

CITY COUNCIL MEETING – Monday, August 6, 2012

Mayor Grenier called the City Council Meeting to order at approximately 8:10 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Morgan Allain, Ducharme, Rozek, Nelson and Théberge. Councilors Remillard and Higbee were absent. Also present: Pat MacQueen, Amy Huter and the press.

Minutes, Previous Meeting

Councilor Nelson moved with a second by Councilor Theberge to accept the minutes of the July 16 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1671 start date 7/19/2012; end date 8/08/2012 has a total cash disbursement of \$1,612,144.79. 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: Amy Huter, 157 Madison Ave, Principal of Brown School gave Council an update of the work being done toward their new playground. The support from the community has been great and they will be conducting a road toll this Wednesday. Their goal is close to being met. Wednesday August 15 has been scheduled as the demolition date for the old playground. They have received support from Caron Building Center and White Mountain Lumber, Norm Thibodeau has offered containers and the recycling center allowed them to bring all the materials there. They have put down a deposit for half of the payment for the new playground which has been ordered and the community build date is August 24 and 25. Principal Huter will order playground mulch and pay for it with the money in the Recreation Activity Fund. A plaque honoring Laura Viger, an avid recreation supporter, will be placed on the playground. Brown School should have their new playground ready for the first day of School.

UNFINISHED BUSINESS

1. Council Committee Reports. No Reports.

NEW BUSINESS

2. Ordinance 2012-05 amending the Code of Ordinances of the City of Berlin, Chapter 8 Housing; Division 5. Certificates of Compliance, Section 8-127. Applicability. (1st read)
Councilor Theberge moved with a second by Councilor Nelson to table the ordinance and schedule a public hearing on August 20, 2012. So moved, the motion carried.
3. Ordinance 2012-06 amending the Code of Ordinances of the City of Berlin , Chapter 17, Zoning, Article II General Provisions, Section 17-24, Uses by Special Exception (1, f). (1st read)
Councilor Nelson moved with a second by Councilor Morgan Allain to table the ordinance and schedule a public hearing on August 20, 2012. So moved, the motion carried.
4. Ordinance 2012-07 amending the Code of Ordinances of the City of Berlin , Chapter 17, Zoning, Article II General Provisions, Section 17-26, Accessory Uses and Buildings. (1st read)
Councilor Nelson moved with a second by Councilor Morgan Allain to table the ordinance and schedule a public hearing on August 20, 2012. So moved, the motion carried.
5. Ordinance 2012-08 amending the code of Ordinances of the City of Berlin, Chapter 17, Zoning, Article VI Residential Single-Family Zone (RS) Section 17-65 Building Height, 2; Article VII Residential Two-Family Zone (RT) Section 17-75 Building Height, 2; and Section VIII Residential General Zone (RG) Section 17-85, 2. (1st read)
Councilor Nelson moved with a second by Councilor Morgan Allain to table the ordinance and schedule a public hearing on August 20, 2012. So moved, the motion carried.

6. Resolution 2012-24 accepting and appropriating \$518 donated by the Viger Family for Laura Viger's Artistic Prints. (1st read)
Councilor Rozek moved with a second by Councilor Otis to table the resolution and schedule a public hearing on August 20, 2012. So moved, the motion carried.
7. Resolution 2012-25 creating the Laura Lee Viger Botanical Garden Donation Fund thereby accepting and appropriating \$620 in current donations and all future donations into it. (1st read)
Councilor Theberge moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on August 20, 2012. So moved, the motion carried.
8. Resolution 2012-26 accepting and appropriating \$100 from the Fraternal Order of Eagles for Playground Programs. (1st read)
Councilor Theberge moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on August 20, 2012. So moved, the motion carried.
9. Resolution 2012-27 accepting donations totaling \$2,000 from Presby Environmental and appropriating \$500 to the Fire Department; \$500 to the Police Department and \$500 to the Public Works Department. (1st read)
Councilor Theberge moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on August 20, 2012. So moved, the motion carried.
10. Polling Hours for the September 11, 2012 State Primary Election
Councilor Nelson moved with a second by Councilor Theberge to set the polling hours for the September 11, 2012 State Primary Election from 8:00 am until 7:00 pm. So moved, the motion carried.

Councilor Rozek asked for clarification about whether the voting locations were the same. The City Clerk confirmed that Council previously voted to keep the four voting locations as they were even though Berlin is now one ward and citizens will still vote where they always voted. The list of voting wards according to our city streets is listed on the city's website.

Councilor Nelson asked when the next Council election will be. The City Clerk replied the next Municipal Election will be in November 2013.

11. City Manager's Report.
EPA Administrative Order Update

The attached letter from the EPA is a clarification to prior emails which had indicated that there were no further comments to the City's draft Scope of Work and Schedule for preparing a Long-Term SCO Control Plan which is in response to the Administrative Order that the EPA issued to the City a year or so ago. The clarification is that the LTCP SOW has formally been incorporated into the EPA Order. The work called for in this order is underway.

