

Public Hearing – July 16, 2012

Mayor Grenier opened the duly scheduled and advertised public hearing at approximately 7:49 p.m. to receive public comments on the following subject matters:

- Ordinance 2012-04 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. No comments.
- Resolution 2012-21 appropriating a Twelve Thousand Dollars (\$12,000.00) grant from Tri-County Community Action Program to fund Berlin Recreation and Parks Department 2012 Summer Programs, staffing and supplies. There were no comments.
- Resolution 2012-22 authorizing an application to the New Hampshire Department of Safety for Five Thousand Dollars (\$5,000.00) and appropriating these funds to the Berlin Fire Department to update the City's Emergency Response Plan. No comments.
- Resolution 2012-23 authorizing an application to the New Hampshire Department of Safety for Six Hundred Dollars (\$600.00) and appropriating these funds to the Berlin Fire Department to reprogram all the fire department radios and the emergency management radio. No comments

There being no one wishing to speak for or against the subject matters at this time, Mayor Grenier declared the public hearing portion of the meeting closed at approximately 7:50 p.m.

CITY COUNCIL MEETING – Monday, July 16, 2012

Mayor Grenier called the City Council Meeting to order at approximately 7:51 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, Nelson and Th  berge. Councilor Morgan Allain was absent. Also present: Pat MacQueen, citizens and the press.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the July 2 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1670 start date 7/04/2012; end date 7/18/2012 has a total cash disbursement of \$2,249,085.61. 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 comments

UNFINISHED BUSINESS

1. Council Committee Reports. No Reports.
2. Ordinance 2012-04 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. (tabled 7/2/2012)
Now Therefore Be It Ordained that the CODE OF ORDINANCES Chapter 13 STREETS, ARTICLE. IV. Parks and Recreation, Div. 2. Operation of Off Highway Recreational Vehicles, Section 13 – 112. Operation of OHRV's is hereby amended by adding new language in the last paragraph of Section 13-112: Anything above to the contrary notwithstanding, the City Council may, at any time by City Council motion, open up some or all streets in the City to OHRV use for named special events not to exceed two consecutive days in length; or in the event of temporary OHRV trail obstructions or other matters determined by the Council to require temporary OHRV street use for a length of time determined appropriate by the Council. If and when such City Council approval is given, City street use by OHRV's shall still be subject to all of the requirements listed above for OHRV use of the authorized connector trail. This Ordinance shall be in full force and effect from and after passage.

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

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

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

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

3. Resolution 2012-21 appropriating a Twelve Thousand Dollars (\$12,000.00) grant from Tri-County Community Action Program to fund Berlin Recreation and Parks Department 2012 Summer Programs, staffing and supplies. (tabled 7/2/12)

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

Whereas, Tri-County CAP has graciously made available a \$12,000 grant to the City of Berlin Parks and Recreation Program, and

Whereas the City of Berlin Recreation and Parks Department provides collaborative activities in the City of Berlin; and

Whereas, the Recreation Department partnering in this manner with Tri-County Community Action Program can greatly improve summer programs and activities for Berlin's children.

Whereas this partnership will provide: Staffing for Recreation and Parks Department summer programs; Supply funds for Recreation and Parks Department summer programs; An expanded ability for the department to hire additional staff at improved wages by combining City Recreation funding and Community Action Program funds. Now therefore, be it resolved that the City Manager is authorized to accept funds in the sum of Twelve Thousand Dollars (\$12,000.00) from Tri-County Community Action Program to fund Berlin Recreation and Parks Department 2012 Summer Programs, staffing and supplies. Be it further resolved that the City Manager is authorized to do all things necessary to effectuate the grant and fund proceeds 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 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.

4. Resolution 2012-22 authorizing an application to the New Hampshire Department of Safety for Five Thousand Dollars (\$5,000.00) and appropriating these funds to the Berlin Fire Department to update the City's Emergency Response Plan. (tabled 7/2/12)

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

Whereas the City of Berlin Emergency Operation Plan is required to be periodically updated; and

Whereas, the New Hampshire Department of Safety, through the Division of Homeland Security, has funds available for such an update; and

