

**Public Hearing – September 4, 2012**

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:38 p.m. to hear public comments on the following subject matters:

- Resolution 2012-28 Capital Carry-Over – No comments
- Resolution 2012-29 Authorizing the Sale of 145 Main Street by BIDPA – No comments

There being no one wishing to speak for or against the subject matters, Mayor Grenier closed the public hearing portion of the meeting at approximately 7:39 p.m.

**Non-Meeting:** Councilor Remillard moved with a second by Councilor Otis to enter into Non-Meeting per RSA 91-A: 2,1(b) Collective Bargaining. The motion carried unanimously by roll call.

**CITY COUNCIL MEETING – Tuesday, September 04, 2012**

Mayor Grenier called the City Council Meeting to order at approximately 8:24 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, Pam Laflamme, Corinne Cascadden, Bryan Lamirande citizens and the press.

**Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the August 20 Regular Meeting/Work Session. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1673 start date 8/23/2012; end date 9/05/2012 has a total cash disbursement of \$813,315.09. 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. Resolution 2012-28 carrying over \$464,686.67 of Capital Appropriations for the Fiscal Year 2012 ending June 30, 2012 which are not yet expended from the previous fiscal year. (tabled 8/20/2012)

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

From Account #	Purpose	Request	City Manager Recommendation	Total
	<b>Carryover Requests from Capital Improvements to Segregated Funds</b>			
<b>01-480-913-0016</b>	Storm Drain Replacement	\$38,968.58	\$38,968.58	\$38,968.58
Justification	Continue repair of storm drains			
<b>01-480-932-0007</b>	PD Ballistic Vests	\$594.00	\$594.00	\$594.00
Justification	Balance Matching Funds - Bulletproof Vest Grant			
<b>01-480-965-0001</b>	Housing Initiative	\$107,374.54	\$107,374.54	\$107,374.54
Justification	Continue housing demolition projects			
<b>01-480-965-0002</b>	IT Initiative	\$2,382.48	\$2,382.48	\$2,382.48
Justification	Complete improvements to City's IT system			
	Total Capital Improvements	\$149,319.60	\$149,319.60	\$149,319.60

