

**PUBLIC HEARING**  
**February 6, 2012**

Mayor Grenier opened the duly advertised public hearing at approximately 7:32 p.m. to receive public opinion regarding the following subject matter:

-Resolution 2012-06 EPA \$400,000 Grant

Errol Decker, 9 Rocky Lane, is against the resolution. It would cost taxpayers Forty Thousand Dollars. He suggests we reassess the building and put it out to bid for salvage. The City could give it to someone that will take it down and start to pay taxes on it and they would be responsible for environmental issues. Phase 1 of the assessment did not say anything we didn't already know. If BIDPA gets involved, it will cost the taxpayers even more.

Housing Coordinator Linda White made the following comments:

On May 27, 2011, the City of Berlin, obtained through Tax Deed, the former Bass Shoe Industrial Site, consisting of 11.09 acres and two buildings totaling approximately 112,000 square feet along NH Route 110.

In January 2012, a Phase I Environmental Site Assessment (ESA) was completed by GZA GeoEnvironmental, Inc. for the entire parcel known as Map 110 Lot 17. The objective of this report is to render an opinion as to whether surficial or historical evidence indicates the presence of recognized environmental conditions that could result in the presence of hazardous substances or petroleum products in the environment. The Phase I is a prerequisite for and subsequent to, a more comprehensive Phase II ESA, Remedial Action Plan, and Final Clean-up of the property.

Linda asked if there were any questions to this point. There were no questions.

Preliminary findings revealed the following recognized environmental conditions.

1. Based on historic similarity in the types of manufacturing, and general types of industrial chemicals and petroleum products used, three main categories of industrial chemicals are expected:
  - a. Solvent Solution Adhesives (polymers, hydrocarbons, ketones, esters and isocyanates)
  - b. Cleaners
  - c. Finishes (dyes and transparent coatings)
2. Seven UST's (underground storage tanks) utilized for the storage of fuel oils, solvents (hexane and naphtha) and waste oil, were identified and were either closed by removal or closed-in-place by G.H. Bass.

Linda again asked if there were any questions to this point. There were no questions.

The purpose of this grant is to provide for a more in-depth investigation into the environmental conditions, and subsequently the final clean-up of this key industrial site for re-use.

The full documents with greater details can be seen at the City Clerk's office and comments will be taken until February 20<sup>th</sup>.

Linda again asked if there were any questions.

Councilor Rozek asked if this grant would be used to clean up this very contaminated property and would we also use this grant to address that situation and remove tanks and take care of soil remediation? He also wanted to verify that, if without this grant, nothing would get done and it would just sit there, right? Linda confirmed that was correct.

Councilor Ducharme asked what the City's match would be for this grant.

Linda replied it is an all-in-one pilot which is a new grant by the EPA. They offer \$200,000 for the assessment. Phase 2 consists of monitoring wells, a check on petroleum and ground radar detection. \$200,000 is for the clean-up portion, and there is a City match of \$40,000 needed but that was already addressed in the budget under demolition funds so it would not affect the taxes.

Councilor Ducharme countered that the Resolution language says the match is for the assessment and not on the clean-up, so it looks like that needs to be fixed

The City Manager advised Council that the resolution is on the agenda for its final reading tonight. In order to make it right, Council will have to vote to amend the fourth paragraph which should now say the \$200,000 clean-up of this grant.

Linda concluded that a hardship letter could waive the match portion based on qualification. Berlin falls in that category regarding population and low median income. It does not guarantee we will receive the waiver but we qualify. Linda will submit a letter and hopes we get excused.

There being no one else wishing to speak for or against the subject matter at this time, Mayor Grenier declared the Public Hearing portion of the meeting closed at approximately 7:41 p.m.

### **CITY COUNCIL MEETING – MONDAY, February 6, 2012**

Mayor Grenier called the City Council Meeting to order at approximately 7:42 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Ducharme, Higbee, Rozek, Nelson and Théberge. Also present: Pat MacQueen, Housing Coordinator Linda White, Linda and Dick Lafleur for BHS FCCLA, citizens and the press.

