

Public Hearing – March 18, 2013

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:44 p.m. to hear public comments on the following subject matter:

- Ordinance 2013-03 Amending the City of Berlin Code of Ordinances, Chapter 4 Buildings & Building Regulations; Sec.4-7 Fees by Adding the Appropriate Fee for Mechanical Permits as Indicated.

There being no one wishing to speak for or against the subject matter, Mayor Grenier closed the public hearing portion of the meeting at approximately 7:45 p.m.

CITY COUNCIL MEETING – Monday, March 18, 2013

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:45 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Benski, Higbee, Rozek, Nelson and Théberge. Also present: Pat MacQueen, Angela Martin-Giroux, Pam Laflamme and the press.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the March 4 Regular Meeting/Work Session; March 11 Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1686 start date 3/07/2013; end date 3/20/2013 has a total cash disbursement of \$1,168,527.99. 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 – No Comments

UNFINISHED BUSINESS

1. Council Committee Reports. No reports
2. Ordinance 2013-03 Amending the City of Berlin Code of Ordinances, Chapter 4 Buildings & Building Regulations; Sec.4-7 Fees by Adding the Appropriate Fee for Mechanical Permits as Indicated. (tabled 3/04/13) Be it ordained by the City Council of the City of Berlin as follows:

That Section 4-7 Fees. Is hereby amended as follows:

Sec. 4-7. Fees.

The minimum fees for building, electrical, plumbing, mechanical, demolition and other permits issued by the building inspector shall be as follows:

Residential 1&2 Family	Fee
Additions & Alterations	\$10.00
Garage/Carports	\$10.00
Siding	\$5.00
Storage Bldg	\$5.00
Fence	\$5.00
Sign	\$5.00
New Home	\$25.00
Elect/upgrade	\$10.00
Elect/new system	\$25.00

Plumbing/upgrade	\$10.00
Plumbing/new system	\$25.00
<u>Mechanical</u>	<u>10.00</u>
Multi-Family	
Additions & Alterations	\$25.00
New Building	\$100.00
Elect/upgrade	\$25.00
Elect/new system	\$50.00
Plumbing/upgrade	\$25.00
Plumbing/new system	\$50.00
<u>Mechanical</u>	<u>25.00</u>
Com/Ind/Ins	
Additions & Alterations	\$50.00
New Building	\$100.00
Elect/upgrade	\$50.00
Elect/new system	\$100.00
Plumbing/upgrade	\$50.00
Plumbing/new system	\$100.00
<u>Mechanical</u>	<u>50.00</u>
Other	
Manufactured home	\$25.00
Demolition Permit	\$5.00

This Ordinance shall be in full force and effect from and after passage.

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

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

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

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

NEW BUSINESS

3. Ordinance 2013-04 Amending the City of Berlin Code of Ordinances, Chapter 9 License and Regulation of Occupations and Businesses by deleting Article VI Restaurants in its entirety, and replacing it with a new Article VI Restaurants as described. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on April 1. So moved, the motion carried.

4. Resolution 2013-05 Authorizing the Sale of 180 Glen Avenue, Map 117; Lot 55 to James Lavertue for the sum of Ten Thousand Dollars (\$10,000.00) (1st read)

Councilor Nelson moved with a second by Councilor Theberge to table the resolution and schedule a public hearing on April 1. So moved, the motion carried.

5. **City Manager's Report**
Highway Safety Grants

The Berlin Police Department has received notice of award of the following six Highway Safety Grants. Each grant is around \$6,000:

- Berlin DWI/DUI Patrols
- Berlin Sobriety Checkpoints (4)
- Berlin Red Light Running Patrols
- Berlin Enforcement Patrols
- Berlin OHRV Patrols
- Berlin Bicycle Patrols

Essentially what this program does each year is provide overtime funding for the Department to carry out these specific functions. The contract period for the funding starts May 1st.

Bid Openings

Several Bid Openings were held on Thursday of last week. The first was for I&I Contract #3 which would install new sewer in the Kent Street area and the Twitchell/North Road area in order to reduce I&I. Six bids were received on that contract ranging from \$410,880 to \$549,920. We are waiting for the bid review by Wright Pierce so that an award can be made. The engineer's estimate was \$524,000.

The second bid opening was for the sale of nine properties six of which received bids. The apparent high bids for each of these properties are as follows:

Property	Min. Bid	# bids	Apparent High Bid
662 Sixth Avenue	\$9,380	2	\$13,333
79 Hamlin St.	\$5,415	1	\$5,500
119 Roderick St.	\$11,380	2	\$12,860
208 Collins	\$9,340	1	\$11,620
438 Hillside Ave	\$13,875	1	\$25,110
621 Burgess	\$14,080	2	\$20,300
		TOTAL	\$88,723

The third bid opening was for abatement work at 3 Glen Ave, 432 Burgess, 325 Burgess and 124.5 Norway. Four companies (two of which were new to us) bid on these and the apparent low bidder, Northridge Contractors, bid was in the amount of \$28,000.