		<b>Carryover Old Capital Improvement Funds (Segregated Funds)</b>		
<b>01-495-995-0403</b>	Public Works Garage	\$ 89,163.17	\$ 89,163.17	\$ 89,163.17
Justification	Garage Repairs and Improvements			
<b>01-495-995-0502</b>	Library Exterior Paint	\$ 7,186.57	\$ 7,186.57	\$7,186.57
Justification	Repaint trim on back of the main building			
<b>01-495-995-0712</b>	R & P Bleacher Improvements	\$ 1,609.27	\$ 1,609.27	\$ 1,609.27
Justification	Ongoing purchase of replacement boards and paint			
<b>01-495-995-0713</b>	Community Field Parking	\$ 4,160.52	\$ 4,160.52	\$ 4,160.52
Justification	To complete signage and speed bumps			
<b>01-495-995-0714</b>	Rotary Park Improvement	\$ 1,092.51	\$1,092.51	\$1,092.51
Justification	Funds requested to complete project			
<b>01-495-995-0901</b>	Police Building Maintenance	\$ 16,152.38	\$16,152.38	\$16,152.38
Justification	Ongoing project not completed by June 30, 2012			
<b>01-495-995-0906</b>	Police Impound Building	\$ 58,350.00	\$58,350.00	\$58,350.00
Justification	Ongoing project not completed by June 30, 2012			
<b>01-495-995-0907</b>	PD Air Filtration System	\$ 2,701.42	\$2,701.42	\$2,701.42
Justification	Ongoing project not completed by June 30, 2012			
<b>01-495-995-1001</b>	City Hall Repairs	\$ 3,209.82	\$3,209.82	\$3,209.82
Justification	Repair back entrance deteriorated by leaky roof			
<b>01-495-995-1110</b>	Fire Dept. FEMA Grant Match	\$ 291.00	0	0
Justification				
<b>01-495-995-1111</b>	Downtown City Property Rehabilitation	\$ 1,972.68	\$1,972.68	\$1,972.68
Justification				
<b>01-495-995-1203</b>	Public Works Equipment Replacement	\$ 5,049.40	\$5,049.40	\$5,049.40
Justification	Funds will be utilized to purchase new equipment			
<b>01-495-995-1313</b>	Fire Dept. Repair Program	\$ 14,368.50	\$14,368.50	\$14,368.50
Justification	To complete re-pointing of building			
<b>01-495-995-2503</b>	Retaining Wall Repair and Replacement	\$ 14,288.40	\$14,288.40	\$14,288.40
Justification	Ongoing repair of retaining walls			
<b>01-495-995-2504</b>	Storm Drain Replacement	\$ 20,000.00	0	0
Justification	Continue repair of storm drains			
<b>01-495-995-2602</b>	Salt/Sand Storage Shed	\$ 81,452.00	\$81,452.00	\$81,452.00
Justification	Funds will be utilized to construct a salt shed			
<b>01-495-995-2606</b>	Street Rehabilitation	\$ 1,303.11	\$1,303.11	\$1,303.11
Justification	Funds requested to complete project			
<b>01-495-995-3502</b>	Library Circulation Automation	\$ 325.64	\$325.64	\$325.64
Justification	To continue automation of the library catalog and circulation system			
<b>01-495-995-3503</b>	Library Outside Brickwork	\$ 12,981.68	\$12,981.68	\$12,981.68
Justification	To repair the deteriorating brick exterior on the back of the library			
	<b>Total Carryover Capital Funds Requests from FY2012</b>	<b>\$ 335,658.07</b>	<b>\$315,367.07</b>	<b>\$315,367.07</b>
<b>Total General Fund Carryover Capital Improvement Funds Requested from FY2012</b>			<b>\$464,686.67</b>	<b>\$464,686.67</b>
<b>Sewer Fund</b>				
<b>60-480-438-0001</b>	CI - Sanitary Line Replacement	\$ 120,000.00	0	0
	To complete sanitary line upgrades			
	<b>Total Sewer (Fund 60) Carryover Requests</b>	<b>\$ 120,000.00</b>	<b>0</b>	<b>0</b>
<b>Total Carryover Capital Improvement Funds Requested from FY 2012 (All Funds)</b>			<b>\$464,686.67</b>	<b>\$464,686.67</b>

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 2012-29 authorizing the Berlin Industrial Development Park Authority (BIDPA) to sell 145 Main Street to Square One Construction, LLC for \$315,000.00 pursuant to the Chapter Laws of 1925 and RSA 162-G. (tabled 8/20/2012)

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

Whereas the building at 145 Main Street has been unoccupied for several years; and

Whereas, BIDPA is interested in retaining business on Main Street; and

Whereas, Square One Construction, LLC is desirous of becoming the purchaser of the building in order to relocate their existing store into a building that they own; and

Whereas, this development would provide sustained economic activity in the community, retain tax base and jobs in Berlin; and

Whereas, value of the building was determined by a qualified, independent real estate appraiser certified under RSA 310-B; and

Whereas, RSA 162-G authorizes municipal agencies such as BIDPA to sell a business and industrial facility. Now therefore, be it resolved by the City Council of the City of Berlin hereby authorize the Berlin Industrial Development Authority (BIDPA) to sell 145 Main Street to the Square One Construction, LLC for \$315,000.00 pursuant to RSA 162-G. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

## **NEW BUSINESS**

4. Ordinance 2012-09 amending the City of Berlin Code of Ordinances, Chapter 12 Solid Waste, Article I. In General: Sec. 12-1 Definitions and Article II. Collection and Disposal Secs. 12-27 through 12-50 as described. (1<sup>st</sup> read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on September 17. So moved, the motion carried.

