

CITY COUNCIL MEETING – Monday, May 6, 2013

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:10 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Morgan Allain, Benski and Higbee, Rozek, Nelson and Theberge. Councilor Remillard was absent. Also present: Pat MacQueen, Pam Laflamme and the press.

Minutes, Previous Meeting

Councilor Theberge moved with a second by Councilor Nelson to accept the minutes of the April 15, 22 and 29 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1689 start date 4/17/2013; end date 5/08/2013 has a total cash disbursement of \$2,431,002.57. Councilor Nelson moved with a second by Councilor Rozek 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

Public Hearing – May 6, 2013

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:

- Ordinance 2013-05 Remove Parking Spaces Reserved for Disabled 240 School St. No comments.
- Ordinance 2013-06 Amend Fees/Charges relative to Multi-Family Classification. No Comments
- Ordinance 2013-07 Amend Certificate of Compliance Relative to Inspection Fees. No Comments
- Resolution 2013-06 Recreation Department Annual Easter Eggstravaganza. 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 7:32 p.m.

UNFINISHED BUSINESS

1. Council Committee Reports. No reports
2. Ordinance 2013-05 Amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article III. Stopping, Standing and Parking, Sec. 15-79. Parking Spaces Reserved for the Disabled by Repealing Ordinance Number 2009-04. (tabled 4/15/13)

Be it ordained by the City Council of the City of Berlin as follows:

That the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article III. Stopping, Standing and Parking, Sec 15-79 parking spaces reserved for the disabled is hereby amended by repealing Ordinance Number 2009-04 thereby removing spaces reserved for the disabled in front of 240 School Street on Sundays from 9:00 a.m. to Noon. 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 Morgan Allain to have the ordinance read a second time by title only. So moved, the motion carried.

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

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

3. Ordinance 2013-06 Amending the Code of Ordinances, Chapter 6. Fire, Article III, Standards by Amending Division 5, Fee and Charges Relative to the Multi-Family Classification. (tabled 4/15/13)
Be it ordained by the City Council of the City of Berlin as follows: That Division 5, FEES AND CHARGES Article III, STANDARDS of Chapter 6, FIRE of the Code of Ordinances of the City of Berlin is hereby further amended as follows: Note: Strikethrough=deletion and Double underline=addition.
Sec. 6-141. Fees charged by the Fire Department for specific services shall be as follows:

FIRE SYSTEM PLAN REVIEW FEES

<u>SPRINKLER SYSTEMS</u>	
NFPA 13D	55.00
NFPA 13R	165.00
NFPA 13 Up to 10,000 sq. ft. of protected area	330.00
10,001 sq. ft. to 25,000 sq. ft.	712.50
25,001 and above sq. ft.	825.00
Other Fire Suppression Systems	277.50 Eng. 205.50 Pre-Eng.
Modifications to Existing Systems	112.50 flat fee
<u>FIRE ALARM SYSTEMS</u>	
1-10 Devices	112.50
11-49 Devices	165.00
50-99 Devices	300.00
> 99 Devices	495.00

FIRE INSPECTION AND FALSE ALARM FEES

Oil Burner (residential)	\$30.00
Oil Burner (commercial)	165.00
Propane Furnace (residential)	\$30.00
Propane Furnace (commercial)	150.00
Underground Storage Tank (up to 500 gal.)	37.50
Underground Storage Tank (>500 gal.)	150.00
L.P. Gas	75.00
Place of Assembly	45.00
Family Day Care Homes (1-6 children)	41.25
Group Day Care Homes (7-12 children)	60.00
Day Care Centers (13+ children)	82.50
Foster Care Inspection	41.25
New Construction	75.00
Industrial	150.00
Multi-Family	<u>100.00</u> 112.50
Re-inspection fee	45.00 per occurrence
False Alarm (second occurrence within Cal. Year)	150.00
False Alarm (subsequent occurrence within Cal. Year)	300.00

PERMIT FEES

Blasting Permit (per site)	165.00
Master Box Application fee	75.00
Master Box Annual fee	450.00
Master Box Connection Fee	450.00

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

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

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

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

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

4. Ordinance 2013-07 Amending the Code of Ordinances, Chapter 8 Housing, Article II. Housing Code by Amending Division 5, Certificate of Compliance Relative to the Inspection Fees. (tabled 4/15/13) Be it ordained by the City Council of the City of Berlin as follows:

That Section 8-141, Fees; Exemptions of Division 5, Certificate of Compliance, Article II, Housing Code of Chapter 8, Housing of the Code of Ordinances of the City of Berlin is hereby further amended as follows:

Note: ~~Strikethrough~~ = Deletion and Double underline = Addition.

