

PUBLIC HEARING – OCTOBER 3, 2011

Mayor Grenier opened the duly advertised public hearing to order at approximately 7:48 pm to hear public comments on the following subject matters:

- Resolution 2011-30 Authorization to Apply for Grant Funds on Behalf of WMRR
- Resolution 2011-31 Carry-Over of Capital Projects
- Resolution 2011-32 Accepting Donations of \$10,000 for Downtown Economic Work

There being no one wishing to speak for or against the subject matters, Mayor Grenier declared the public hearing closed at approximately 7:49 pm.

REGULAR CITY COUNCIL MEETING – MONDAY, OCTOBER 3, 2011

Mayor Grenier called the regular City Council Meeting to order at approximately 7:49 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 Pam Laflamme and citizens.

Minutes, Previous Meetings

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the September 19 Work Session and Regular Meeting and September 26 Work Session. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims to pay all bills dated 9/22/2011–10/05/2011 for a total cash disbursement of \$765,824.62 Draft #1650. Councilor Nelson 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 comments

UNFINISHED BUSINESS

1. Council Committee Reports – Safety Committee

Councilor Evans presented the following Safety Committee Recommendations:

- a) Speed limit map update. Draft resolution showing the limits of the urban compact. This is an administrative change to take the state streets off the map since the city is not responsible for those speed limits.
- b) Francis Street. Draft ordinance to set up a fire access road down to the top 100' of Demers Street. To resolve congestion in that area. The proposed Ordinance is not in ready since the Fire Chief is still doing research.
- c) Play Streets. Delete ordinance related to play streets in its entirety. Affects Emery Street by the school which is now closed. It has not been used as a play street for twenty years.

Councilor Rozek pointed out that the issue of Francis Street was the only written letter received by the Safety Committee and it should be the only issue to be addressed. He recommends that Francis Street be addressed tonight rather than anyone going through the whole city block by block to look for things. The Safety Committee should just deal with the matters that citizens ask for and not go beyond that.

Mayor Grenier explained he was asked and decided to keep these on the agenda. He asked Councilor Evans to take out the speed limit map and explain to Council the purpose of this change.

Councilor Evans stated that agenda item six would be the updated speed limit map. The three streets in purple are out on Jericho Road, East Milan Road and Route 16 North. The City does not have the authority to regulate state roads. The rest of the map is unchanged with the exception of those markings. Councilor Evans went on to say that the origin of the speed limit map was citizen initiated. There was discussion on whether Cates Hill was part of the update but it was determined that it was not since Cates Hill is a city street. The only change is outside the urban compact. Councilor Nelson inquired what the actual speed limit is on Cates Hill and found out it is 35 mph.

Councilor Otis moved with a second by Councilor McCue to accept the Safety Committee communication and place it on file. Roll call resulted in affirmative votes by Councilors Otis, McCue, Ducharme, Evans, Nelson and Mayor Grenier. Voting in the negative were Councilors Remillard, Rozek and Theberge. The motion carried.

2. 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 (tabled 9/19/11) Resolved by the City Council of the City of Berlin as Follows:

Whereas, the City in the past has agreed 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 purchase emergency response equipment to rescue hikers, snowmobilers, or ATV riders visiting southern Coos County; 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 \$20,000.00 from the Neil and Louise Tillotson Fund of the NH Charitable Foundation on behalf of the White Mountain Ridge Runners for the purchase of emergency response equipment. 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 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.

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

3. 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. (tabled 9/19/2011) Resolved by the City Council of the City of Berlin as Follows:

That the following capital appropriation funds (including carryover Capital Improvement funds) for the year ended June 30, 2011, be carried over as described below:

From Account #	Purpose	Request	City Manager Recommendation	Total
	Carryover Requests from Capital Improvements to Segregated Funds			
01-480-913-0004	CI - Street Rehabilitation	\$2,567.15	\$ 2,567.15	
	Funds requested to complete project			
01-480-965-0001	CI – Housing Initiative			
	Demolition projects & fund Dummer Yard Phase II Study	\$42,221.79	\$ 42,221.79	
	Total Capital Improvements	\$44,788.94	\$ 44,788.94	\$44,788.94