5. Communication re: Fire Department Commercial Boiler Inspection Fees.

Russell Ramsey, owner of the Grand School Property Group asked the Mayor and Council to reconsider or reclassify the intent for the fire department to charge a higher fee for all commercial boiler inspections. He also asked to have the ordinance amended back to its original date and issue refunds for those accounts adversely affected by the ordinance.

Councilor Nelson moved with a second by Councilor Remillard to file the communication. So moved, the motion carried. Councilor Nelson asked the City Manager to invite the Assistant Fire Chief to a work session to give Council an update about this process.

6. Communication re: Parking Lot Option Cole/Mason Streets.

Russell Ramsey, owner of Coulombe Real Estate asked the Mayor and Council to consider the impact on parking for his clients and staff as well as other area businesses while considering the purchase option for the City owned lot on the corner of Cole and Mason Streets. He would like the Mayor and Council to seek the input of the affected businesses before finalizing any transaction.

Councilor Remillard moved with a second by Councilor Otis to file the communication and to have the City Manager send Mr. Ramsey a reply letter like the one he sent to Linda Roberts. So moved, the motion carried.

6a. Local 1444 School Custodian & Bus Driver Contract Cost Items

The contract cost items of the three year contract was presented by Bryan Lamirande as follows:

	<u>FY 12</u>	<u>FY13</u>	<u>FY14</u>
Wages	00	8,871	9,137
FICA	00	679	699
NHRS	00	781	804
Health Ins.	<u>5,474</u>	<u>(9,336)</u>	<u>7,476</u>
Total:	5,474	995	18,116

Councilor Nelson moved with a second by Councilor Remillard to deny the cost items. Roll call to deny the cost items resulted in unanimous affirmative votes including Mayor Grenier who declared the cost items denied.

7. City Manager's Report.

**Tax Deeded Properties**

97 Main Street has finally been quitclaim deeded to TKB properties which is the company that is renovating the property. Although the Council had approved the quitclaim deeding to TKB several months ago and TKB has now been working on the property for several months, our attorney found a legal glitch in the notices of the right to repurchase that had been sent not to the owner, but to two of the mortgagees on the property. Therefore, these needed to be resent and wait another 30 days for a response. That time period has now passed which allowed us to finally to provide a quitclaim deed to TKB. The deed has still not been recorded because the attorneys and title people are still working through some title issues. There is never anything simple quick or easy about the tax deeding process.

The status of the property at 360 High Street is that there were issues with finding the owner, but we were finally able to track the owner down in Alaska and have the Sheriff serve her there. The 90-day statutory period before we can sell has expired and the property will be going out to bid to abutters. This has already been approved by the Council.

The status of the property at 819 Fourth Ave. which includes a house is also about to be put out to bid again to the general public. The Council has already approved this one as well. These will go out with 590 Goebel, 615 Fourth and 290 Grafton.

**Six Year Capital Improvements Program (CIP)**

At this point all the proposed CIP projects have been submitted by the Departments and reviewed with all the Departments. They are being tabulated and further reviewed to fashion the next six year CIP for FY14-19. This will then be submitted to and reviewed by the Planning Board and the City Council this month.

**SAG pre-applications and applications**

At the request of NHDES, we have submitted several more State Aid Grant (SAG) project pre-applications and applications. SAG refers to what is normally the 20% portion of most pollution control projects which the State used to pay for. For example, we are receiving that 20% state share on the Phase I improvements that we did to the WWTF in 2006. However, more recently because of state budget problems, the state 20% share has been deferred just like bridge aid money (aka 12<sup>th</sup> street bridge) has been deferred. The line has been that we will be getting this assistance back some time in the future. The question is when and because of the deferral there has been a snowball of built up projects waiting in line for their share of this money which has not yet re-materialized in the state budget.

