abate sewer usage fees for leaking plumbing. These two abatement requests have to do with leaking plumbing. Unfortunately, if we allow sewer bill abatements due to leaking plumbing, he cannot support an appeal for leaking plumbing.

Michael Perreault, Public Works Director, confirmed that one request was for a leaking water heater and one was for a leaking toilet. Some residents have poor hearing and cannot hear a leak but unfortunately leaking plumbing cannot be considered.

Mayor Grenier asked Mr. Perreault how many abatements he actually received in all. According to Mr. Perreault, he only received these two requests. He affirms that it is due to the fact that he gave information sheets to the staff downstairs who intervened and told people what was included when they called inquiring about abatements. If abatements would be granted, they would abate assessment not usage and that would be the way we have to do it.

Councilor Rozek noticed that the separate letter from James Tasillo and Alan Villeneuve said that the Water Works granted them a rebate of 50% off the water bill and they request the same from the City, he asked Mr. Perreault if that is what he was referring to?

Mr. Perreault said yes, the Water Works abated the assessment and not the usage. He will call the Water Works to verify the readings but usually the responsibility is on the owner.

Councilor Remillard said it is unfortunate but agrees with the Mayor and Mr. Perreault that the only time it was abated was due to a bad meter only. If they approve these two it would lead to 300 requests the next time. She would vote to deny the requests at this point.

Councilor Evans explained that in the past he was inclined to offer a different philosophy that if the water never hit the sewage system and did not get treated the abatement could be justified. For 376 High Street he moved with a second by Councilor McCue to abate \$500 from the sewer bill. Roll call resulted in all votes in the negative with the exception of Councilor Evans who voted yes. The motion failed and the abatement request was denied.

Councilor Rozek stated that the water heater could have leaked out into the basement and he would like to know if Mike actually checked it. Mike replied he did not. So they have no way to see where water went at this point and it could have leaking pipes and water leaks through the foundation wall into city sewer. If they are going to issue an abatement, he would like to see some kind of proof because that is what the abatement is about.

Councilor Theberge commented that in the letter they said they believe the reason was a leak in the electric water heater and you would know three times the amount of water going through the floor and you could tell if water was leaking.

Councilor Ducharme queried if the Water Works granted a rebate for 50% of the water bill.

Mayor Grenier explained it is not usage but assessment and that is the fee charged to cover capital improvements to the water system and their bond payments. Water usage fees are for operational costs.

Councilor Remillard reiterated that the owner has the burden of proof and you just can't pick a figure out of a hat. Actual water usage could be a base to derive a formula for abatements.

Mr. Perreault agreed that the landowner should have noticed using more water since water bills are billed quarterly.

Mayor Grenier asked if there was any discussion on the Horne Street abatement request.

Councilor Remillard moved with a second by Councilor Nelson to oppose the 43 Horne Street abatement request. All votes in the affirmative, the motion carried and the request was denied.

EDI Demo Property Recommendations

Andre Caron, gave Council the EDI Demolition Budget Proposal #2. He originally discussed the budget and plans are coming to fruition. These funds have a November 2011 deadline to come under contract. In the schedule they have the opportunity to demolish these buildings and most have been tax deeded. Once the buildings are tax deeded, they are boarded up right away. Councilor Remillard informed Mr. Caron that the sewer from 735 Second Avenue goes into the 729 building and then out to the sewer. Andre, will work around that. Since this is federal money they have to go through the process. He has a plan of attack and will let Council know what funds are to be used unencumbered under this program and is using the alternate EDI Budget. He is here only to inform the Mayor and Council and nothing further is required at this time. Mayor Grenier asked Council if anyone does not agree with this process to speak up at this time, no one spoke.

Renaming City Park

Pam related that a couple of weeks ago, staff was asked to put together list of parks that we own and maintain. Pam went through the list knows that Laura has an affinity for the park on Unity Street since she worked there with Will O'Brien and it means a lot to her and Laura feels a connection to that park. Mayor Grenier suggested that the park be named the Laura Lee Viger Community Gardens. Council agreed and the Mayor asked that a resolution be drafted for a first reading on July 18.

AV Home Care Contract

Pam informed the Council that Community Services Director Laura Viger took care of this contract year after year. Health Officer Angela Martin-Giroux showed the City Manager the contract and asked if he should now be the one to sign such a contract. They are seeking Council approval to give the City Manager the authority to sign a two year contract with AV Home Care. Mayor Grenier clarified that the money is already in the budget. This gives the City Manager the authority to sign.

