

## **PUBLIC HEARING – SEPTEMBER 19, 2011**

Mayor Grenier opened the duly advertised public hearing to order at approximately 7:30 pm to hear public comments on the following subject matters:

- Ordinance 2011-07 Removing Two Hour Parking on East Mason Street – The City Clerk read the letter submitted by the owners of Sinibaldi's Restaurant who would like to see the parking ban abolished. Councilor Remillard added that a resident who lives across the street from Sinibaldi's Restaurant also submitted a letter that Council read last week.
- Ordinance 2011-08 Adding a Crosswalk to Sullivan Street at Grafton Street (north side) – no comments
- Resolution 2011-29 Appropriating Grant Funds - no comments

There being no one wishing to speak for or against the subject matters, Mayor Grenier declared the public hearing closed at approximately 7:33 pm.

## **REGULAR CITY COUNCIL MEETING – MONDAY, SEPTEMBER 19, 2011**

Mayor Grenier called the regular City Council Meeting to order at approximately 7:57 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, Pam Laflamme, OPEIU members and the press.

### **Minutes, Previous Meetings**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the September 6 Work Session and Regular Meeting and September 12 Work Session. So moved, the motion carried.

**Disbursements:** It was recommended by the Committee on Accounts/Claims to pay all bills dated 9/02/2011–9/21/2011 for a total cash disbursement of \$2,031,127.76 Draft #1649. 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 2011-07 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. (tabled 9/06/11)

Be it ordained by the City Council of the City of Berlin, as follows:

The CODE OF ORDINANCES, Chapter 15 , TRAFFIC AND VEHICLES, ARTICLE III. STOPPING, STANDING AND PARKING, Sec. 15-70. Two-hour parking zones. is hereby amended by deleting in its entirety the listing for two-hour parking on East Mason Street as follows:

~~"East Mason Street, south side between Burgess and Champlain Streets.~~ This Ordinance shall be in full force and effect from and after passage.

Councilor Otis moved with a second by Councilor Evans to remove the ordinance from the table at this time. So moved, the motion carried. Roll call resulted in negative votes by Councilor Remillard, McCue, Rozek and Mayor Grenier. Councilors Otis, Ducharme, Evans, Nelson and Theberge voted yes, the motion carried.

Councilor Evans moved with a second by Councilor Otis to have the ordinance read a second time by title only. Roll call resulted in Councilors Remillard, McCue, Ducharme, Rozek, Theberge and Mayor Grenier voting in the negative. Councilors Otis, Evans and Nelson voted yes. The motion failed and the ordinance was killed.

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. (tabled 9/06/2011)  
Be it ordained by the City Council of the City of Berlin as follows:

The Code of Ordinances, Chapter 15, Traffic and Vehicles, Article III, Specific Street Regulations, Sec. 15-40 Crosswalks is hereby amended by adding a new crosswalk listing as stated below for Sullivan Street at its intersection with Grafton Street on the north side of Grafton only, such listing to be inserted in the appropriate alphabetical order to the listing of crosswalks: "Sullivan Street at Grafton Street, running east/west on the north side of Grafton only." 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.

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. (tabled 9/06/11) Resolved by the City Council of the City of Berlin as Follows:

Whereas, the City agreed by motion at a meeting held July 6, 2010, to be the fiscal agent for the White Mountain Ridge Runners in order for them to apply to the Neil and Louise Tillotson Fund of the NH Charitable Foundation because they are not a 501 c 3; and

Whereas, the grant funds will be used to construct a warming hut in Jericho Mountain State Park for year round use by people utilizing the park; and

Whereas, the City will administer all grant funds and sign off on the final report; and

Whereas, upon approval, the City Manager is authorized to receive said grant and the grant proceeds are hereby appropriated for the purpose of the grant; and

Whereas all grant proceeds shall be deposited with the City Treasurer and that any additional use of these 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 Manager is authorized to accept a grant in the amount of \$15,000.00 from the Neil and Louise Tillotson Fund of the NH Charitable Foundation on behalf of the White Mountain Ridge Runners for the construction of a warming hut in Jericho Mountain State Park. Be it further resolved that the City will administer the funds and the City Manager is authorized to execute any documents which may be 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 McCue to remove the resolution from the table at this time. So moved, the motion carried.