BOP Status and Payments

We continue to communicate monthly with the BOP regarding their status. The last conference call was last week. They indicated that by August 30th, they expect to have staff of about 146 and about 60 low security inmates. When they under full operation, they expect to have around 330 staff and 1400 inmates which means they are currently around 12% of their maximum. Their flows are still quite low and there have been no problems handling their flows at all thus far. The Council will recall that the BOP had agreed to make \$8.5M in payments to the City for sewer improvements in connection with the City being able to take and handle the BOPS sewerage from its new facility. The work involved in connecting the facility to the City system which was a gravity line, a force main and a new pump station have all been completed and have been operating. I&I improvements have been made and continue and the main contract for the improvements at the WWTF are well underway. Thus far we have drawn 90% or \$7.65M of the \$8.5M and will be preparing to request the remaining 10% or \$800k in the near future.

Family Dollar Store Building Issues

As you know, the Family Dollar Store leases the property which the City took by tax deed. Prior to us owning it, PSNH shut off the power to the portion of the building where the sprinkler compressor is located due to the prior owner not having paid the utility bills for this portion of the building. This had the effect of shutting down the compressor which runs the fire sprinkler system. Actually the pressure in the system had held without the compressor for several months but last week the alarms started going off in the system, which alerted us to the problem. In looking at this situation, quite a few other serious code violations were discovered such as inoperable emergency lighting, exposed wiring and the like. Family Dollar has been back in operation since 3:30pm on Friday afternoon due to the efforts of City staff who was in contact with the corporate, regional and local offices.

Voter ID Law

Attached is an explanatory sheet from Secretary of State's Office which attempts to explain requirements of Senate Bill 289 which phases in new photo-identification requirements over time.

PSNH Smith Hydro Drawdowns

We have received PSNH's annual notice of their intent to drawdown the river above the Smith Hydro dam approximately 7' below normal from September 8, 2012 through September 21, 2012 for the inspection of the canal and hydro facilities.

New State Director of Aeronautics, Rail and Transit

Attached is a letter from Patrick C. Herlihy announcing himself as the new Director of Aeronautics, Rail and Transit. The last I knew, these were separate divisions within NHDOT. It appears they are now in one division under one director.

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

Councilor Rozek said that on the Public Works Report on page one regarding the July asphalt activities. He would like it to include more streets. He wants to see an ongoing monthly report probably under city improvements. The City Manager said the information was under Capital Improvements but it would get lost in the lines. He wants to stay focused on the streets and somehow the City Manager needs to find a place to incorporate the streets in his report.

On another matter, Councilor Rozek understands that they want to install new windows at the Public Works Garage. He wants to know if we are replacing the windows why we need an engineering firm to discuss windows in a brick building and he wants to know how much that is going to cost. Why can't we do these simple procedures without running them through an engineering firm? He recalled that at one point, Council had discussed touring the Public Works Garage. He went on to say that he brought in a camera disk with pictures of McGee Street showing that both sides of the pavement are starting to erode and wash away. On one side almost a foot has eroded due to rain. The Nelson Company was supposed to put in a curb but rainwater is eroding the street. The pictures show how the gravel washed out and covers the road one or two inches in depth and is just washing out. They got sandbags but asphalt is still missing. He asked if the Public Works Department should be involved in this or should the contractor be responsible? Mayor Grenier replied the contractor is responsible.

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.

12. Mayor's Report

Mayor Grenier read a letter he received letter from Carmen Porto of Napert Village on behalf of the Marine Corps League. Mr. Porto wrote that it was too late to conduct a proper ceremony and to schedule events with the Berlin Marine Corps League to honor all Veterans past, present of future due to conflicts with the BHS Homecoming Ceremony. The Mayor had asked him to send this letter so he could pass the information onto Council. In October when things wind down, Council could have them come to a Work Session to see what they can do to assist them.

Mayor Grenier received a letter today from Gerard Nault, 80 Nansen Street, who would like to be considered to serve another term on the Police Commission since his current term is expiring in September. The Mayor nominated Mr. Nault to another which will be set to expire September 2015. Councilor Nelson moved with a second by Councilor Otis to accept the Mayor's nomination of Mr. Nault. So moved, the motion carried.

Mayor Grenier thanked the folks from the ATV Club for a job well done at the ATV Festival. The Mayor noticed while working at the festival that they will need future assistance since they currently don't have the numbers to organize, plan and advertise such a big undertaking. Dick Huot said he would be willing to assist in the planning. Mayor Grenier also volunteered to help although he is not an ATV person, he can assist with the many connections he has to get things done. They will be looking for volunteers to make it a bigger and greater annual festival.

Councilor Nelson added it would be wise for them to look at structuring a committee like they do at RiverFire. They will need to form a bigger committee in order to get things organized.

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.

13. Public Comments: No comments

14. Council Comments:

Councilor Theberge announced that there will be an ATV Festival meeting on Thursday, August 9 at 10:00 a.m. in the Council Executive Chambers and all are welcome to attend.

Councilor Rozek stressed that regardless of a few people ruining it, they should move ahead with a city-wide development plan and to allow more access to the city to make Berlin the ATV Capital. People coming from outside the area were well behaved and not causing problems. It was just a matter of underage kids running wild who should not ruin it for everyone. The Police Department offered positive assistance and most of them enjoyed patrolling on ATV's. There were no accidents but noise, dust and unruliness needs to be curtailed. If they don't act to develop this here and now, some other community will take advantage and we will lose it. We have a narrow window of opportunity and this is it if we want to develop Berlin as a tourist spot.

15. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Otis to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:51 p.m.

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