Councilor Nelson moved with a second by Councilor Remillard to give the City Manager the authority to sign the contract with AV Home Care. So moved, the motion carried.

Discussion: Councilor McCue asked if the amount in the budget reflects these rates and confirmed that it is a two year contract cycle. Betty said it is budgeted for \$70,000 AV Homecare on the revenue side and it is \$70,000 on the expense side.

Easement/Consent for Gorham Gas Line Project

Pam covered the Consent portion first. Gorham Paper and Tissue is getting their pipeline permits in order and one thing when noting which properties to cross they came to Shelby Street. They have easements on different properties and are asking the City to consent to get our rights through our easements to use Shelby Street for access to lay lines. It is not actually an easement. York Land Services looked at it and confirmed they are literally asking the City to extend our rights to them. Mayor Grenier asked if that includes the ten acre parcel.

Councilor Theberge cautioned that PSNH has land there too and that the pipeline will cross Public Service land. Pam concurred that some rights were extended to them from Fraser Papers and they want to know they are able to use it.

Councilor Rozek inquired if that included repair or replacement of any component parts or is that a separate item? Pam answered it will be covered under a separate issue later on.

According to Mayor Grenier, we should make it as easy and non-obstructive as we can.

Councilor Rozek moved with a second by Councilor Theberge to authorize the City Manager to sign with the Gorham mill to utilize what is needed on Shelby Street. So moved, the motion carried.

Pam then went on to explain the second part which was asking the City to be a party to an easement since we can repurchase and have the first right of refusal. To save a step, Gorham Paper is asking the city to sign as one of the signers and they don't have to renegotiate.

Mayor Grenier said they would be just a party in the event that a reverter clause gets signed.

Councilor Theberge asked if the land is under Clean Power and the Mayor replied yes.

Pam added that another company was involved but they are not a party to this anymore. It is just Clean Power and the City of Berlin.

Councilor McCue heard the third party discharged their mortgage so they are not a party to this. Pam concurred that all else is the same.

Councilor Nelson moved with a second by Councilor Otis to approve the easement to the City Manager to be a signatory to that easement to Clean Power. So moved, the motion carried.

2011-04 Ordinance Amendment Recommendations by Safety Committee

Councilor Evans said the committee made the following recommendation. They identified two parts that needed to be looked at more closely. He went to East Mason Street and only two houses face East Mason Street and one has an address on a different street. He was not sure how much effort to use to contact people but went to Sinibaldi's and spoke to Roxanne who would oppose one hour parking and favors free parking. According to Councilor Evans, no further action will be taken on that and he recommends leaving it as is. He pulled the May 23 Safety Committee Minutes which showed the committee went through the ordinance to get rid of 20-30 min parking in general. It is not clear in the minutes but he did not attempt to hide trying to get rid of parking zones that we do not need and it is easier to enforce if we keep only ones we need. They decided to leave it as is on East Mason Street. The other one is Glen Avenue from the southern border of 5 Glen Avenue (Map 118; Lot 113) to the northern border of 5 Glen Avenue in front of the Hair and Nail Salon. He spoke to business owner Don Rivard who wants to retain the two hour parking signs in front of the building and feels that would be adequate. Mr. Rivard said that enforcement and police were helpful in the past but they have not been much help lately. He personally goes to the Holiday Center and tells people to move their cars but feels we need ordinance language to enforce it.

Councilor Evans cautioned that another thing not mentioned in this ordinance is the need to make it clear that this ordinance proposal is intended to replace 15-70 through 15-74 in its entirety even though the language is not real clear but implied about striking the entire section and replacing it.

Councilor McCue questioned the last point Councilor Evans made and wants to know if they are trying to get rid of all obsolete zones and did they go through the whole ordinance and not just this part.

Councilor Rozek is curious about what brought this on and was there a real parking issue in relation to this ordinance?

Councilor Evans replied it was basically a personal annoyance he had with signs that did not make sense. It began when they were talking about regulating parking by Gosselin's Hot Tubs and looked at the dilapidated sign and read ordinance which did not fit what they were looking for. They need to have an infrastructure that makes sense in the City.

Councilor Theberge reasoned if they leave the proposal as-is they would not be changing the ordinance for East Mason. Councilor Evans said by maintaining it as-is the one hour on East Mason goes away. Councilor Remillard commented that the original discussion with East Mason was not intended and she would prefer to have things presented to the committee first before it comes to the Council. She then asked about 5 Glen Avenue and if Mr Rivard was in agreement about not having any parking signs and no restrictions on the westerly side of the business. Councilor Evans confirmed that Mr. Rivard was happy with 2 restricted spaces in front of the business. Councilor Remillard repeated that this should have been discussed as a committee before it came back to Council. To that Councilor Evans said he made the assumption that everyone knew what it meant.