	Bonded CIP Items			
51-481-402-2004	Bonded CIP - Route 110 Phase II	\$ 920,724.37	\$ 920,724.37	
Justification	Matching Funds for completion of Route 110			
51-481-420-0019	Bonded CIP - PD Men's Bathroom	\$ 12,000.00	\$ 12,000.00	
Justification	Funds requested to complete project			
51-481-421-1313	Bonded CIP - FD Alarm Console Repair	\$ 1,254.83	\$ 1,254.83	
Justification	Project Complete			
01-481-421-1315	Bonded CIP - FD Telephone Replacement	\$ 3,025.64	\$ 3,025.64	
Justification	To repurpose funds to City Hall Telephone Replacement			
51-481-425-0102	Bonded CIP - Housing Initiative	\$ 1,498.85	\$ 1,498.85	
Justification	Project Complete			
51-481-425-2003	Bonded CIP - IT Initiative	\$ 1,442.31	\$ 1,442.31	
Justification	Funds requested to complete improvements to City's IT system			
51-481-430-1203	Bonded CIP - PW Equipment Replacement	\$ 38,785.24	\$ 38,785.24	
Justification	Funds requested to continue equipment replacement			
51-481-431-2503	Bonded CIP - Retaining Wall Repairs	\$ 1,494.00	\$ 1,494.00	
Justification	Project Complete			
51-481-431-2605	Bonded CIP - Sidewalk Replacement	\$ 51,895.78	\$ 51,895.78	
Justification	Funds requested to continue sidewalk projects			
51-481-431-2606	Bonded CIP - Hutchins Street Realignment	\$ 1,200,000.00	\$ 1,200,000.00	
Justification	Funds requested to complete project			
51-481-431-2607	Bonded CIP - Bridge Inspection/Repair	\$ 115,903.60	\$ 115,903.60	
Justification	Funds requested to complete repair projects			
	Total Bonded Capital Improvements Items	\$2,348,024.62	\$2,348,024.62	\$2,348,024.62
	Carryover Old Capital Improvement Funds (Segregated Funds)			
01-495-995-0403	Public Works Garage	\$ 89,163.17	\$ 89,163.17	
Justification	Garage repairs & improvements			
01-495-995-0502	Library Exterior Paint	\$ 7,186.57	\$ 7,186.57	
Justification	Funds to be used to repaint trim on the back of the main building.			
01-495-995-0712	R & P Bleacher Improvements	\$ 1,609.27	\$ 1,609.27	
Justification	Ongoing purchase of replacement boards and paint			
01-495-995-0713	Community Field Parking	\$ 4,160.52	\$ 4,160.52	
Justification	Work in progress to complete signage and speed bumps			
01-495-995-0714	Rotary Park Boat Ramp	\$ 1,092.51	\$ 1,092.51	
Justification	Funds requested to complete project			
01-495-995-0901	Police Building Maintenance	\$ 37,318.77	\$ 37,318.77	
Justification	Funds requested for the continuation of the building repair projects			
01-495-995-0906	Police Impound Building	\$ 58,350.00	\$ 58,350.00	
Justification	Funds requested for completion of the impound garage project			
01-495-995-0907	PD Air Filtration System	\$ 2,701.42	\$ 2,701.42	
Justification	Funds requested to complete project			
01-495-995-1001	City Hall Building Repairs	\$ 11,838.29	\$ 11,838.29	
Justification	A side porch is needed; and repair of water damage caused by leaking roof			
01-495-995-1110	Fire Dept. FEMA Grant Match	\$ 6,600.00	\$ 6,600.00	
Justification	Awaiting USDA Grant Award in September 2011			
01-495-995-1111	Master Plan Update	\$ 9,514.39	\$ 9,514.39	
Justification	Repurpose funds to Downtown Master Plan per Resolution 2011-14			
01-495-995-1203	Public Works Equipment Replacement	\$ 5049.40	\$ 5049.40	
Justification	Funds shall be utilized to purchase new equipment			