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the January 16 Inauguration/Meeting and the January 23 and 30 Work Sessions. So moved, the motion carried.

**Disbursements:** It was recommended by the Committee on Accounts/Claims to pay all bills start date 1/19/2012; end date 2/08/2012 for a total cash disbursement of \$2,344,025.51 Draft #1658 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:**

Corinne Cascadden, 1780 Hutchins Street, School Superintendent told Council that BHS is hosting the 5<sup>th</sup> annual Skills in Welding Competition on February 16 from 8:00 am until 2:00 pm. We are the only school in the state to host such a competition. Students from Portsmouth and Pinkerton Academy come here to compete. It is a major event geared to prep welding students for the state competition then onto the national competition. BHS students have gone to the national competition for several years and have done very well. We are the only school in NH that provides our students with a certificate upon graduation.

### **UNFINISHED BUSINESS**

1. Council Committee Reports. No Reports.
2. Resolution 2012-06 authorizing an application to the United States Environmental Protection Agency for a Brownfields Multi-Purpose Pilot Grant for the sum of Four Hundred Thousand Dollars (\$400,000) to provide for the assessment and clean-up of the former Bass Shoe Industrial Site on 218 West Milan Road, Berlin, NH 03570. (tabled 1/16/2012)

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

-Whereas, the City of Berlin owns 11.09 acres of Industrial land and buildings known as Map and Lot 104-17, which is currently in a state of localized contamination; and  
-Whereas, the City of Berlin has now established a good track record of using these funds to reclaim properties which were in effect abandoned or undevelopable; and  
-Whereas, the timely assessment and clean-up of this site will “put into play” a key industrial location with desirable road frontage on Route 110 and rail access, for new development; and  
-Whereas the City will fund the 20% (\$40,000) match for the ~~\*assessment~~ **Two Hundred Thousand Dollar (\$200,000) clean-up** portion of this grant from within its 2012 Housing Initiative account #01-480-965-0001 (see attached); and  
-Whereas, all grant proceeds shall be deposited with the City Treasurer and any additional use of the 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 sign and submit an application to the United States Environmental Protection Agency for a Brownfields Multi-purpose Pilot Grant for the sum of Four Hundred Thousand Dollars (\$400,000.00). Further, that the City Manager is authorized to accept said grant, if awarded, and do all things necessary to effectuate it, and the grant proceeds, if awarded, are hereby appropriated for the purpose of 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 amend the resolution, fourth paragraph to now read: “Whereas, the City will fund the 20% (\$40,000) match for the Two Hundred Thousand Dollar (\$200,000) clean-up portion of this grant from within its 2012 Housing Initiative account #01-480-965-0001(see attached); and.” So moved, the motion carried.

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

Councilor Remillard then moved with a second by Councilor Otis to have the resolution, as amended, 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, as amended. So moved, Mayor Grenier declared the resolution, as amended, now passed.

## **NEW BUSINESS**

### **3. City Manager's Report**

#### **WWTF Phase II upgrade SRF Application Submitted**

Pursuant to Council Resolution 2012-05R2, our application to NHDES for \$6.667M in capital forgiveness SRF grant/loan funding for the WWTF Phase II upgrade was submitted last week. NHDES had wanted to get those in the month of January. This should also provide us with \$2M in capital forgiveness which will greatly help given that the State budget cutbacks have caused the state to defer its normal \$20% reimbursement share of all wastewater projects. This application together with \$10.533M in SRF funding we currently have should provide us with the needed short-term financing the WWTF Phase II upgrades which have been under design which is now completed and ready to be put out to bid pending final state and federal approvals. The long term financing will be through USDA Rural Development.