Sec. 8-141. Fees; Exemptions. The following fees shall be charged by the Division:

- (1) *Application:* \$15 per building as part of each application for a Certificate of Compliance.
- (2) *Inspection:*
 - (a) ~~Single-Family Home~~ Dwelling unit: \$25 per unit for each inspection to determine compliance.
 - b) Two-Family Building: \$50 for each inspection to determine compliance.
 - c) Multi-Family (3 or more units): \$100 for each inspection to determine compliance.
- (3) *Reinspection:*
 - (a) First reinspection - no charge.
 - (b) Second reinspection - \$20.
 - (c) After a second reinspection, the fee shall increase by \$10 for each subsequent reinspection.
- (4) *Unaccompanied inspection/re-inspection:* \$30 per inspection/re-inspection if the building owner or his/her representative is not present unless such arrangement has been agreed to in advance.
- (5) *Replacement of certificate and permit:* \$15 per document for replacing an existing Certificate of Compliance, Interim Certificate of Compliance, or transfer permit.
- (6) *Transfer Permit:* Each application for a transfer permit:
 - (a) \$15 per building as part of each application
 - ~~(b) \$25 per unit for each inspection~~
 - ~~(c) Each unit in excess of eight units shall be charged an additional \$15 per unit.~~
- (7) *Special inspection:* A minimum of \$60 for each inspection and \$15 per dwelling unit for each additional unit after the fourth such unit.
- (8) *Extended term:* \$25 per certificate to extend the expiration date of a certificate pursuant to an action of the Board.

Exemptions. No fee shall be charged under this subchapter for any residential rental property that is owned by the state, the county, the city, the Berlin Housing Authority, or any agency or facility licensed by the state. Further, no fee shall be charged for student dormitories, fraternal, charitable, or other nonprofit organizations which are inspected pursuant to the requirements of the U.S. Department of Housing and Urban Development or state agencies. This Ordinance shall be in full force and effect from and after passage.

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

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

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

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

5. Resolution 2013-06 Accepting Three Hundred Forty-Two Dollars and Sixty-Two Cents (\$342.62) Donated to the Recreation Department for the Annual "Easter Eggstravaganza" (tabled 4/15/13)

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

Whereas, the Berlin Recreation Department held their 32nd annual "Easter Eggstravaganza" on March 23rd of this year; and

Whereas, several citizens and businesses participated by providing monetary donations that added to the event; and

Whereas, the Recreation Department received balloons from Gill's Flower Shop, cash donations from Verizon Wireless, Coulombe Real Estate/Russell Ramsey, as well as many anonymous donations during the event. Now therefore, be it resolved that the City Council of the City of Berlin accepts Three Hundred Forty-Two Dollars and Sixty-Two Cents (\$342.62) donated to the Recreation Department and appropriates these funds for the annual "Easter Eggstravaganza." This Resolution shall be in full force and effect from and after passage.

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

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

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

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

NEW BUSINESS

6. Resolution 2013-07 Authorizing the Berlin Police Commission to Apply for and Receive Funds for any and all Purposes from the NH Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2014. (1st read)

Councilor Theberge moved with a second by Councilor Nelson to table the resolution and schedule a public hearing on May 20. So moved, the motion carried.