01-495-995-1313	Fire Dept. Repair Program	\$ 19,304.21	\$ 19,304.21	
Justification	Funds shall be utilized for completion of re-pointed building			
01-495-995-2503	Retaining Wall Repair and Replacement	\$ 14,288.40	\$ 14,288.4	
Justification	Currently using this fund for Clark St., High St., Coos St.			
01-495-995-2504	Storm Drain replacement	\$ 20,000.00	\$ 20,000.00	
Justification	Continue repair of storm drains			
01-495-995-2602	Salt/Sand Storage Shed	\$ 81,452.00	\$ 81,452.00	
Justification	Funds will be utilized to construct a salt shed			
01-495-995-3502	Library Circulation Automation	\$ 325.64	\$ 325.64	
Justification	To continue automation of the library catalog and circulation system.			
01-495-995-3503	Library Outside Brickwork	\$ 12,981.68	\$ 12,981.68	
Justification	To repair the deteriorating brick exterior in the back of Library building			
	Total Carryover Capital Funds Requests from FY2011	\$ 382,936.24	\$ 382,936.24	\$ 382,936.24
Total General Fund Carryover Appropriation Requests from FY2011		\$2,775,749.80	\$2,775,749.80	\$2,775,749.80

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 McCue to pass the resolution. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

4. Resolution 2011-32 accepting Ten Thousand Dollars (\$10,000) donated to the City of Berlin to help fund the Downtown Economic & design Strategy work. (tabled 9/19/11)
Resolved by the City Council of the City of Berlin as Follows:

Whereas, the Planning Department received a grant from the Neil & Louise Tillotson Fund to develop a Downtown Economic & Design Strategy Plan for the City; and

Whereas, the grant from the Neil & Louise Tillotson Fund does not cover the entire cost of the work to be done; and

Whereas, both the Main Street Program and Public Service of NH are directly participating in this project as partners with the City; and

Whereas, Public Service of New Hampshire and the Berlin Main Street Program have seen fit to each make donations to help fund the Downtown Economic & Design Strategy work at equal shares of \$5,000.00 for a total donation of \$10,000.00. Now therefore be it resolved that the City Council of the City of Berlin accepts a donation of \$5,000.00 from PSNH and \$5,000.00 from the Berlin Main Street Program for a total of \$10,000.00 which is hereby appropriated to the Downtown Economic & Design Strategy work currently being done by HEB Engineers. This resolution shall be in full force and effect from and after passage

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

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

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

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

NEW BUSINESS

5. Ordinance 2011-09 Amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article I in General by Deleting Sec. 15-7. Play streets in its entirety. (1st read)
Councilor Nelson moved with a second by Councilor Evans to table the ordinance and schedule a public hearing on October 17. So moved, the motion carried.
6. Resolution 2011-33 Amending the City of Berlin's Speed Limit Map, Pursuant to the City of Berlin's Code of Ordinances Sec. 15-41, to Reflect the Limits of the Urban Compact on the Official Speed Limit Map. (1st read)
Councilor Nelson moved with a second by Councilor Evans to table the resolution and schedule a public hearing on October 17. So moved, the motion carried.
7. Resolution 2011-34 Amending the Berlin City Charter to permit the Mayor and City Council to review the ward boundaries and, if necessary, to re-divide the city into equal wards by ordinance rather than by charter amendment to conform to each recurring federal census and constitutional requirements to establish new ward boundaries and therefore equal representation and to reduce the number of wards from four (4) to two (2) in the City. (1st read)
Councilor McCue commented that we should inform the public about the time schedule and stress the fact that if passed, the Charter Amendment would not impact the Municipal Election and will not go into effect until the 2012 State Primary Election

Councilor McCue moved with a second by Councilor Otis to table the resolution and schedule a special meeting on October 10 and a public hearing on October 24. Roll call resulted in unanimous affirmative votes. The motion carried.

Mayor Grenier emphasized that redistricting will be the only agenda item on October 10. He would like staff to prepare the exact language for full discussion.

8. Communication from City Clerk re: November 8, 2011 Municipal Election Polling Hours.
Council is asked for the record, by motion to set the polling hours for the November 8, 2011 Municipal election.

Councilor Otis moved with a second by Councilor McCue to set the polling hours for the November 8, 2011 Municipal Election from 8:00 am until 7:00 pm. So moved, the motion carried.

9. City Manager Report
Rt 110 Phase II Improvements Demolition

Below is a list of eleven of the properties which have been acquired by the NHDOT which will be taking bids on their demolition very shortly. In total, the State has acquired about 33 properties for the Rt. 110 Phase II improvement project. However, due to the delays caused by Division of Historical Resources, they are only able at this point to clear these eleven for demolition. After 40 years, it will be good to actually get some on the ground progress on this project.