Pam proposed that in order to make the ordinance clearer, Council should reword the present ordinance amendment to say "amend sections 15-70 and 15-71 and repeal 15-72 through 15-74 in their entirety so it is clear that they are getting rid of those sections to avoid them being misinterpreted in the future. Councilor Evans had requested that from the staff but the wording never got changed.

Mayor Grenier interjected that now nothing would preclude someone living in an apartment building by Sinibaldi's to just park there. He cannot support the ordinance the way it is written. He has lived in this neighborhood most of his life and he knows they eventually will come back to say they have no access to their business if it is all open parking there. There are lots of multi-family buildings in that area and there needs to be a 2 hour spot and at least there won't be overnight parking there. Councilor Nelson very much agrees it should be 2 hour parking as opposed to one hour parking.

Councilor McCue recommends leaving it on the table tonight to reword the ordinance.

Councilor Evans said the staff can alter whatever Council decides and it does not need to happen today. Councilor McCue verified that East Mason would still be just between Burgess and Champlain Streets. Councilor Evans will bring up the three proposed amendments to the ordinance and Council can vote to table it again until the next meeting and they will have a public hearing on 18th to dispose of the ordinance.

Councilor Rozek suggested it might be prudent to have the Traffic Safety Committee Agenda list of future items for changes so Council can see what else is going on. He said the committee has action but council is involved and he wants to know what else is coming. Councilor Evans explained it is a rolling agenda until items come up along the way.

Other Nothing under other

Non-Meeting RSA 91-A:2, I (b) Collective Bargaining

Mayor Grenier closed the work session to enter into non-meeting.

Respectfully submitted,
Debra A. Patrick, CMC
City Clerk

PUBLIC HEARING – JULY 5, 2011

Mayor Grenier opened the duly advertised public hearing at approximately 7:50 p.m. to receive public input regarding the following subject matters:

- Ordinance 2011-04 Timed Parking – No comments
- Resolution 2011-22 Accept and Appropriate \$5,240 For Sobriety Checkpoints – No comments
- Resolution 2011-23 Accept and Appropriate \$4,837.50 for OHRV Patrols – No comments

REGULAR CITY COUNCIL MEETING – TUESDAY, JULY 5, 2011

Mayor Grenier called the regular City Council Meeting to order at approximately 7:51 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: Pam Laflamme as Acting City Manager, Deputy Chief Brian Valerino and the press.

Minutes, Previous Meetings

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the June 20 Work Session/Regular Meeting. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims to pay all bills dated 6/23/2011–6/29/2011 for a total cash disbursement of \$1,378,347.51 Draft #1643. 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:

Maura Chappelle, Jefferson, is a new reporter for the Berlin Reporter and offered her contact information.

UNFINISHED BUSINESS

1. Council Committee Reports - No reports
2. Ordinance 2011-04 amending the Code of the City of Berlin, Chapter 15 Traffic and Vehicles. Article III Stopping, Standing and Parking, Sec 15-70 through 15-74. (tabled 6/20/11)

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

Councilor Evans moved with a second by Councilor Theberge to amend the ordinance by changing the fourth sentence to now say “amend Sec. 15-70 and 15-71 and repeal Sec. 15-72 through 15-74 in their entirety”; also to add to Sec 15-70 two hour parking zones to include “Glen Avenue from the southern border of 5 Glen Avenue (Map 118; Lot 113 to the northern border of 5 Glen Avenue”; to also add “East Mason Street south side between Burgess and Champlain Streets.”

Councilor Evans moved with a second by Councilor Remillard to table the ordinance, as amended, and schedule a public hearing on July 18. So moved, the motion carried.

