

REGULAR CITY COUNCIL MEETING – TUESDAY, SEPTEMBER 6, 2011

Mayor Grenier called the regular City Council Meeting to order at approximately 9:01 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: City Manager MacQueen, and the press.

Minutes, Previous Meetings

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the August 15 Work Session and Regular Meeting. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims to pay all bills dated 8/18/2011–9/01/2011 for a total cash disbursement of \$1,502,659.96 Draft #1648. Councilor Nelson moved with a second by Councilor Theberge 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 - Safety Committee

Councilor Evans presented the following Safety Committee recommendations:

- a. Council recommends drafting an ordinance for a new crosswalk in the east/west direction on Sullivan at the corner of Sullivan and the northern side of Grafton Street.
- b. Council recommends drafting an ordinance which would delete the two hour parking zone between Burgess and Champlain on East Mason Street in Section 15-70 of the City Code.

Councilor Evans explained that when they recently drafted the East Mason Street ordinance they did not have this letter from the landlord in front of them. The business owner does not want to remove the ordinance but the landlord there wants to delete the two hour parking zone. Councilor Evans will leave it up to Council what they want to do. The Traffic and Safety Committee process has been when someone writes a letter to the City the Safety Committee reviews it and they ask the staff to prepare a response to that letter. There is a pile of Safety Committee draft response letters for Council to see. If the committee does get a recommendation that requires Council authority, they bring it to Council for approval.

Councilor McCue inquired about the crosswalk ordinance that says it is the northern side of Grafton Street. It should probably say north end only.

Councilor Evans specified that Grafton runs east/west so it is the north side of Grafton only (church side) right at the point on the corner.

On the other ordinance, Councilor McCue asked how the rest of East Mason Street is regarding parking restrictions.

Councilor Evans explained that the history of East Mason Street shows that there was only one spot between Burgess and Champlain Street on the south side that went from nothing to one hour parking. There was no sign there or evidence that there ever was a sign. Council had objections, so he went ahead and asked Council to set it for two hours to fit with rest of the ordinances similar to what it is throughout the city. He went ahead and did that and that is what it currently is. The proposed ordinance is to remove that.

Councilor Remillard added that she spoke to the business owner there and the business owner prefers the two hour parking. It limits people from parking their car there all day.

Councilor Rozek informed Council that the input from the Department of Transportation on crosswalks is that it gives the public a false sense of security. The pedestrians think they have the right-of-way, that it is a safe area to cross and that the driver will stop for them. This can actually create more of a problem than a safety feature. If there is no crosswalk, the pedestrian has to use judgment to cross the road. The DOT uses a fine balance and the Traffic Committee Chair should use that as well and be careful not to create a situation that could potentially be lethal.

Mayor Grenier reminded Council that this item will be discussed in two weeks.

Councilor Nelson moved with a second by Councilor Otis to accept the Safety Committee report and place it on file. So moved, the motion carried.

NEW BUSINESS

2. Ordinance 2011-07 Amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article III. Stopping, Standing and Parking, Sec. 15-70. Two Hour Parking Zones by Removing Two Hour Parking on East Mason Street. (1st read)
Councilor Theberge moved with a second by Councilor McCue to table the ordinance and schedule a public hearing on September 19. So moved, the motion carried.
3. Ordinance 2011-08 Amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article II. Specific Street Regulations, Sec. 15-40. Crosswalks by Adding a Crosswalk by Adding to Sullivan Street at its Intersection with Grafton Street. (1st read)
Councilor Nelson moved with a second by Councilor Theberge to table the ordinance and schedule a public hearing on September 19. So moved, the motion carried.
4. Resolution 2011-29 Accepting a Grant of Fifteen Thousand Dollars (\$15,000) from the Neil and Louise Tillotson Fund of the NH Charitable Foundation for the White Mountain Ridge Runners. (1st read)
Councilor Theberge moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on September 19. So moved, the motion carried.
5. Consideration of Ratification of Berlin Water Works AFSCME Local 1444 Contract Cost Items.