7. Resolution 2013-08 Authorizing: (i) the Issuance of Bonds to Refinance the Approximate Remaining \$3.5 M Principal Balance of the \$5M Bond Issue Originally Authorized in Resolution 2009-43 and Sold to the Bank of NH (the Bank of NH Bond); (ii) The Issuance of General Obligation Bonds in an Amount of up to One Million Dollars (1,000,000.) for Street Improvements; and (iii) the Sale of Such Bonds to the NH Municipal Bond Bank. (1st read)

Councilor Nelson moved with a second by Councilor Morgan Allain to table the resolution and schedule a public hearing on May 20. So moved, the motion carried.

8. Resolution 2013-09 Accepting a Donation of \$2,611.00 from LBO Holdings, Inc. DBA Attitash to be used as Scholarship Money for the Berlin Recreation Department's Ski and Snowboard Program (1st read)

Councilor Nelson moved with a second by Councilor Morgan Allain to table the resolution and schedule a public hearing on May 20. So moved, the motion carried.

9. City Manager's Report
PWD Summer Projects

Below is a list of project PWD hopes to accomplish this construction season:

- Marston School Playground curbing and drainage to be funded by School Dept
- Rotary Park Boat Landing-Grant Funded
- Phase 2 WWTP Upgrades
- Sanitary Sewer line replacement Hutchins Street between Wood and Bridge Streets, will include road repairs.
- Hutchins Street Re-Alignment Project
- Sewer Monitoring for CSO Plans and I&I Projects data collection
- Berlin Station Utility Tie-ins (Sewer and Storm)
- Retaining Wall Replacement on Sweden Street
- Retaining Wall Repairs on Spring Street
- Structure iron Replacement- Catch Basins and Manholes on main ways
- Phase I Contract 3 Inflow and Infiltration Sewer Project
- Rte. 110 Phase 2 Upgrade Utilities Conflicts Resolution
- Cleveland Bridge Expansions Joint and Approach

- Side Walk Replacement Hutchins Street between Wood and Bridge streets - If Capital funding is available.
- PWD Garage energy projects;
 - . Window Replacements
 - . Light replacement to energy efficient
- Storm system extension on Paine Street
- Storm system extension end of Forbush Ave
- Granite Street Park
- Glen Ave Curb-cut approach
- Roof replacement PWD barn
- Sanitary Line Replacement Riverside Drive north of McGee Street
- Public Service Substation Community Field
- Side Walk and Guard Rail Repair East Mason side of Bridge Approach-Accident Damage
- Paving Projects scope dependent on funding

Housing Matters

Two bids for the demolition of 3 Glen Ave. were opened on 5-2-13. Cross Excavation in the amount of \$36,952 was the apparent low bidder. The other bid in the amount of \$38,580 was from Milan Excavating. Today, the basement windows of the Holiday Center are being bricked up in preparation of demolition and resurfacing area. Housing had a meeting with the folks and Clients at Holiday Center on April 25 and also Don Rivard (other neighbor) to describe the proposed re-use. All are pleased with plan and Holiday center has agreed to assist with maintaining the paver area.

Demolition activity is beginning today at 325 Burgess, and later this week at 432 Burgess. We do not foresee any road closures at this point. The Contractor will be doing dust control at each of the sites. Demolition at 124 ½ Norway demolition will begin on Monday, May 13.

- At 554 Hillsboro, the loaming, seeding, & haying are complete and the construction of the retaining wall will be completed this month.
- At 115 Mason, loaming, seeding & haying, and prep for park will be completed this month.
- Tax Deeding process: to date, 1 property with buildings and 2 land parcels have been repurchased, bringing the total down to 28 properties taken by Tax deed: 10 land parcels, 7 multi-family, 9 single family, 2 commercial. All rental properties have had a "Courtesy Visit", and Letters to Quit have been signed and will go to PD today to be delivered. Fortunately, many tenants have been pro-active in regard to looking for other rents.
- Work Camp New England - we have delivered a list of 36 potential homes to Director, Marcia Therrien, who is now calling homeowners to set up schedules of work for the July Work Camp - July 8-19.

Berlin Heroes

Attached is a letter I received from the Union Leader which notifies us of the annual recognition of New Hampshire people who have risked their lives to save the lives of others during the previous year. Berlin has had a number of people in this elite group over the years, and this year there are two more who happen to be Berlin Police Sergeant Nathan Roy and Police Officer Matthew Carter for their efforts in saving the life of the occupant at 615 Western Avenue when a fire broke out at that location. This is a great honor and certainly worth the trip to Concord if any elected officials can make it. They are requesting an RSVP if you can....