#### **Meeting with DES in Concord**

Wright Pierce representative Chris Dwinal, PWD Director Mike Perreault and WWTF Superintendent Henry Noel and I met on Friday morning with representatives from DES who walked us through a process of river analysis that we will be required to undertake as a result of our saying that our WWTF will as a result of the current Phase II upgrade increase its design flow from 2.64MGD to 3.0MGD which the plant will be permitted for in the future. We agreed at the meeting that we will keep our TSS and BOD limits at the same levels they are now but only the flow will increase. Most municipalities in NH which have increased their design flows have approached the problem this way with the NH DES which has in turn successfully argued with federal EPA that therefore the municipality shouldn't have to go through a comprehensive river analysis which would be far more involved and expensive than the analysis we will be required to undertake if we keep our solids concentrations at their current absolute levels.

### **PWD Winter Budget**

Light winters which this has certainly been so far can sometimes save significant amounts in snow removal budgets. Unfortunately, because of all the icing rain we have had, it doesn't seem to be true in our case this year. As can be seen in the Public Works report attached our use of salt is actually higher this year than it was at the same time last year. We are saving on overtime costs and sand so overall the budget should be in decent shape depending of course on the rest of the winter.

### **NCS Pre-Construction Meeting**

A pre-construction meeting was held last Thursday for the manhole rehabilitation on the Cross Country line and Kent Street separation project. NCS corporation will be starting some work this winter by doing a 90' section of new line in the wetlands on Barry Kelley's property.

### **Rite Aid**

As you have seen, the demolition of the Rite Aid block is finally well underway and the only buildings remaining to be razed is the JC Penney building. We understand that dealing with the contaminants in that building is a little more complex so that may take a little more time. Public Works is working to ensure that the sewer lines are being properly capped.

### **Structure Fires**

We have had two residential structure fires thus far this winter, both of which essentially resulted in pretty much total losses to the homes but thankfully no loss of life and no injuries to personnel. The first was on Glen Ave and the second was a structure fire on Standard Street.

### **Electricity Purchase**

We have recently been able to get our cost of generated electricity down to \$0.0675/KWh. This is down from the already low price of \$0.0699/KWh which is over a 3% reduction. The reduction in the price of natural gas seems to be what is driving this price reductions.

### **AVRRDD Annual Report**

Attached is a copy of the AVRRDD Annual Report. This report provides some very good news for member communities of which Berlin is by far the largest. The District is finally in a financial position where it feels comfortable reducing member apportionments. The net result is that Berlin's apportionment assessment fee from the District will drop and we may be able to drop our District budget from \$400k to \$350k saving about \$50k in what we budget this coming year. It doesn't seem often that we actually get to say we can budget less...

### **Berlin Regional Airport Engineering RFQ's**

The Berlin Regional Airport has taken Requests for Qualifications (RFQ's) from various engineering firms that have expertise in airport work. Eight RFQ's were received and four of those will be interviewed by the Airport Authority on

### **Sylvia Poulin Chronicle Show**

The WMUR show Chronicle was in town last week to interview people regarding the downtown leadership and inspiration that Sylvia Poulin has provided and continues to provide for downtown Berlin. This is certainly a very great and a well-deserved honor for Sylvia. The show will air on WMUR on Chronicle at 7pm on Wednesday, February 15<sup>th</sup>.

### **Isaacson Bankruptcy**

The situation with Isaacson has required a considerable amount of staff time most of which thus far has been involved on the ISI side in terms of the relationship with BIDPA. With the bankruptcy hearing held in Manchester last week and the lease between BIDPA and Presby that followed that, the ISI part of the problem now seems to be resolved for the most part and leaves us with the very good prospect that the new owner Presby Steel, LLC will hopefully keep that business and the jobs that go with it operating profitably.

It is likely that we will now be concentrating more to do what we can on the ISSI side of the issue which hopefully will also work out with a sale of the business to a new owner which will keep that larger side of the business going prosperously as well.

## **Legislative Issues**

Testimony on SB 306. On Tuesday January 17<sup>th</sup>, I testified in favor of this bill which we submitted in Concord before the Municipal and County Affairs Committee. This is the bill which originally provided that municipalities on Coos County could provide a procedure for property tax exemption for commercial and industrial construction. The City of Berlin did this by local ordinance and then re-adopted the ordinance recently. Because the law which allowed for exemption retroactively was very difficult to make work correctly or plan for we submitted legislation which both required that the exemption be applied for prospectively and that eliminated the sunset provision.