122-124 Green Street; 128 Green Street; 726 First Avenue; 732 First Avenue; 763-765 Green Street; 756 First Avenue; 779 First Avenue; 840 Second Avenue; 838 Second Avenue; 826 Second Avenue; 102 Mannering Street

Land Sales

A total of 8 bids on 7 different pieces of land were received last Thursday and each placed a qualified bid with a 10% deposit. We are in the process of verifying that each bidder is current on taxes, water, & sewer and has no code/building violations. There is only one property that received a bid from an abutter across the street and we are verifying the ownership of the street. Here are the properties that had successful bidders:

Address	Map/Lot	Minimum Bid	Winning Bid
450 Goebel St	130-391	\$3,133	\$3,133
692 Second Ave	119-449	\$7,533	\$7,801
761 Second Ave	119-405	\$5,666	\$6,010

508 Champlain St	130-325	\$2,933	\$4,105
575 Champlain St	130-374	\$2,433	\$2,500
767 Sixth Ave	110-143	\$1,400	\$1,555
522 School St	128-177	\$1,566	\$1,600
	TOTAL	\$24,664	\$26,704

The remaining six or so properties that received no bids from the abutters will now go out to bid to the general public with the same minimum bids as requested by the Council. Those are listed below:

Address	Map/Lot	Minimum Bid
818 Fourth Ave	119-468	\$4,000
360 High Street	120-273	\$6,200
288 Burgess St	131-064	\$2,133
Hillsboro St	131-045	\$2,766
Hillsboro St	131-044	\$2,900
407 Champlain	131-353	\$5,333

Fire Training in Berlin

The City of Berlin Fire Department is hosting a State of New Hampshire Firefighter I certification training program to include 216 hours from September 12, 2011 to February 15, 2012. Equipment needed for the class is provided by the New Hampshire Fire and EMS Academy and individual equipment is provided by the individual departments that have candidates attending the class. The Berlin Fire Fighter I class currently has twenty one students coming from departments all over the region at State of New Hampshire such as Bartlett, Berlin, Conway, Center Conway, North Conway, Gorham, Hinsdale, Jackson, Milan and Shelburne, and the state instructors are coming from all of the State of New Hampshire. This is an excellent opportunity for Berlin. Below I have reproduced just the first four weeks of the 24 week class curriculum:

State of New Hampshire Department of Safety - Richard M. Flynn Fire Academy

Berlin Fall 2011 - FFI Schedule – CREF#12-10-I-1

Class Time: Evening 1830-2230/Weekends 0830-1700

Week	Hours	Day	Date	Class Name	Instructors	
Week 1		Wednesday	7-Sep	Program Orientation	Antonucci	Berlin
Week 2	4	Monday	12-Sep	History & Orientation	1	Berlin
	4	Wednesday	14-Sep	Building Construction	1	Berlin
Week 3	4	Monday	19-Sep	Fire Behavior	1	Berlin
	4	Wednesday	21-Sep	FF Safety, PPE & SCBA Classroom	1	Berlin
Week 4	4	Monday	26-Sep	FF Rehab, Search & Rescue Classroom	1	Berlin
	4	Wednesday	28-Sep	FF Safety, PPE & SCBA Practical	1	Berlin

BOP Conference Calls

The East Milan Road pump station is all hooked up and operating at this point. It is taking the flow from the State Prison and the minimal flow from the BOP FCI. We have been having monthly conference calls between our engineer Wright Pierce, the City and the BOP on where things stand with all the improvements to the sewer system. Currently the final design is at about 90% completion and the plans are about to be sent out to the reviewing agencies for review and approval. The expectation is that bids will be sent out this winter and the improvements will take 18 to 24 months to complete.

Obviously, the BOP has been concerned as have we regarding our ability to handle their waste when they are up and fully operating as it has been clear that our WWTF improvements wouldn't have been complete if they had been up and operating by now as they were originally scheduled to be.

More recently, the concern has shifted to when they will be up and operating due to their budget issues in Washington DC. That is still an unknown although there is some optimism that they will be given authorization to operate in this year's federal budget. If that turns out to be true, the delay for them will have been about one year which actually should help to align (but still not perfectly) their startup and operation over the course of a year with the actual improvements that we are carrying out to the WWTF. I should also mention that the Value Engineering process we went through may result in savings of somewhere around \$300,000 in the improvements we make to the WWTF. This should more than pay for the cost of the exercise which was about \$58,000.