"Ride the Wilds"

Attached is a letter for the North Country OHRV Coalition inviting the Mayor and Council to ride the new interconnecting ATV Trail System which encompasses 19 towns and approximately 1,000 miles of ATV trails in Coos County. It is unlikely that any trail system of this magnitude exists anywhere else in the country. The dedication will take place at Coleman State Park in Stewartstown on Saturday, June 15, 2013 at noon.

Androscoggin River Committee

I attended a meeting on the evening of 5-1-13 at the Mahoosic Inn in Milan. Dick Huot has been holding meetings for the past year or so at the NFHP with people interested in the Androscoggin River as an tremendous area asset. This latest meeting was facilitated by Kathy Eneguess and attended by about 30 people representing various interests such as government agencies, non-profits, the Chamber, Brookfield, guide companies, lodging businesses, outfitters and restaurants. The basic purpose of the meeting was to begin to flush out what is needed to ensure the river and watershed are developed in a manner that preserves its wonderful characteristics and assets.

Legislative Matters

SB 152 the Casino gambling bill is being dissected by three sub-committees of the House 45-member Joint Committee which has been wrestling with this bill. On April 16th, because Mayor Grenier couldn't make it, I testified in Concord representing the Mayor and Council in support of this bill. This was an all-day affair with some 60 people presenting pro and con testimony most of the day. I tried to emphasize the pressing need for the type of targeted assistance that is included in this bill for the North Country and Berlin.

The LGC is pointing out however, that even if Casino gambling legislation is approved and effective July 1, 2013, it is very unlikely that a Casino would be up and operating during this biennium.

HB 617 the bill to increase the gas tax by 12 cents over three years is scheduled for hearing before the Senate Ways & Means Committee on Tuesday May 7, at 10am in State House Room 103. I reproduce below the LGC Legislative Bulletin comment on this bill:

"One of the most common objections we have heard is that the voters don't support an increase in the road toll – even though they do support fixing the roads. If voters want better roads, there are two practical options: increase the road toll or increase property taxes. (Note: we said there are two *practical* options. There are plenty of other options: give municipalities a greater share of meals and rooms tax revenue, or restore revenue sharing, or increase some other state-level tax and devote the increase to road improvements – but none of those options are on the table.) Without an increase in the road toll, municipalities will have two options: raise property taxes, or let their roads continue to deteriorate." "User fees are better than broad-based taxes. The issue as we have stated several times, is quite simple: the road toll is the price people pay for the roads they use. This is why it is called a road toll, and the term "gas tax" is misleading. It is not a broad-based tax that everyone must pay to subsidize a service provided to a few. You pay it if you want to use the service."

PWD Monthly Report. Available for public review in City Manager's Office

City Manager Time-keeping/Time off

My time-keeping is attached. I have about 5 weeks of time accumulated and so my plan is to work normally through May while Jim Wheeler is working two days per week. Then, in June when Jim starts full-time, I will try to be out of the office most of the time working to finish my Berlin house while being available by phone or to come into the office as needed. This approach will give me some of the time I have accumulated, will provide plenty of availability for the transition and will not cost Berlin anything for MRI in the new budget year as my last official day with the City will be Friday June 28th.

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

Councilor Nelson asked the City Manager to check why the swings at Horne Street are not up yet.

10. Mayor's Report

Appointments - Planning Board: Lori Langlois, alternate for a three year term set to expire April 2016 and John White, alternate for a two year term set to expire April 2015.

Councilor Rozek moved with a second by Councilor Higbee to accept the Mayor nomination of Lori Langlois and John White as alternate Planning Board Members. So moved, the motion carried.

11. Public Comments: No comments

12. Council Comments:

Mayor Grenier thanked Councilor Benski for giving her opinion. Government is wasteful if all members think alike. The Mayor encouraged Council to keep the tradition of giving their opinions.

13. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Morgan Allain to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 7:44 p.m.

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