	FY-12	FY-13
	Eff 8/1/11	Eff 8/1/12
\$.10/hr pay increase 1 st year (approx .5%)	\$ 1,456	--
2% pay increase 2 nd year (same as PWD-City)	--	\$5,540
Retirement (same as PWD – City =+1.93%)	5,539	?
Health Ins. 1 st year 20% (same as Police)	- 1,707	?
Health Ins. (savings from current POS coverage)	-10,349	?
Longevity (less than City/coverage employees 4of7)	<u>1,725</u>	<u>1,800</u>
Incremental Dollar Cost:	- 4,792 s/b (3,336)	N/A

The contract includes a health insurance coverage change to Harvard Pilgrim HMO High (same as Police Department) for each of the two years and continues the bargaining unit employees from their current 80/20 split on Health Insurance premiums. In several areas of the contract, language was changed to be the same as the City's other contracts.

Mayor Grenier explained that by state statute 273-A, the legislative body must vote on the contract cost items.

Councilor McCue moved not to ratify the contract cost items based on the Superior Court decision on the City of Berlin vs Berlin Water Commission case in September of 2003. Councilor Remillard seconded the motion not to ratify the contract cost items. Roll call resulted in unanimous affirmative votes not to ratify the contract with the exception of Councilor Nelson who voted no. So moved, the contract cost items were not accepted.

6. Communication from Senator Gallus re: 162nd Session of the General Court

Senator Gallus informed the Mayor and Council that he is currently seeking their input and ideas regarding how we can improve the North Country by submitting legislation in the next session. Councilor Nelson moved with a second by Councilor Otis to accept/file the communication. So moved, the motion carried.

7. City Manager Report

Hurricane Irene

I drove up to Berlin on Sunday morning the day of the hurricane. Oddly, the wind and the rain didn't really pick up until I hit Plymouth and then it continued all the way to Berlin. Clearly, it was even worse as you went west from Berlin and into Vermont.

We got the flash flooding of all the small streams which led to some serious flooding for a limited number of households around the City. A few people had to leave their homes, but no one ended up going to the shelter at the Recreation Center which we had opened up. We had some road closures because of this and quite a few trees down, which in turn caused some significant power outages.

Chief Trull opened up the Emergency Operations Center at the PD and from there, Police, Fire and PWD coordinated efforts to do what we could to deal with the flooding and downed trees. On Monday, the power was still out in the northwest quadrant of the City, but PSNH brought in a portable trailer substation from Manchester and installed it in the Community Street substation which allowed them to restore power by late afternoon.

Chief Trull has coordinated the completion of the FEMA forms to be able to ask for damage reimbursement. Staff has had a post-hurricane de-briefing and as a result will be making some changes to our emergency plans. We started putting what information on the hurricane on the City web site thinking that most people would not see it because of the power outage. As it turns out (as indicated by the attached comment to the website) many people saw and appreciated this information through the use of smart phones and the like as well as being told by relatives who did still have internet.

Commissioner Bald of the Department of Resources and Economic Development (DRED) and Tom Wagner of the National Forest have scheduled a meeting in Gorham to discuss how they can help communities recover from the hurricane. That meeting is this Wednesday at 11am in the Gorham Town Hall. PW Director Michael Perreault will be attending for the City.

I have also attached a memo from WWTF Superintendent Henry Noel to the EPA which summarizes the experience of the WWTF during Irene. Not surprisingly, we had another CSO event which resulted in ecoli in the river above where they are supposed to be. We don't expect that the EPA will likely take any action as a result of this as they know we are working on a long-term CSO plan.

At first, Henry thought we had definitive evidence with this storm of the improvement from the newly lined pipe on the west side of the river which we did this year. It turned out though that they were just looking at data before the amount of inflow from I&I actually hit our system. Once it did, it surcharged the whole system. Henry and Mike still believe that the newly lined pipe has still stemmed a substantial amount of I&I.

Rail Plan Public Meeting

You may recall some time ago a gentleman by the name of Jan Zicha approaching the Council about encouraging the rebirth of rail in Berlin which in turn could include rail related industries. Mr. Zicha is still around and feels strongly that the City should be involved with the State rail planning to ensure that Berlin is not left out of it. He feels that Berlin should be a center of rail in the North Country.