PNGTS Maintenance

Attached is a letter from PNGTS reviewing the fact that they will be performing maintenance on the pipeline during the week of October 10th. Apparently they will be venting or releasing all the gas from the pipeline in order to do the maintenance which will result in some noise and odor in the area of their valve yards on East Milan Road near the Industrial Park and new sewer pump station.

Manager's Time-keeping Attached.

Mayor Grenier asked why it is taking so long for Wright Pierce to finalize the plan which should have been done by August. The City Manager replied it is late but Value Engineering is the reason but otherwise it is on scheduled.

The Mayor then said the old Clean Power Development land purchase deal comes to an end December 1. The City Manager replied we have the right to request to repurchase it and will do so and presumably they will sell it back for what they paid for it. The Mayor had a preliminary discussion with Cate Street Capital and they have no intention to develop that land. Pat recalls that Council was not wild about selling it to Clean Power but it was the only way to make their project work. That land should sit with the Waste Water Treatment Facility for expansion purposes.

Councilor McCue inquired about land sales and one property with an abutter across the street, why did they need to verify ownership? The City Manager said the issue is whether you are an abutter if you do not own the land and it comes down to a definition of who owns the street.

Councilor Remillard informed the City Manager that 360 High Street never went out to bid. Andre said there were still issues on the property that had to be taken care of first. She then asked the City Manager if he checked about the storage shed for the salt shack with the Public Works Department and the City Manager replied he had not but would do so.

Councilor Rozek asked if when the scheduled release of natural gas takes place, does the Fire Department plan to be on site or close by in case of a catastrophic event. The City Manager hopes it is standard procedure for the Fire Department to be involved.

Councilor McCue said in Brian Lamirande's financial report from the Berlin Board of Education regarding the retirement system, it states the use of funds requires council approval. Councilor McCue asked if this is something Council will have to address. The City Manager will check into it. 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

Mayor Grenier publicly thanked the Public Works Department for the good job in handling the storm yesterday with many manholes floating. It is obvious we have storm drain issues in the City.

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

11. Public Comments

The City Planner gave the Council a new rundown of redistricting plan three and will bring a couple more options to the October 10 meeting for Council review.

Mayor Grenier thinks we now have the basics and can tweak what needs to be done. It is a painful process that nobody enjoys. The Mayor thanked Pam for the super job she has been doing to get all these redistricting options together.

12. COUNCIL COMMENTS

Councilor McCue is pleased that 12 Cambridge Street is scheduled for demolition.

Councilor Nelson reminded everyone that on Saturday October 8 Pat and RiverFire members will be getting the boom piers ready and he certainly could use some help. On another matter, Councilor Nelson reminded Council that during budget process, they agreed to give money to CAP but asked for a quarterly report. She would like to see something in writing. Mayor Grenier said CAP is scheduled to be here at the October 24 Work Session.

Councilor Rozek cautioned that before the asphalt plant closes, Route 16 needs to be shimmed again. The City Manager stated that he asked the Water Works about it and got no response yet. Councilor Rozek said in the event Pike closes, this will create a major safety issue since people have to drive with two tires in the ditch while hugging the road. There is also tree growth there and people can't see. If there was a yellow line there, they would be driving way over the yellow line. It is also a big issue by Brown School.

Mayor Grenier will contact Roland Viens and will have Pat let everyone know what is going on.

Councilor Evans said there will be a collection of local authors and encouraged all to attend on Sunday at the Heritage Park.

Councilor Otis got information on Riverside Drive. It is scheduled to be done on October 10 and was delayed because the state law said it had to settle for 90 days before paving could begin.

Councilor Rozek asked about the candidate turnout for new councilors and the City Clerk gave that information. Councilor Rozek then thanked the City Planner for all her hard work with redistricting city wards. It is a nasty business.

Mayor Grenier urged people to come out to sign up to be on the ballot for vacant elected positions.

13. Adjournment

There being no further business to come before Council at this time, Councilor Rozek moved with a second by Councilor McCue to adjourn the Regular City Council Meeting. So moved, the motion carried and Mayor Grenier declared the Regular Meeting adjourned at approximately 8:36 p.m.

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