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

## **NEW BUSINESS**

5. Resolution 2011-30 Authorizing an application for a grant of Twenty Thousand Dollars (\$20,000) from the Neil and Louise Tillotson Fund of the NH Charitable Foundation for the White Mountain Ridge Runners. (1<sup>st</sup> read)  
Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on October 3. So moved, the motion carried.
6. Resolution 2011-31 Carrying over Two Million, Seven Hundred Seventy-Five Thousand, Seven Hundred Forty-Nine Dollars and Eighty Cents (\$2,775,749.80) of Capital Appropriations for the Fiscal Year 2011 ending June 30, 2011 which are not yet expended from the previous fiscal year. (1<sup>st</sup> read)  
Councilor Nelson moved with a second by Councilor Theberge to table the resolution and schedule a public hearing on October 3. So moved, the motion carried.
7. Resolution 2011-32 Accepting Ten Thousand Dollars (\$10,000) donated to the City of Berlin to help fund the Downtown Economic & Design Strategy work. (1<sup>st</sup> read)  
Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on October 3. So moved, the motion carried.
8. Proposed Ratification of OPEIU Contract Cost Items.  
Mayor Grenier wanted to make it clear that this is not a tentative agreement that was negotiated between the OPEIU and the City Manager for the City. This was a proposal that was directed to the City Council for their consideration. Council is not acting on a tentative agreement.

<u>OPEIU Local #6 Proposal Two Year Contract Costs</u>	<u>FY12</u>	<u>FY13</u>
	<u>Eff 11/1/11</u>	<u>Eff 7/1/12</u>
MTB101PDED\$3/15/M\$1	(\$47,598)	
HRA at 100% deductible	11,500	
Equalize pay plus \$0.75Nov, \$0.75May, \$0.75Jul, \$0.75Jan	38,257	\$ 97,656
Longevity	3,032	
FICA/WC/Ret.	9,497	22,461
Incremental Dollar Cost	\$14,688	\$120,117

Councilor Rozek asked what the percentage was for the increase for the second year. Mayor Grenier replied that it was 12% for year two and 4.9% for year one.

Councilor Evans moved with a second by Councilor McCue to accept the cost items of this agreement that was handed over to Council by the OPEIU. Mayor Grenier explained that a yes vote accepts the cost items and a no vote would deny it. Roll call resulted in unanimous negative votes of Council including Mayor Grenier. The OPEIU agreement as presented was denied.

9. City Manager Report  
Hurricane Irene

At a FEMA meeting in Gorham last week, we completed and submitted a Request Public Assistance to hopefully get some 75% reimbursement for our costs in dealing with Irene. We believe our costs to be in the range of \$50,000. As it turns out, even though the President declared a number of counties in New Hampshire as eligible for federal assistance, Coos County was on the list only for public agencies such as the City. Individuals in Coos County are not eligible for this specific assistance. When the FEMA officials come to Berlin, we will however show them individual properties that were damaged in the hope that these officials can direct these individuals to some other resource that they can take advantage of.

#### Berlin Federal Prison Funding

Attached is a News Release from Senator Shaheen's office which indicates that the Berlin FCI has been included in the 2012 budget funding bill by the US Senate Appropriations Subcommittee on Commerce, Justice and Related Agencies. This funding however, must still be approved by the full Senate Appropriations Committee and the full Congress before the FCI in Berlin can actually open in FY2012.

#### Finance Director Resignation

Finance Director Betty Domino has resigned effective at the end of October due to personal reasons. Betty has worked very hard in this position but has been in it for less than a year. This is a difficult situation for the Department, but the Assistant Comptroller Patty Chase and all the employees in the Department have stepped up to deal with this latest challenge.

#### PWD Director Major Surgery Recuperation

As you know Mike Perreault underwent major surgery last Thursday at Dartmouth-Hitchcock in Lebanon. Much to our surprise, he was home apparently on Saturday and actually called in to the office this morning. Needless to say, he seems to be doing very well although realistically it is likely to be six weeks or more before he will be back in action.