At the hearing, there did not appear to be any opposition to the bill either from the public or the committee, except for the assessor in Lebanon who had signed up in opposition to the bill but did not speak at the hearing. It turned out that the Lebanon assessor had signed up opposed to that bill by mistake. Hopefully, the bill will now be passed by the legislature.

Pole Tax Exemption HB 1305. This is the House's version of the Fairpoint bill to exempt their poles and conduits from property taxes. It all boils down to whether one business should get a property tax exemption that no other business gets. The Council has been solid in opposing this exemption and has made its position known to the delegation.

PWD Monthly Report and City Manager's Timekeeping available for review in the City Manager's Office.

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

## **4. Mayor's Report:**

### **Appointments:**

- Planning Board - Councilor Remillard as ex officio with a term to expire 1/31/14, Tom McCue for a one year term to expire 4/13, Mark Evans as an alternate for a two year term to expire 4/14.
- BIDPA: Councilor Nelson as ex-officio with a term to expire 1/31/2013 as Council's representative.
- LGC/NHMA Special Committee, Tom McCue with a term to expire 1/31/14.

Councilor Rozek moved with a second by Councilor Otis to accept all the nominations as presented. So moved, the motion carried.

Proclamation: FCCLA Week February 12-18, 2012.

Mayor Grenier recognized Linda Lafleur and congratulated her for the many years of service she has given to the young people in Berlin. Her work as the FCCLA Advisor for the last 14 years is greatly appreciated.

Mayor Grenier drove to Concord Thursday to testify in opposition of HB1238. This bill would require PSNH to divest itself and its generating assets as part of deregulation. A philosophical argument can be made that it should be done as full deregulation. An interesting point brought out in the public hearing was that in the 22 states that completely deregulated their electrical distribution, 15 states reversed it and 3 others are in the process of trying to reverse the role in deregulation due to a lack of ability to control electric rates within their state. The general consensus is that it is the wrong time to send a message of full deregulation to the customers of the state since customers can choose another supplier for low rates. PSNH generates its own power and the PUC currently sets PSNH rates that are capped at such a price so that if the private industry wants to charge more, people would go back to PSNH. The system seems to be working very well as far as NH ratepayers go. It seems that the Folks who spoke, spoke in favor of full deregulation like Trans-Canada and other pilot companies who benefit from a non-government regulated electric market. The Mayor thinks the bill will die fast.

The bill, as written, would drive the values of the plants down and it would come back to despondent municipalities with a reduction in valuations. Mayor Grenier spoke of the uncertainty it would create while looking at sizeable economic development projects and we can't deal with uncertainties when dealing with clients.

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

4c. Communication from Stephanie Allen Lilly.

In her letter, Ms. Allen Lilly applauded Council for their stance against the "pay for trash bags." In her opinion, Council should not add any further financial burden to the citizens. On another matter, the city trash removers have been reported to throw away recyclables to the point where she now brings her recycling directly to the AVRRDD herself and thinks education is a must for the crew.

Councilor Rozek moved with a second by Councilor Nelson to file the letter as part of the record. So moved, the motion carried.

5. Public Comments: There were no public comments.

6. Council Comments:

Councilor Remillard asked the City Manager if anything was done at the Public Works Department with the recycle people to make sure the matter is taken care of. The City Manager replied he spoke to the Public Works Director who said it is an ongoing effort.

Councilor Rozek thanked the Mayor for going to Concord to testify on bills and speak on behalf of the city. There is a lot of legislation going on and it carries lots of weight. They like to hear from folks out here. Although he may not hear it often, Councilor Rozek gave the Mayor kudos and thanked him for his hard work and dedication.

7. Adjournment:

There being no further business before the Mayor and Council, Councilor Remillard moved with a second by Councilor Rozek to recess the regular meeting to go into Non-Meeting per RSA 91-A:2,1(b) Collective Bargaining. Roll Call resulted in unanimous affirmative votes including Mayor Grenier who declared the regular meeting adjourned at approximately 8:12 p.m.

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