3. Resolution 2011-22 increasing the Berlin Police Department’s FY’2012 budget appropriations for the Sobriety Checkpoints Grant (30-420-908-9709) by Five Thousand, Two Hundred Forty Dollars (\$5,240.00) due to additional grant revenues awarded by the NH Highway Safety Agency. (tabled 6/20/11) Resolved by the City Council of the City of Berlin as follows:

WHEREAS the Berlin City Council passed a resolution on April 4, 2011, authorizing the Berlin Police Commission to apply for and accept funds from the New Hampshire Highway Safety Agency for any and all Highway Safety Project Grants for Fiscal Year 2012; and
WHEREAS the Berlin Police Department originally anticipated and budgeted \$2,500.00 for the Sobriety Checkpoints Grant; and

WHEREAS the NH Highway Safety Agency has awarded the Berlin Police Department a Sobriety Checkpoints Grant in the amount of \$7,740.00. NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the sum of Five Thousand, Two Hundred Forty Dollars (\$5,240.00) is hereby appropriated to the Berlin Police Department for the purpose of effectuating said Sobriety Checkpoints Grant; and further that the above sum is in addition to all other previously appropriated funds for the Berlin Police Department Fiscal Year 2012 Budget. The City Manager is authorized to do everything necessary to effectuate the grant. This Resolution shall be in full force and effect from and after passage

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

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

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

Discussion: Councilor Evans said that as those of you know, he is strongly opposed to sobriety checkpoints. Although he appreciates the Police Department's enthusiasm for prosecuting drunk driving, he was raised and taught that the Bill of Rights is an important cornerstone and he quoted the 4th Amendment. He went on to explain that if the 4th Amendment did not exist, the Police would have an easier time to enforce crime. Being an American is to take responsibility for yourself. Impairment and infringement on this right can't stop the Department of Immigration on I-93 South but we can try to stop it from happening in Berlin. He assured Council that this was not a political grandstanding and he was not spewing a monologue. He believes this in his heart and wants council to vote no if they want to start the process to end police checkpoints in the US.

Councilor Nelson thanked Councilor Evans for his opinion but she strongly believes in the safety of our citizens and if the checkpoint prevents a drunk driver from striking someone it is worth it.

Councilor Rozek, explained that sobriety checkpoints have to do with alcohol which is a legal and powerful drug and widely misused. Everyone in the room has been faced with a personal family experience that is alcohol related and it destroys lives. You do not want to face a drunk driver and he doesn't know any other way to control it except for a checkpoint. The laws have been in the books for years and they just started enforcing them. It is quite a system of checks and balances but they don't want Nazi-type checks. They certainly don't want to lose a family member to a drunk driver due to those who abuse this drug. He supports the sobriety checkpoints because there is no other way to deal with it.

Councilor Remillard moved with a second by Councilor Otis to pass the resolution. All votes in the affirmative except Councilor Evans who voted no. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

4. Resolution 2011-23 appropriating the sum of Four Thousand, Eight Hundred Thirty-Seven Dollars and Fifty Cents (\$4,837.50) to the Berlin Police Department Fiscal Year 2012 Budget for the Purpose of Effectuating the NH Highway Safety Project Grant, "Berlin OHRV Patrols." (tabled 6/20/11)

Resolved by the City Council of the City of Berlin as Follows:

Whereas, the Berlin City Council passed a resolution on April 4, 2011, authorizing the Berlin Police Commission to apply for and accept funds from the New Hampshire Highway Safety Agency for any and all Highway Safety Project Grants for Fiscal Year 2012; and

Whereas, the Jericho Mountain State Park provides opportunities for miles of trail riding and its network of trails provides access directly to downtown Berlin via Route 110, Route 16, and city streets; and

Whereas, Berlin has adopted an ordinance which allows ATV riders to cross to the other side of the city; and

Whereas, the increased issuance of written warnings and summonses has indicated that speeding and reckless operation by OHRV operators is an on-going and growing problem on Berlin's roadways; and

Whereas, whenever speed and reckless operation occurs, there is a greater chance of an OHRV crash which may result in serious injury and/or death; and

Whereas, the NH Highway Safety Agency funds local projects in an effort to combat problems experienced with motor vehicle and OHRV violations. Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the sum of Four Thousand, Eight Hundred Thirty-Seven Dollars and Fifty Cents (\$4,837.50) is hereby appropriated to the Berlin Police Department Fiscal Year 2012 budget for the purpose of effectuating said Berlin OHRV Patrols grant; and the City Manager is authorized to do all things necessary to effectuate the grant. 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 Remillard 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. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

NEW BUSINESS

5. Ordinance 2011-05 amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article II Specific Street Regulations, Sec. 15-33 Stop intersections and establishing a new Sec. 15-33a, three way stop intersections in order to create a three way stop intersection on Coos and Howland Streets (1st read)

Councilor Nelson moved with a second by Councilor Remillard to table the ordinance and schedule a public hearing on July 18, 2011. So moved, the motion carried

6. Resolution 2011-25 accepting the sum of Eleven Thousand Dollars (\$11,000.00) from Tri-County Community Action Program for funding of Berlin Recreation and Parks Department 2011 Summer Program Staffing and Supplies. (1st read/rules suspended)

Mayor Grenier stated if they go through the normal resolution process, it puts this resolution off until July 18 and would short change the citizens out of five weeks. Seeing they were accepting money from an outside agency, Council could vote to pass it all in one night.