#### Ten Year Transportation Plan Hearings

Attached is the Public Notice for hearings to be held by the Governor's Advisory Commission on Intermodal Transportation (GACIT), which is composed of the five Executive Councilors and the Commissioner of the New Hampshire Department of Transportation on the State's Ten Year Transportation Improvement Plan (2013-2022). Copies of the plan are available on the NHDOT website at <http://www.nh.gov/dot/org/projectdevelopment/planning/typ/index.htm>. The hearing in Berlin is scheduled for Monday September 26<sup>th</sup> in the City Hall auditorium at 7:30pm.

#### ATV Festival Thank You

I have attached a copy of the cover of the July ATV Festival Program as well as the page the Council requested to see which includes all the businesses and agencies which sponsored the event. The City Seal can be seen in the upper middle of this page.

#### Legislative Matters

Somewhat at variance from normal, the House met in session this past week as a continuance of their normal 2011 session to deal with five new bills which are more or less fallout from the last session budget issues. They had to suspend their rules to do this with the idea that the full House would meet in October to deal with them. It is then not clear what will happen because the Senate has not scheduled any further sessions this year. The four bills which may have an impact on municipalities are:

HB 653 would require state budget reductions of an additional \$35M to offset what the State might have to reimburse the federal government in Medicaid payments the federal government made to the State disproportionately for hospitals.

HB654 would require the NHRS to issue credits to municipalities for overpayments made prior to recertification of employer contribution rates in the amount of \$4,161,723.

HB655 would establish a committee to study the LGC focusing on the report by the Secretary of State which alleges that the LGC acted improperly in setting up its health trust and has retained far too much municipal funds in operating the health trust. Presumably the committee would develop legislation if need be to deal with some of these issues by December 1, 2011.

HB656 requires cities prior to the 2012 presidential primary to change ward boundaries to bring them into conformity with the 2010 federal census, and also requires cities to adopt a process to make boundary changes after any future federal census by November 1, 2020, which process would then not require the approval of the voters.

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

#### 10. Mayor's Report

Resignation: Planning Board – Ralph Collins. Councilor Remillard moved with a second by Councilor Otis to accept with regret the resignation of Ralph Collins. Mayor Grenier asked the City Clerk to prepare letter of appreciation for the time Ralph served on the board.

Mayor Grenier commented about the uncomfortable vote that the City Council had to take on the OPEIU contract tonight. Protocol of negotiations was breached. The process is negotiations are held between representatives of collective bargaining units and representatives of city government. The union clearly went around the representative of city government and brought their wish list directly to the City Council. In all of the twenty plus years the Mayor has been involved in Municipal and County Government, this is the first time he has ever seen that happen. He has been lobbied before, he has been pulled before and has been asked a lot of questions but this is the very first time that a union has bypassed the negotiating process and has come directly to the legislative body for disposition. Mayor Grenier stated he feels bad for those employees. Council wants to make a resolution for their situation but breaching protocol is not the method to use.

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

11. Public Comments - No comments

12. COUNCIL COMMENTS

Councilor McCue mentioned they had a second public meeting for moving downtown forward. The meeting was geared toward businesses. The Mayor and Councilor Otis also attended this meeting. There was lots of excitement with proposals, many good ideas were shared and they are moving along. On another matter, last week was the first of a series of school regionalization meetings. It was an interesting meeting with over seventy people in attendance. The folks running the meeting did a great job and they will report back at a later date.

Councilor Rozek has brought this up before but again asked about the Route 16 trench patch from community college. Folks driving southbound go into the trench patch to within 3 feet of the yellow center line. He wants to know the status and said it should be shimmed before the winter. The City Manager agreed and added that Water Works said they would do it. Councilor Rozek stressed that this is a safety issue. The City Manager said there is another area around Brown School that is a problem. Councilor Rozek suggested that maybe the City Manager could alert the Water Works. The City Manager agreed to do so.

13. Adjournment

There being no further business to come before Council at this time, Councilor Rozek moved with a second by Councilor Nelson to adjourn the Regular City Council Meeting. So moved, the motion carried and Mayor Grenier declared the Regular Meeting adjourned at approximately 8:28 p.m.

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