

CITY COUNCIL MEETING – Monday, December 3, 2012

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:17 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Benski, Higbee, Rozek, Nelson and Th  berge. Councilor Remillard (called to let Mayor Grenier know she was sick) and Councilor Morgan Allain were absent. Also present: Pat MacQueen, Barry Kelley and the press.

Minutes, Previous Meeting

Councilor Rozek moved with a second by Councilor Otis to accept the minutes of the November 19 Regular Meeting/Work Session and November 26 Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1679 start date 11/22/2012; end date 12/05/2012 has a total cash disbursement of \$810,631.37. Councilor Theberge moved with a second by Councilor Nelson to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS

Cimbria Badenhausen, 147 High Street, representing Berlin Better Buildings Program gave Council an update about the Berlin Model Neighborhood Project. They have five to six months left in the program and no longer process loans independently through a local financial institution. They have a contract with PSNH to work on all their residential energy home retrofits. The pellet boiler program, of which Councilor Higbee is a client, offered 40 high-efficiency wood pellet boiler systems to owner occupied single and multi-family residences in Berlin. They currently have 20 installed, 10 promised and 10 units left which are expected to go by the end of the year. The Better Buildings Program is about to award to 4-6 owner occupied residences with solar thermal systems and have contracted with a company out of Plymouth. The solar systems usually cost between five to six thousand dollars, but through this company they cost about three thousand dollars and Better Buildings is offering \$2,500 to install that unit but if is more, the homeowner is responsible for the additional cost. Cimbria invited Council to attend the December 11 meeting from 5:00-7:00 pm at T-Birds Restaurant where Better Buildings will pull numbers out of a hat to award the solar systems. Twenty-four people came to the information session and six people had their homes checked out. The PUC and Office of Energy Planning are happy about this program.

Councilor Rozek inquired if the solar panels would still work in Berlin where it is often cloudy and also asked if certain areas are better than others to maximize the potential for this system to work?

Cimbria replied that any site with southwest exposure will qualify. Plymouth currently has more than 100 systems installed. There are lots of other groups out there and the only problem would be people might have to cut down trees to get a better reading but everyone in Berlin would qualify.

Councilor Theberge asked how the solar panel would work in the winter to heat water.

Cimbria said that the snow on the solar system melts off after a couple of days. The City of Berlin prefers to have the systems placed on the roof but they can also place it on the side of a building. Glycol is part of the system that keeps it working in the winter. She concluded that Berlin is the only city in the US giving away a solar thermal system. The PUC never heard of this being done. There is lots of interesting stuff going on in Berlin.

Mayor Grenier closed the first portion of the meeting at approximately 7:29 p.m. and moved onto the Public Hearing.

Public Hearing – December 3, 2012

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:30 p.m. to hear public comments on the following subject matters:

- Resolution 2012-35 Adopt Solar Energy Systems Exemption Provision of RSA 72:62--no comments
 - Resolution 2012-36 Selling 702 Glen Avenue to Sullivan's – no comments
 - Resolution 2012-37 Selling 717 Fifth Avenue to Barry Kelley – no comments
 - Resolution 2012-38 PD Enforcing Underage Drinking Laws Grant – 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 7:31p.m.

UNFINISHED BUSINESS

1. Council Committee Reports. No reports

2. Resolution 2012-35 Adopt the Solar Energy Systems Exemption Provision of RSA 72:62. (tabled 11/19/2012) Resolved by the City Council of the City of Berlin as follows:

- Whereas, the State of New Hampshire statutes provide for an optional Solar Energy Exemption which allows a municipality to adopt an exemption for the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61; and
- Whereas, the City of Berlin, recognizing the benefit of alternative energy sources, wishes to take advantage of the option for an exemption for the sue of solar energy; and
- Whereas, the Mayor and Council wish to "sunset" this option after five years. Now therefore, be it resolved that the Mayor and Council of the City of Berlin hereby adopt the provision of RSA 72:62 Solar Energy Systems Exemption, effective January 1, 2013 with the exemption being the value of the solar energy system as defined in RSA 72:61 and hereby rescind the provision of RSA 72:62 effective December 31, 2018. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

3. Resolution 2012-36 Authorize the sale of 702 Glen Avenue, Map 114; Lot 08 to Jason and Mary Sullivan for the sum of Five Hundred Dollars (\$500.00). (tabled 11/19/2012) Resolved by the City Council of the City of Berlin as follows:

- Whereas, the City of Berlin currently owns the property at 702 Glen Avenue, Map 114; Lot 08, tax deeded on May 3, 2012; and
- Whereas, there is currently no tax base derived from the unused buildings on the property; and
- Whereas, the buyers' residence abuts 702 Glen Avenue and the only other abutter has declined interest in the property; and
- Whereas, the buyers have agreed to improve the site by removing the blighted main residence and to rehabilitate the garage on the property; and
- Whereas, the Mayor and Council have determined that the City of Berlin has no need for the property; and
- Whereas, the proposal tendered by the Sullivan's was found to meet the City's goals to rid the City of blighted housing as well as putting the property back on the tax rolls. Now Therefore Be it Resolved by the City Council of the City of Berlin as Follows: That the City Manager is authorized to do all things necessary to effectuate a contract to sell the property at 702 Glen Avenue, Map 114; Lot 08, for Five Hundred Dollars (\$500.00) to Jason and Mary Sullivan under an agreement which makes it clear that the proposed improvements to the property will be substantially completed within eighteen months of the closing date or the property will revert to the City. Further, that the proceeds of the sale will be deposited with the City Treasurer. 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.

4. Resolution 2012-37 Authorize the transfer of 717 Fifth Avenue, Map 110; Lot 104 to Barry Kelley. (tabled 11/19/2012) Resolved by the City Council of the City of Berlin as follows:

- Whereas, the City of Berlin currently owns the property at 717 Fifth Avenue, Map 110; Lot 104, tax deeded on May 17, 2011; and
- Whereas, there is currently no tax base derived from the unused buildings on the property; and
- Whereas, the buyer agrees to demolish the property, pay tipping fees and any other fees associated with the demolition estimated at over \$13,000.00; and
- Whereas, in exchange the City will reimburse Mr. Kelley \$5,000 toward expenses; and
- Whereas, the Mayor and Council have determined that the City of Berlin has no need for the property; and
- Whereas, the proposal tendered by Barry Kelley was found to meet the City's goals to rid the City of blighted housing as well as putting the property back on the tax rolls. Now Therefore Be it Resolved by the City Council of the City of Berlin as Follows: That the City Manager is authorized to do all things necessary to effectuate a contract to transfer the property at 717 Fifth Avenue, Map 110; Lot 104, for the cost of demolition and fees less Five Thousand Dollars (\$5,000.00) to Barry Kelley under an agreement which makes it clear that the proposed improvements to the property will be substantially completed within twelve months of the closing date or the property will revert to the City. Further, that the proceeds of the sale will be deposited with the City Treasurer. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

5. Resolution 2012-38 Appropriate an additional Six Thousand Dollars (\$6,000) to the Enforcing Underage Drinking Laws Grant (30-420-908-1000) administered by the Berlin Police Department for Fiscal Year 2013, to be offset by grant revenues awarded by the US Department of Justice. (tabled 11/19/2012) Resolved by the City Council of the City of Berlin as follows:

- WHEREAS the Berlin Police Department's Fiscal Year 2013 budget appropriation for the Enforcing Underage Drinking Laws (EUDL) grant was based on a projected number of patrol hours; and
- WHEREAS the NH Department of Justice has increased the allowable number of patrol hours; and
- WHEREAS current remaining appropriations are insufficient to meet the expenses relative to the increase in patrol hours through June 30, 2013. Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the sum of \$6,000.00 (Six-Thousand Dollars) is hereby appropriated to the Berlin Police Department Fiscal Year 2013 budget for the Enforcing Underage Drinking Laws Grant account for the purpose of effectuating said grant; and further that the above sum is in addition to all other previously appropriated funds for the Berlin Police Department Fiscal Year 2013 Budget. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

NEW BUSINESS

6. City Manager's Report **City Planner Recognition**

It is not news at this point but still worth mentioning that City Planner Pam Laflamme has again garnered state-wide recognition with her being presented with the 2012 Next Generation Civil Leader Award given by NH Public Radio and the NH Charitable Foundation. Pam received this award last Monday evening in Concord from the Chair of the NH Charitable Foundation and the Chair of the NH Public Radio Board of Trustees. *"The prize honors and individual who through their volunteerism, philanthropy, and/or community involvement demonstrates a commitment to civic participation, strengthening their community, and developing personal leadership capacity to make New Hampshire a better place for future generations."* There is no question that Pam is very deserving of this award, and it is very gratifying to see Berlin people attaining this state-wide recognition.

Family Dollar-Rite Aid Closing

After a long and much more involved process than anyone envisioned, BIDPA was finally able to close on the sale of the old Rite Aid Building to Family Dollar. To everyone's surprise it even involved some additional property contamination on the site from when there was many years ago a gas station located there. The whole thing was further complicated by the fact that the sale was not going directly from BIDPA to Family Dollar, but instead to an intermediate owner known as Waterstreet Retail LLC.