In any event NHDES is encouraging municipalities to have all their pre-apps and apps in so that all these projects are lined up in the event that the money reappears. The projects we have put in SAG pre-applications for are:

- The I&I Contracts 2 and 3 for work we are or will be doing with the remainder of the previous RD \$5M loan/\$1Mgrant
- WWTF Phase II upgrade project

We will soon be putting in final SAG applications for:

- All of the work which was done on East Milan Road for the gravity and force mains and the new pump station.
- The I&I Contract 1 which was the Insituform pipe re-lining contract.

### **Chris Dubey on BEMS**

Chris Dubey of Berlin Emergency Medical Services asked to meet with me recently. They are having a difficult year financially primarily because of a drop insured customer payments and Medicare payments. He will be in to discuss the overall situation with the City Council at an upcoming meeting.

### **Receipt of \$500k in NMTC**

I am happy to report that we received \$500k in New Market Tax Credits from the NH Business Finance Authority. You will recall that we budget \$100k of that amount for Downtown Improvements in the capital section of the FY13 operating budget. This leaves the remaining \$400k to be utilized as the Council deems appropriate. The money was part of the arrangement between Cate Street Capital, the NHBFA and the distributor of NMTC for this region Coastal Enterprises before Isaacson's bankruptcy and was always intended to be used by the City of Berlin for infrastructure improvements.

### **Biomass Magazine Article**

Attached is an article that appeared on 8-29-12 in Biomass Magazine. It is a great article on the development of the project and what it means to the City of Berlin and the surrounding region of the North Country.

### **Prevention Guidelines for West Nile Virus and Eastern Equine Encephalitis**

Attached are prevention guidelines for the above mosquito spread diseases distributed by the NH Department of Health and Human Services, Division of Public Health Services.

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

Councilor Rozek stated that at the last meeting paving with the Berlin Water Works was discussed with the City Manager specifically about High Street which was supposed to be paved curb to curb. It is now late in the season and that road is deplorable and used by all school busses which are expensive to fix. Councilor Rozek was hoping it would be paved before school opened. He asked the City Manager if he would have an answer for Council by next Monday about when High Street is scheduled to be paved.

The City Manager replied that Roland Viens was on vacation for two weeks so he could not get an answer. Roland is concerned because it is more expensive than expected. Mr. Viens will put numbers together and will get together with Mike Perreault for a plan of action. The City Manager will have answers next Monday.

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.

## 8. Mayor's Report

Mayor Grenier read a letter from the Diocese of Manchester thanking everyone for contributing to the success of the Diocesan Pilgrimage to St. Anne's Church on July 26.

Appointment: Cemetery Trustee. Janet King reappointment for a term to expire August 2015. Mayor Grenier stated that Janet King has served for many years as a Cemetery Trustee and does an excellent job maintaining our cemeteries on a limited budget.

Councilor Rozek moved with a second by Councilor Otis to accept the Mayor's nomination of Janet King. So moved, the motion carried.

Mayor Grenier thanked Council for looking at Bickford Place and for moving forward with the downtown. They are willing to look at shortfalls which need to be addressed. He thanked them wholeheartedly for taking such pride in their community. It is very important that visitors are welcomed with a big beautiful park. Main Street now looks alive and promising which is a good feeling and it is important that Bickford Park does not look like an ash tray. The original intent for the Veterans Park was to have it lit as people enter Berlin in support of our local fathers and sons who served in the military. Rather than the pole lights they currently have he would like to see a the lights in the ground like a pavilion under the flags directing the light upward and that would be maintenance free and vandal proof. If we have a display, we need to do it right. The local Veterans Clubs in the community could be asked to help. We need to light up the entrance to Berlin and it would be fantastic to see those flags all lit up which would make a positive statement.

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.

9. Public Comments: No comments

10. Council Comments:  
Councilor Remillard asked the City Manager for an update about Mr. Poulin's request for additional parking near Irving. The City Planner said we have a call into our City Attorney for advice. The City Manager received a call of concern from Irving about it. Mayor Grenier added that they will be involved in the final discussion because they don't want uncontrolled access with poor property maintenance.

11. 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 8:58 p.m.

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