Resolved by the City Council of the City of Berlin as follows:

Whereas the City of Berlin Recreation and Parks Department provides collaborative activities in the City of Berlin; and

Whereas, the Recreation Department seeks to partner with Tri-County Community Action Program to provide summer programs and activities for Berlin's children.

Whereas this partnership will provide:

1. Staffing for Recreation and Parks Department summer programs;
2. Supply funds for Recreation and Parks Department summer programs;
3. An expanded ability for the department to hire additional staff at improved wages by combining City Recreation funding and Community Action Program funds.

Now therefore, be it resolved that the City Manager is authorized to accept funds in the sum of Eleven Thousand Dollars (\$11,000.00) from Tri-County Community Action Program for funding of Berlin Recreation and Parks Department 2011 Summer Program staffing and supplies, and the City Manager is authorized to do all things necessary to effectuate the grant. Finally, the fund proceeds are hereby appropriated for this purpose. This Resolution shall be in full force and effect from and after passage.

Councilor Otis 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 Nelson to suspend the rules of Council to allow the resolution to move onto its final passage. Roll call resulted in unanimous affirmative votes of Council. So moved, the motion carried.

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

Councilor Otis moved with a second by Councilor Remillard to pass the resolution. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier who declared the resolution now passed.

7. Ratification of Police AFSCME Local 3657 Two Year Agreement

	<u>FY'12</u>	<u>FY'13</u>
	<u>Eff 8/1/11</u>	<u>Eff 7/1/12</u>
New Health Plan		
HMO High 10 (4J)\$0/15/15RM	(36,779)	
2% pay increase second year		18,248
FICA/WC/Ret.		4,197
Increase in OT cost		1,700
Clothing Allowance	750	750
Vacation	3,000	
Incremental Dollar Cost	(\$33,029)	\$24,895

Mayor Grenier highlighted this agreement saying it shaves \$33,029 and adds \$24,895 cost for an overall savings of over \$8,000.

Councilor Remillard moved with a second by Councilor Nelson to accept the ratification of the Police AFSCME Local 3657 two year agreement as presented. Roll call resulted in unanimous affirmative votes including Mayor Grenier. So moved, the ratification of the two year agreement was accepted.

8. Communication from Stephanie Allen-Lilly re: Safety Issues.

Ms Lilly lives on Grandview Drive and was inquiring about the city's plan for Berlin's streets and how they will take care of the roads. Her second concern is the traffic light at Pleasant Street and Mason Street near the Rite-Aid building. She feels this is an accident waiting to happen and wants to know how the City will address making this intersection safer. Lastly, on the east corner of the Grandview Drive circle Ms. Lilly is concerned that there are trees growing into the road blocking the vision of drivers.

Mayor Grenier informed Council that the City Manager already sent Ms. Lilly a letter of response.

Councilor McCue asked that since a reference in the second paragraph deals with his ward, would it be appropriate to have the Traffic and Safety Committee take a look at this for further review?

Councilor McCue moved with a second by Councilor Otis to accept/file the communication and remand the matter to the Safety Committee for further review. So moved, the motion carried.

9. Communication from Jennifer Lozeau re: Glen Avenue Safety Issues.

Ms Lozeau lives at 166 Glen Avenue and asked Council to place a "Slow Children" sign anywhere between the Sherwin Williams Store and 166 Glen Avenue due to speeding traffic going through a neighborhood which has many children for safety reasons.

Councilor Remillard moved with a second by Councilor McCue to accept/file the communication and remand the matter to the Safety Committee for further review. So moved, the motion carried.

10. City Manager Report

In the City Manager's absence, a PWD, Pollution Control and Recreation Department Maintenance Crew June Monthly Report was submitted. Councilor McCue moved with a second by Councilor Otis to accept/file the City Manager's report. So moved, the motion carried.

11. Mayor's Report

Ward Four Water Commissioner Resignation: Steve Tardiff. Councilor McCue moved with a second by Councilor Otis to accept Mr. Tardiff's resignation. So moved, the motion carried.

