

Public Hearing – May 07, 2012

Mayor Grenier requested a Council vote to remove #7 the BESS Contract Consideration from tonight's agenda since they did not have time to review the contract and to be fair to the School Board and the Union, they need time to discuss it. Councilor Remillard moved with a second by Councilor Otis to remove item #7 from the agenda and to place it on the May 14 Work Session agenda for discussion and on the May 21 regular meeting agenda for a vote. So moved, the motion carried.

Mayor Grenier opened the duly scheduled and advertised public hearing at approximately 6:32 p.m. to receive public comments on the following subject matter:

- Resolution 2012-10 accepting Three Hundred Ninety-Nine Dollars and Twenty Cents (\$399.20) donated to the Recreation Department for the annual "Easter Eggstravaganza.

There being no one wishing to speak for or against the subject matter, Mayor Grenier declared the public hearing closed at approximately 6:32 p.m.

CITY COUNCIL MEETING – Monday, May 07, 2012

Mayor Grenier called the City Council Meeting to order at approximately 6:32 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Ducharme, Higbee, Rozek and Th  berge. Councilors Morgan Allain and Nelson were absent. Also present: Pat MacQueen, Pam Laflamme, Corinne Casadden, Byran Lamirande and citizens.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the April 16 Regular Meeting/Work Session; April 23 and 30 Work Session. So moved, the motion carried.

Disbursements: It was recommended by the Committee on Accounts/Claims to pay all bills start date 4/19/2012; end date 5/09/2012 for a total cash disbursement of \$6,126,267.37 Draft #1664 Councilor Theberge 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. No Reports.
2. Resolution 2012-10 accepting Three Hundred Ninety-Nine Dollars and Twenty Cents (\$399.20) donated to the Recreation Department for the annual "Easter Eggstravaganza." (tabled 4/16/12)
Resolved by the City Council of the City of Berlin as follows:

Whereas, the Berlin Recreation Department held their 31st annual "Easter Eggstravaganza on March 31st of this year; and

Whereas, several citizens and businesses participated by providing donations that added to the event; and

Whereas, the Recreation Department received balloons from Gill's Flower Shop, four filled Easter baskets that were raffled at the event from Verizon Wireless Zone, cash donations from Verizon Wireless, Coulombe Real Estate, Tremaine Opticians, as well as many anonymous donations during the event. Now therefore, be it resolved that the City Council of Berlin accepts Three Hundred Ninety-Nine dollars and Twenty-Cents (\$399.20) donated to the Recreation Department and appropriates these funds for the annual "Easter Eggstravaganza." 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.

NEW BUSINESS

3. Ordinance 2012-02 Amending the Code of Ordinances Chapter 13 Streets, Article IV Parks and Recreation, Div. 2 Operation of Off Highway Recreational Vehicles, Section 13-112 to allow for OHRV's on City Streets in certain approved situations. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on May 21. So moved, the motion carried.

Mayor Grenier explained this ordinance allows additional uses and reclassifies OHRV's designated on City of Berlin right-of-ways where the previous ordinance had a narrow definition and it provides assistance to the ATV Club. The Mayor thanked Councilors Remillard and Theberge for their help.

4. Resolution 2012-11 Authorizing an application for a Community Development Block Grant in an amount up to Five Hundred Thousand Dollars (\$500,000) to be Sub-Granted to Tri County Community Action Program (TCCAP) to do an energy efficiency project on various buildings they own in Berlin. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on May 21. So moved, the motion carried.

5. Resolution 2012-12 Authorizing the application, acceptance and appropriation of a grant for up to Fifteen Thousand Dollars (\$15,000) to purchase recycling bins for use by the citizens of Berlin. (1st read)

Councilor Ducharme moved with a second by Councilor Otis to table the resolution and schedule a public hearing on May 21. So moved, the motion carried.

6. Resolution 2012-13 Authorizing an application to the New Hampshire Community Finance Development Authority (NHCDFA) to receive additional Neighborhood Stabilization Program 1 (NSP1) funds in the amount of Two Hundred Fifty-Five Thousand, Three Hundred Dollars to stabilize neighborhoods affected by high foreclosure rates and sub-prime mortgage-related problems. (1st read)

Councilor Theberge moved with a second by Councilor Otis to table the resolution and schedule a public hearing on May 21. So moved, the motion carried.

7. BESS Contract Consideration. This item was removed from the agenda

8. <u>TEAMSTER Contract Consideration</u>	<u>FY'13</u>	<u>FY'14</u>
	<u>Eff 7/1/12</u>	<u>Eff 7/1/13</u>
MTB101PDED\$10/20/45 250/750	(22,795)	--
2% & 2%	7,971	8,130
FICA/WC/Ret.	1,833	1,870
Incremental Dollar Cost	(12,990)	10,000

Councilor Remillard moved with a second by Councilor Otis to accept the Teamster cost settlement as presented. Roll call resulted in unanimous affirmative votes including Mayor Grenier.

9. Public Utility Update Agreement

Mayor Grenier stated that he had the Board of Assessor Chair review this agreement and Mr. Goddard wholeheartedly endorsed this agreement.