Whereas, matching funds (\$5,000.00) will be provided by the Emergency Management Committee and Individual Departments through in-kind services. Now therefore, be it resolved by the City Council of the City of Berlin that an application to the New Hampshire Department of Safety for \$5,000 is hereby authorized and upon receipt is hereby appropriated to the City of Berlin Fire Department for the purpose of updating the Emergency Operation Plan. Be it Further Resolved that the Emergency Management Committee and Individual Departments will provide the match of \$5,000 through in-kind services and that the City Manager is authorized to accept and do all things necessary to effectuate the grant. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

5. Resolution 2012-23 authorizing an application to the New Hampshire Department of Safety for Six Hundred Dollars (\$600.00) and appropriating these funds to the Berlin Fire Department to reprogram all the fire department radios and the emergency management radio. (tabled 7/2/12)
Resolved by the City Council of the City of Berlin as Follows:

Whereas, the New Hampshire Department of Safety, through the Division of Homeland Security, has funds available for radio reprogramming; and

Whereas, matching funds of \$600.00 will be provided through the City of Berlin Fire Department's Operating Budget. Now therefore, be it resolved by the City Council of the City of Berlin, NH, that an application to the New Hampshire Department of Safety for \$600.00 is hereby authorized and upon receipt, is hereby appropriated to the City of Berlin Fire Department to reprogram all the fire department radios and the emergency management radio to Federal Communications Commission's mandatory narrow banding before January 1, 2013. Be it Further Resolved that the Berlin Fire Department will provide the match of \$600.00 through the fire department budget, and that the City Manager is authorized to accept and do all things 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.

5a. OHRV Vote.

Councilor Nelson moved with a second by Councilor Rozek to accept the Devens/Goebel Street detour of OHRV's during the construction period Monday through Friday. So moved, the motion carried.

NEW BUSINESS

6. City Manager's Report.
Recent Fires

Last Saturday early morning the Berlin Fire Department responded to a structure fire at 120 West Milan. Upon arrival heavy fire was seen in the garage and had not extended into the house at this time. The fire was brought under control with an hour and crews remained on scene to extinguish hot spots until 3:50am. The Chief remained on scene to complete the investigation and collect statements from neighbors. The fire is believed to have been caused by a lightning strike. No injuries were reported at this incident.

Last Sunday at a little after noon, the Department responded to a report of a structure fire located at 16 Williamson Ave. On arrival the crews found the back part of the house on fire with the garage fully involved. A primary and a secondary search for victims was completed in the house and no were victims found in the two story house. A victim was located in the breezeway between the garage and house. At this point the Fire Marshal's office and the Medical Examiner were notified. The fire has been ruled accidental. The first arriving crew consisted of four firefighters and sixteen firefighters arrived for call back for alarm. One firefighter experienced heat exhaustion and was transported to AVH and released with no work was missed.

Annual Report

Each year Sue Tremblay puts together the Annual Report for the City which you have received. She does a superb job and has won the Local Government Center prize several times for the best or one of the best reports in the State. This year's is particularly sharp in terms of presentation. She should win a prize again.

Worker's Compensation Discount

We have received the attached notice and bill from Primex regarding the return of surplus that they worked out with the Secretary of State's office over the amount that the Trusts were holding in reserve. The Council

will recall that we had budgeted \$50k in revenue in this budget. It appears that the actual return of surplus will be about \$95k which is very good news. However, it won't be coming in the form of a revenue check; it will be coming in the form of reduced premium on our Worker's Compensation bill.

Heating Fuel

This year as previously reported, we have locked in our bulk heating fuel price at \$2.8994/gal for about 130,000 gallons for the Fiscal Year. Since then, we have also locked in our local tank price for fuel at the state bid rack plus price of \$.2150 over the JOC index price for approximately 48,000 gallons of fuel from CN Brown Company.

Hospital Collaborative

I have attached a press release from AVH which reviews a new collaborative effort between AVH, Upper Connecticut Valley Hospital and Weeks Medical Center to provide greater access, quality and affordability in the delivery of health care services to the people of Coos County. Informal discussions began in 2008.

14U Girls' State Softball Tournament

Attached is an email from Mike Caron complimenting Rec. Parks, PWD and BWW on their efforts for making the 14U (14 and under) State girls' softball tournament in Berlin such a success. Mike had special words of praise for Mayor Grenier's active support.