Cole Street Bridge Inspection

The status of the Cole Street Bridge was raised at a recent Council meeting. Attached is the latest state bridge inspection report on that bridge. The state has "red-listed" this bridge for many years in the same manner as this inspection. As can be seen from the cover letter, the bridge is in compliance with DOT's recommendations and no action needs to be taken by the City. The bridge is posted at 20 tons as recommended.

Impact of Affordable Care Act

Finance Director Patty Chase has attended a workshop on the Federal Affordable Care Act which kicks in with this next budget. One impact is that any employee who works 30 hours or more per week with the City must be covered by health care. We have several employees who may fall into this category and the issue has to be dealt with. Attached is a question and answer sheet from the IRS which gives a feel for the complexity that this will have for employers.

Legislative Matters

HB 617 (the gas tax) is up for a vote in the Senate Ways and Means Committee on Tuesday. This bill if passed into law would increase the gas tax from its current 15cents/gal by 18cents over four years (fy14-17) to 33 cents. It is an NHMA policy bill. I have attached a sheet showing the estimate increase to Berlin in Highway Block grant funding to Berlin if this bill were to become law. Over ten years it is estimated to net Berlin an additional \$752k in Highway Block Grant funding. This year our actual Highway Block grant amount is \$188,606, which is just a little below the \$189,102 we estimated in this year's budget. We will get an estimate from the State in July of Block Grant aid for FY2014.

HB 364, as amended by the House Executive Departments and Administration Committee, will require New Hampshire Retirement System (NHRS) employers to provide written notice of the maximum hours that an NHRS retiree may work (under current law generally 32 hours per week for one or more NHRS employers) and the potential effect that exceeding those hours may have on retirement benefits.

The concern of NHMA is the potential liability that this new notification requirement establishes for employers, specifically in circumstances where the NHRS determines that a part-time employee should have been restored to active status and attempts to recoup the pension benefits that were inappropriately paid. Employees could easily claim they were not informed by their employer of the hourly limitation, thereby forcing employers to *prove* such written notice was in fact provided, in order to avoid any liability. The bill came out of committee with a 12-7 recommendation of "Ought to Pass With Amendment". There may be a floor amendment offered to relieve employers of the notification requirement, but leave in NHRS's notification obligation. Since continued eligibility for retirement benefits is an issue between the NHRS and a retiree, an annual notice requirement from the NHRS seems both reasonable and sufficient, without creating a new liability for employers. HB 364 is on the House agenda for next week and NHMA is urging support for the amendment.

HB 178, as introduced, would have required binding arbitration when an impasse occurs in collective bargaining between public employers and employees. The House passed the bill last week. However, the bill was significantly amended before passage to actually eliminate the binding arbitration requirement, and the bill now merely (1) requires the Public Employee Labor Relations Board to develop training for parties engaging in collective bargaining, and post the training materials on its website; and (2) requires a public employer to report to the PELRB the result of any legislative body vote on a collective bargaining agreement within 14 days after the vote. Mandatory binding arbitration appears to be dead for another year.

PWD Monthly Report - Attached.

Mayor Grenier does not think the Senate is inclined to go for such a small increase in the gas tax. The Mayor asked the City Manager to keep Council informed on this bill.

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.

6. Mayor's Report -

ZBA Appointments: Richard Huot, alternate, one year term to expire 4/2014; Nathan Morin, alternate, two year term to begin 4/1/13 and expire 4/2015; Andre Caron, alternate, three year term to expire 4/2016.

Councilor Theberge moved with a second by Councilor Nelson to accept the Mayor's nomination of Richard Huot; Nathan Morin; Andre Caron on the ZBA as alternates. So moved, the motion carried.

Other: The Mayor attended the NHIAA Division 3 Hockey Finals for BHS at the Verizon Center which has a capacity for about ten to eleven thousand people but Berlin had about 4500 people in attendance and they took up the whole lower section. Although they lost in overtime in the final game, it is amazing how many people in Berlin still support Berlin athletes. The athletes are Berlin's ambassadors when they go out-of-town and they handled it well and should be proud.

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

7. Public Comments: No comments

8. Council Comments:

Councilor Higbee brought in the answer to Council's question regarding how the \$13,000 CAP budget allotment was distributed among their agencies. Mayor Grenier asked about the 4,130 for fuel assistance and how much more is needed to operate for that value. Councilor Higbee replied that the money is used to set up offices in our community and other cities and towns support their own offices. The Mayor told Council that when they hear someone complain about CAP services they should remind them how much CAP helps to keep the welfare budget down where it is. It actually saves taxpayers probably \$1.50 on the tax rate for the \$13,000 we provide. They are a worthwhile investment.

Councilor Remillard also supports CAP. She recently had a personal experience with her Mom receiving Senior Meals which offers a great service for our elderly. It is wonderful to get so much for so little money for such a great program.

Councilor Rozek asked the Mayor if it would be appropriate for the four Council Members on the City Manager Recruitment Team and the City Planner to review the city manager candidate resumes to pull a few more names to add to the list of interview candidates.

Mayor Grenier said the original recommendation was done by the 4 and they could pull a few more names if they agree to do so. The City Planner has the original list and will give it to the members of the team who had no objections about looking back at strong candidates that didn't make the original cut. They decided to review the resumes tonight while everyone is present.

9. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Remillard to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:16 p.m.

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