Myrtle Street Sewer

Dealing with what had been sewer backups on Myrtle Street (runs between Hutchins and Horne), PWD corrected a sewer problem which in fact was also a significant I&I problem. For many years there had been backups along this section of sanitary sewer which runs a short distance from along Myrtle from Hutchins to Horne. In looking into it and checking some elevations, the sewer crew found that the slope was inadequate on the pipe which was the reason for all the backups. They re-laid the line to a proper slope and also realized that one of the manholes at the Horne Street end was in fact draining that entire low spot into the sewer system. This manhole was eliminated as part of the work and so a significant improvement was achieved both in the City sewer system as well as in reducing our I&I problem.

PWD Radio Compliance

Federal law requires that all PWD radios be able to operate on narrow band frequency by December 31, 2012. Our PWD Department is now in full compliance with this latest federal mandate. They had to replace 15 truck radios and 3 at pollution control. Some of the newer radios which were mostly hand-held radios could be re-programmed to operate on the narrow band frequency. Water Works and PWD went together on a new antenna the Ramsey Hill Tower which has improved the overall radio operation and allowed for the elimination of two of the four previous base stations. The two stations eliminated were at the PWD office in City Hall and at the Recreation Center. The two remaining base stations are at Water Works and the PWD garage.

WWTF Construction

The Apex contract for the major improvements to the WWTF continues to make very good progress and is right on schedule. Most of the work up to this point has been heavy outdoor work. With winter, much of that work will move indoors which will make it more delicate to operate the plant while the interior work is going on. We are assured that it is manageable though.

Rt. 110 Phase II Progress

PWD and HEB engineering have been working with the State DOT in trying to figure out where all the possible sewer conflicts may be so that the final specifications can be developed for the bidding of the project for the completion of the RT 110 Phase II project hopefully this February. This project has been a very long time in coming (approximately 40 years), but it is finally getting close.

Salting and Sanding

PWD has been out salting and sanding three times already this season. Fortunately, they have not yet had to do any plowing of snow.

Moving Downtown Forward Meeting

The Moving Downtown Forward group met this past Tuesday morning and reviewed a long list of tasks it is undertaking in downtown. This starts with improving the parking near the new information gazebo on Glen Avenue in front of Smith Hydro which will involve a paver walk to and around the gazebo and better parking at the site. It will also include a new "Welcome to Berlin" sign.

FEMA Meeting the Wednesday

Don't forget that the meeting between Berlin, Gorham, Milan and Shelburne with FEMA officials will occur this Wednesday the 5th of December at the Gorham Town Hall on the second floor at 11 am.

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

Councilor Rozek said that the day prior to Thanksgiving, Public Works dug up Noury and down McGee Streets causing a big problem. He called Mike Perreault and asked him to put up detour signs so people coming up Rt 16 could see the signs before going further. There were two major backups and a truck going up Noury Street across Howard then making the hairpin turn down McGee broke the new curbing and knocked down three to four trees. A public works employee was out redirecting traffic but it was not enough. Councilor Rozek contends that if the Public Work Department digs across a major road like Rt 16, they should at least have the foresight to redirect traffic. This incident was not listed in PWD report.

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

Mayor Grenier informed Council that since December 24 and 31 are holidays and Council is not required by City Charter to have meetings except on the first and third Mondays of the month, he will not call for a meeting on either of those weeks unless there is an emergency.

Mayor Grenier did not attend Senator-Elect Jeff Woodburn's tour but he was able to attend the gathering at the Mt. Washington Hotel on Saturday. He met with folks on the Executive Council and Senate and was able to discuss items pressing to Berlin like the 20% match on sewer projects. Senator Sanborn sought the mayor out on that one and said his first action will be to introduce legislation to require the state to fully fund the 20% match so that all communities remain whole. Mayor Grenier contemplates that we will have great legislature this year since they are a good match and understand the dynamic of party politics. They will work together and will work for compromises to move the state forward.

Mayor Grenier mentioned the newspaper article about the sale of the BIDPA property going through and how BIDPA Chair Mike Caron publicly thanked Councilor Remillard for her help getting this done. BIDPA will make approximately \$290,000 and they plan to tackle a new project with those resources. The Mayor is excited for BIDPA for the new prospects that await the board, The City is fortunate to have such a proactive group. Main Street five years from now will be better than it is today.

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

8. Public Comments: No comments

9. Council Comments: No comments

10. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Nelson to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 7:55 p.m.

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