Attached is a flier from NH DOT advertising a public meeting set for September 29, 2011 in the City Hall auditorium from 6-8pm. The purpose of this meeting is to hear and discuss the draft recommendations that DOT has put together as a proposed rail plan. People who cannot attend the meeting can provide comments at the following web site: <http://www.nh.gov/dot/org/aerorailtransit/railandtransit/rail-plan.htm>

Large Loads

The close to three hundred large loads coming through Berlin at roughly nine per day seem to be going quite well without having any major impact on us. They move at a reasonable speed and traffic continues to flow quite well. They got some turned heads at first but now they seem to pretty well blend in with the woodwork.

PSNH Early Canal Drawdown

As you are probably aware, PSNH has drawn down the canal for its annual maintenance inspection a couple weeks earlier than they originally advised us. Attached is an email from them explaining that because of the fire at the hydro station which they experienced last week, they felt it necessary to do a drawdown immediately so that they could fully inspect/repair all of their equipment.

Commissioner's Regional Business Outreach Session

Attached is an invitation on behalf of Governor Lynch to attend the Commissioner's Regional Business Outreach session of Friday, September 23rd at 8:30am at NH DES at 29 Hazen Drive in Concord. This two hour session appears to be aimed more at local economic development people throughout the state in order to make them aware of all the resources that the state has to offer.

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

Councilor Rozek asked if anyone had bothered to look at the McGee Street manhole last week during the storm to see if there was water. He stated that he actually did and there was no water. He then asked how did they pick that street and come up with these flow rates and just who comes up with this stuff? It might be prudent during heavy rain storms to actually pull suspected manholes to check flows during those levels. The City Manager replied that they have done it.

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

8. Mayor's Report

Appointment: BIDPA- Peter Higbee for another three year term set to expire July 2014. Councilor Rozek moved with a second by Councilor McCue to accept the Mayor's appointment of Peter Higbee.

The Mayor then reported that he wanted to recognize the City Manager for the work he did last Sunday during hurricane Irene. He was dressed in rain gear and out in the city physically patrolling and looking at problems in the city. Mayor Grenier got called to a problem on Lancaster Street and the City Manager came to look too and he also went out to assist folks and people appreciated it. There also were lots of other staff members out helping too.

Mayor Grenier announced that "Husky" Poirier passed away this morning. Anyone involved with hockey would know Huskey since he was one of the individuals that started The Berlin Youth Hockey Association. He played on the Berlin Maroons hockey team and did lots of carpentry repair work on the arena while it was being upgraded. The Mayor offered condolences to the family

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.

9. Public Comments - No comments

10. COUNCIL COMMENTS

Councilor McCue thanked the Police, Fire and Public Works Departments who put in long hours to keep the City safe during the storm.

Councilor Theberge has received phone calls about the bad condition of Hutchins Street. People believed that when the prison came in and damaged the road due to large trucks that the Federal Government would repair the roads. He asked the City Manager if that was true. The City Manager replied that they were initially told just that but they learned a bad lesson on that. The state had a bond on the road but never collected anything on the bond. Last year, the state had the perfect opportunity to get it done at little cost when the contractor was on the job but the state did not follow through on that.

Councilor Theberge asked if staff could send a letter to Senator Gallus and our State Representatives to support this. All agreed and staff will draft a letter.

Councilor Rozek stated that shimming needs to be brought up at a Council Meeting for discussion. The state does it all over and it is effective and is more than adequate. Money was given for that but it was never used. He said Council needs to discuss it again. On another matter, he had asked the City Manager to get him information about McGee Street and he did not receive any information yet. The City Manager replied that there is currently no new information to give.

Councilor Rozek went on to thank the good hard working people in the city for keeping everything in its place during the hurricane and folks were available for people in need. Our neighbors to the south went through the worst of the flooding and when their residents asked for sandbags to help protect homes, they only had a few and had no services available. Our systems were here when we needed them in an emergency crisis situation.

Councilor McCue asked about Hutchins Street and where we are with former plans to realign it.

The City Manager clarified it is a part of Hutchins Street and we still wish to pursue it but it is being studied by the EPA who is not ready to proceed. The main issue is to get the EPA to give us the go ahead.

11. Adjournment

There being no further business to come before Council at this time, Councilor Remillard moved with a second by Councilor Otis to adjourn the Regular City Council Meeting. So moved, the motion carried and Mayor Grenier declared the Regular Meeting adjourned at approximately 9:43 p.m.

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