Ward Four Water Commissioner Appointment: Michael Caron with a term set to expire May 2013. Councilor Remillard moved with a second by Councilor Otis to accept Mayor Grenier's appointment of Michael Caron. Discussion: Councilor McCue asked if it was a problem that Mr. Caron was also on the BIDPA Board. The Mayor replied that is not a problem. So moved, the motion carried.

Mayor's Comments regarding the Berlin Station situation.

Cates Street Capital informed the Mayor that their June 30 deadline had passed and the situation was that their lenders required no repeals to move forward. The PUC and Cates Street Capital thought they had an agreement and in fact did have an agreement in place but at the eleventh hour there was an additional money request by one independent power producer who pulled away. Since they appealed as a group they had to be withdrawn as a group it was how the PUC accepted their appeal. It is painful to see a significant piece of economic development go to the wayside. To show the severity of situation, not only is this project probably not going to happen but it significantly endangers the continued success of Isaacson Steel. When Isaacson Steel filed for bankruptcy, Cates Street Capital came to the table and suggested that the Newmarket Tax Credits could be used so Isaacson could refinance their operating capital and begin a new line of capital at another bank. That was all put in place and the attorney checked it and it was set to go. This morning, the Mayor got a call from a logging company telling him that one of the independent power producers was no longer accepting wood from their plant. That means when they burn the inventory they have on the ground, they will taking their plant off line because as part of this deal, five of the independent power producers had purchased power contracts from PSNH who finally got what they wanted. Cates Street Capital bent over backwards to try to get an independent power producer to the table and the Whitefield plant already had a power purchase agreement. This is a prime example of out-of-state and out-of-country capitalists interfering with north country business. It is a serious situation absent of a significant move by PSNH and Northeast Utilities that this project will not go through. Cates Street Capital has until July 15 to close up the deal. The project as it stands today is dead. There is an outside chance that independent power producers will come to their senses but he is not optimistic that this is going to happen. This will cause economic carnage to the City and by the next meeting, Council will know how this all stands. Governor Lynch led the charge in negotiating with this and met with them five times in the last fourteen days to try to put something together. In the end, it was greed that put a stop to this project because the IPP got what they were looking for. The situation is grave and what they read in the paper is accurate. There are a lot more than forty jobs at stake now and one hundred fifty jobs at Isaacson Steel. This is also devastating to the logging industry in the County.

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

12. Public Comments

Deputy Police Chief Brian Valerino thanked the Mayor and Council for supporting the Police Department grants tonight. Berlin now has the largest OHRV Park in New England and it is a gem that we need to protect. Since the park has grown, we need to look at other options. He spoke to Highway Safety and they provided more money than they previously received to enforce OHRV patrols.

At the sobriety checkpoints, their officers are professional and courteous and they send out a survey after the checkpoints and overwhelmingly, people support the stops and don't have problem. The only complaints received are from the persons being arrested who ask why it is published in the paper. He has been busy writing grants along with Lieutenant Dan Buteau who goes to Superior Court which involves lots of officer time and work. The feedback is positive.

13. COUNCIL COMMENTS

Councilor McCue thanked Cates Street Capital and all they tried to do when they took on difficult tasks and tried to make it work and contribute to the community.

Councilor Nelson reminded Council that last Friday she conducted a phone poll looking for Council support. A group from the Chamber of Commerce got together to personally purchase a granite bench in memory of Paul Letarte since he was so involved with the BHS track team for several years. No funds were asked for but they were seeking Council permission to place the granite bench crafted by Nicoletti Memorial down at Gaydo Field.

Councilor McCue moved with a second by Councilor Remillard to allow the citizens to place a granite bench on the Gaydo Track Field. All votes in the affirmative, permission was granted.

Councilor Rozek remembers that in the last year and half since he has been on the Council, he would have liked to see more uniformity and collective support of the biomass project. Most folks were not opposing the project except for one member who was totally opposed. It is unfortunate that they are faced with a crisis. He was hoping for a last minute resolution and that a majority of folks would support it.

Councilor Evans was not unhappy about the Council vote on the sobriety checkpoint resolution. The Councilors made a difficult decision of where public safety ends and Council made a conscious decision to move on the side of public safety. He thanked Council for entertaining the discussion.

14. Adjournment

Councilor Nelson moved with a second by Councilor Remillard to recess the Regular Meeting to go into Non-Public Session RSA 91-A:3II (d) Consideration of the acquisition, sale or lease of real or personal property. Roll call resulted in unanimous affirmative votes of Council. Mayor Grenier declared the Regular Meeting recessed and Council entered into non-public session at approximately 8:48 p.m.

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