Councilor Rozek questioned the first page Sec. 1.1.3 after the City Manager if they should include the Board of Assessor Chairman and asked what USPAP stands for under Scope of Work Sec. 2.1.1. The City Manager thinks it is like audit accounting principles there are standards to be met. Mayor Grenier reiterated that the agreement will be amended to add to Sec. 1.1.3 to list the Chair of the Board of Assessors; Sec 2.1.1 to get an explanation of what USPAP means.

Councilor Higbee moved with a second by Councilor Otis to accept the Public Utility Update Agreement as presented. So moved, the motion carried.

10. City Manager's Report.
Car Freshener Shut Down

The closing of the Car Freshener Plant in Berlin certainly came as another unwelcome surprise. That plant has operated quietly for many years in Berlin and this just came out of the blue. According to the attached release from the company, the demand for their products remains strong and in effect they are simply consolidating their New York operations offering jobs to those who want them in their New York locations. Since much of the work provided was part-time, it is not expected that many Berlin employees will move to New York but at least the offer is there.

Tax Deeded Properties

Attached is the list of three dozen properties that were tax deeded by the City on Thursday May 3rd. As is usually the case, the number of properties on the list as of 4/15/12 was about 80, while the final number represented by this list is less than half of that. Yet, it is still a very substantial number. We now have to go through a sorting out, registering, assessing and eviction process as well as the notification process informing former owners of their right and time frame to repurchase if they so choose.

WWTP Phase II Improvement Bids

Finally, the award of the Phase II WWTF improvements contract has received all the approvals needed from USDA RD and DES and the contract has been awarded to Apex Construction in the bid amount of \$13,138,700. The pre-construction meeting will be held this week. This is the beginning of a two-year construction period at the WWTF, during which time it will still have to fully operate to properly treat all the sewage we currently receive and will receive over that two year period.

I&I Work

The current Phase I, Contract 2, I&I work was initiated this winter by taking advantage of the frozen ground to replace the interceptor that ran through that wetlands area. Now, the Contractor has come up Main Street and is now into McGee Street. There are about 30 houses in this area which the contractor will be going into to complete separation work.

We have also begun working on Phase I contract 3 project designs. The scope of this project will look at the Bean Brook crossing, Wood Street, Horne, Trudell and Blais Streets drainage area and the cross country line that connects this drainage area to Kent Street. This project will likely include sanitary separation in approximately 55 residential homes.

Finally, we are doing additional sewer flow studies. We have installed 6 flow meters on the main trunks of the sewer system and now we are moving those meters back into the distribution system. The recent rain events have helped greatly with this process.

It is worth noting that all of the buildings involved in the NSP projects have included sanitary separation during the construction.

VA Clinic proposed for North Country

Attached is a press release from Senators Shaheen and Ayotte and Congressman Bass in which they urge the VA to consider a veteran's Community-Based Outpatient Clinic (CBOC's) in Colebrook because of the difficulty our vets have getting access to VA care. Currently, the nearest CBOC's are in Littleton and Conway.

Legislative Matters

HB 1223 which provides penalties for knowing violations of the Right to Know Law (RSA 91-A). A penalty of \$250 to \$2000 is authorized. NHMA suggested that any such penalty imposed go to the municipality rather than to the State Treasury was accepted by the Senate Judiciary Committee. However, since this Senate amended bill now goes back to the House, it is not clear what the House will do with it, but it seems probable

that it will end up in Committee of Conference. The House and Senate are supposed to have acted on all Committee of Conference Reports by June 7th.

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

Mayor Grenier asked about the I&I work in the phase 1 contract 3 storm water overflows, did the preliminary check discover brooks going into the drain system. Mike said with brooks like Bean Brook crossing they get some infiltration but they will camera the upper East Side shortly. Mayor Grenier then asked when the separation construction will begin. Mr. Perreault replied they are pushing hard and are already working on the next phase on their biggest hitters. They are looking ahead on contract 3 to include other areas of Coos Street.

Councilor Rozek spoke to Henry Noel who said there is an 80% improvement in I&I on route 16 near the Community College. Councilor Rozek is frustrated with the lack of progress on the work being done on McGee Street. The PWD ran about eighty feet of six inch sewer line in five days. This current company does as little as 10 feet per day. He asked if the City Manager could explain what the delay is. The City Manager said the contractor needs to explain it.

Councilor Rozek asked the City Manager if he is not happy, how will he handle it? The City Manager stated he is not happy with the lack of progress and has told them that. Although the City cannot force them to work faster, the contractor may incur liquidated damages so they will have to pay. The Public Works Director added that the contract is scheduled to be done by November but they have lots more line to lay on Kent Street. They already sat down with the contractor and not much progress was made. He agrees with Councilor Rozek about the slow pace but the City will do its best to improve progress.

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

11. Mayor's Report

- Proclamation: National Nursing Home Week May 13-18, 2012

- Appointment: ZBA – Richard Tremaine reappointment for a three year term to expire 4/2015. Councilor Rozek moved with a second by Councilor Ducharme to accept the Mayor's nomination of Richard Tremaine. So moved, the motion carried.

Councilor Rozek 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: No comments.

13. Council Comments: No Comments

14. Adjournment:

There being no further business before the Mayor and Council, Councilor Remillard moved with a second by Councilor Otis to recess the regular meeting to go into Non Public Session per RSA 91-A:3II (d) Consideration of the acquisition, sale or lease of real or personal property. Roll call resulted in unanimous affirmative votes including Mayor Grenier who declared the regular meeting recessed at approximately 7:10 p.m.

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