Housing Update

- On 7/10/12 the paperwork was signed to transfer 33 Gilbert to the City of Berlin. An asbestos survey has been ordered and we will move aggressively to get demolished.
- Tax Deeding - We have been working with tenants/homeowners to vacate properties and with the exception of 3 properties (not including Commercial), occupants have left or have given us a date to leave. We will issue a Writ of Summons for the other properties
- At 538 Burgess where we had done a clean-up and securing of the property) and the neighbor, Mr. Villeneuve came out to Linda White's hand and thank the City for cleaning up the neighborhood!
- Property recommendations: 590 Goebel is one that we've finally tracked down the owner for proper notification and can now move forward. TKB is interested in this property to complete that block/neighborhood (others may be as well). 483 School is the one we just demolished, and now want to sell the land.

It goes without saying that the size and complexity of the tax deeding process is a huge undertaking for housing staff and particularly the Finance Department staff because of the tremendously time-consuming, stop everything and do this now tediousness of a very complex, legalistic and difficult process which has to be done perfectly every time or it is stop and start the process over.

Riverside Heights Continuation

As indicated in the attached application of Horizons Engineering, this development which got started a few years ago is looking for an alteration of terrain permit from NHDES in order to complete the road as originally envisioned. Permits from the City were obtained some time ago for this.

Berlin Federal Prison Job Fair

Attached is the posting of the latest Job Fair for the new federal prison sponsored by New Hampshire Employment Security (NHES). This will be held tomorrow from 5-7pm at the NHES offices at 151 Pleasant Street, Berlin, NH.

PWD Monthly Report Manager's Time-Keeping available for review in the City Manager's Office

Mayor Grenier confirmed the heating fuel bid breakdown for bulk 130,000 with 5,000 at a time is for the larger buildings like the schools and WWTF and the 48,000 was for buildings like City Hall.

Councilor Rozek recalled that at the last meeting they asked the City Manager to have a type of informal page somewhere in the city to report updates on paving, potholes, and similar items. He thinks since there is so much disrepair in the city streets, there is a need for central information where Council can see the streets that need repair like the area across Brown School and High Street. They need an info sheet that Council can assess about potholes. Norway Street has a huge pothole in the middle of the street. Somewhere they need information at a central location so Council can see what is going on with paving and what the Water Works is doing as well.

The City Manager concurred and added that his office is currently working on the Capital Improvements which included street rehabilitation and a list of streets that need to be repaired. This is a great opportunity for Council to give feedback.

Councilor Remillard asked Pat to send her an email about when they expect to pave the area near Bob Morrisette's former property. Councilor Rozek added he would like to know the paving info about the McGee Street property also.

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

7. Mayor's Report

Saturday, Mayor Grenier represented the City at the Ray Burton picnic in Bath. It was an interesting day with lots of downstate people there. Many said they now recognize Berlin as a success story and the former perception of "poor me" has washed away. The Mayor handed it down to the City Manager who has had no incidents of the City Government scandalizing itself. We are a well oiled machine and know what we want to do. He was proud of this good perception.

On another matter, Time Warner Cable has lost affiliates on TV. Older folks and shut-ins got used to getting news from WMUR and miss not having local news. The Mayor asked the City Manager to write a letter expressing our displeasure of this situation. We should also revisit whole franchise fee at this time. The Mayor also suggests a letter to the FCC. We need a local news station.

The City Manager recalls that in the past, the City pushed hard with Gorham to have a meeting with the cable company and tried to meet 3 times and Time Warner did not show up. There may be no incentive to meet until it is time to sell the business. They still pay a 3% cable franchise fee.

In his last comment, Mayor Grenier said that Mike Caron thanked Him for his support with the State Softball Tournament. Although he appreciates the comments, he cannot take the credit for the success of the tournament. Thanks should go out to the Recreation Department personnel and Mike Perrault for their help. The City received compliments on the condition of the field and the Recreation Department went above the call of duty.

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

8. Public Comments: No comments

9. Council Comments:

Councilor Higbee was impressed by the professionalism of the Fire Department personnel who responded to the recent Williamson Avenue fire. The Firefighters drafted people to help with the hoses until reinforcements showed up and they did a superb job.

10. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Remillard moved with a second by Councilor Otis to recess the regular meeting and go into non-public session per RSA 91-A:3,II(e) Litigation; and Non-meeting per RSA 91-A:2,I.(b) Collective Bargaining. Roll call resulted in unanimous votes including Mayor Grenier who declared the regular meeting closed at approximately 8:24 p.m.

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