

Public Hearing – July 15, 2013

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:31 p.m. to hear public comments on the following subject matter:

- Resolution 2013-15 Appropriating Donations to the Recreation Department

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 7:31 p.m.

CITY COUNCIL MEETING – Monday, July 15, 2013

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:32 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 Theberge. Also present: James Wheeler, Pam Laflamme and the press.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Rozek to accept the minutes of the July 1 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1695 start date 7/02/2013, end date 7/17/2013 has a total cash disbursement of \$1,325,506.18. Councilor Nelson moved with a second by Councilor Morgan Allain to accept both disbursement summaries and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS – No Reports

UNFINISHED BUSINESS

1. Council Committee Reports. - No Reports
2. Resolution 2013-15 Reinstating \$27,185.00 to the \$5M CIP Bond Issue Originally Authorized in Resolution 2009-43 for Window Replacement at the Berlin Junior High School. (tabled 7/01/13)
Resolved by the City Council of the City of Berlin as Follows:
Whereas, Resolution 2009-43 was passed on 11-2-2009 authorizing a \$5M CIP bond issue which included \$27,185 for BJHS window replacement; and
Whereas, with Resolution 2010-42 passed on 11-19-2010, this \$27,185 allocation was changed to Brown School Window replacement which has since been completed at a cost of \$21,755; and
Whereas, the BJHS windows were actually replaced in 2010 for \$27,185 but the expense was not charged to the \$5M CIP bond issue as it should have been. Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the original allocation of \$27,185 for the Berlin Junior High School Window replacements is hereby reinstated and such funds are hereby reallocated in the original \$5M CIP bond issue. 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.

NEW BUSINESS

3. City Manager's Report

Finance

The City received the final \$850,000 payment of the total \$8,500,000 from the Federal Bureau of Prisons for I&I and plant upgrade work. The City has collected \$6,026,591.00 for the July 2013 tax bill. We have approximately \$736,749 as outstanding receivables.

Housing

Due to conflicting schedules and vacations, the date of the final demolition and clean-up of 148 Pleasant St. has been rescheduled to begin Tuesday, July 30th.

Land Sales to General Public: 8 parcels went out to the general public and bids were received on 7: The successful bids are as follows:

349 Burgess St.	\$2000	Ryan Metivier
Dustin St. (M/L 125-065)	\$1,000	Audrey Albert
Dustin St. (M/L 125-064)	\$1,000	Louis Bacon
325 Burgess St.	\$10,000	Cynthia Caron
432 Burgess St.	\$1,250	Paul Croteau
288 Burgess St.	\$1,000	Thomas & Sophie Fortier
246 Grafton St.	\$3,005	Kathleen Buteau

Note: No bid received on 19 Chalet Loop Rd.

An issue has developed at 32 Ottawa St., a City owned property taken by tax deed. The property has a failing retaining wall that is part of the separation between this property and 561 Main St. Before this issue became apparent, we intended to put the multi-unit property out for bid given the building's relatively sound condition. However, the least cost option for dealing with the retaining wall may include the demolition of the building. HEB Engineers is costing a variety of options to assist us in determining the best solution. We intend to move as expeditiously as possible to minimize degradation of the retaining wall and adjacent properties.

Jonathan Edward vs. City of Berlin

On June 25, 2013, Mr. Jonathan Edwards, representing Edrest Properties, filed a petition under RSA 540-A:4 vs. the City of Berlin. Among other claims, the petition argues that the City is in a Landlord/Tenant relationship with Mr. Edwards and that the City as Landlord has taken actions against which the petition seeks protection. On the City's behalf, Attorney Chris Hilson of DTC has taken several actions regarding the petition. Mr. Hilson, by letter dated June 28, 2013 to Mr. Edwards, has sought to explain the City's position to Mr. Edwards. This was done in an attempt to seek a withdrawal of the matter. Subsequently, on July 1, 2013, Mr. Hilson sought an expedited hearing on the matter in First Circuit Court. The hearing took place on July 10, 2013. We are currently awaiting the Judge's order. Associated documents are attached.

Allen Bouthillier vs. City of Berlin

On Wednesday July 3, 2013, Attorney Chris Boldt represented the City in the three cases brought by Allen Bouthillier against the Planning & Zoning Boards regarding the Jericho Power LLC wind project. Attorney Boldt argued to dismiss one of the three cases and represented the City well in the other two. Jericho Power LLC was also present with their attorney. They indicated that they continue to be more than willing to work with Mr. Bouthillier should he want to pursue a joint wind project. Judge Peter Bornstein presided over all three cases and will likely not deliver his decision for several weeks as the City, Mr. Bouthillier, and Jericho Power each provided the Court with hundreds of pages of documentation to review. These delays impede Jericho Wind's ability to advance their project, but they hope they will be able to start construction of their project by year end. The project, which involves the construction of three towers on Jericho Mountain is valued at \$19,000,000.

WWTF Upgrade

The wastewater treatment plant upgrade has progressed on schedule without any significant issues. At present the project is approximately 60% complete (not including the addition of the recently approved dewatering equipment). The total amount of work completed and materials stored to date is \$7,164,137.

I&I Sewer Project

This I&I removal project was started on Twitchell Lane and Route 16 on July 8, 2013. It is early in the project but work is progressing without the development of any major issues.

Recreation

CLiF (Children's Literacy Foundation) will be in Berlin on Monday, July 22 starting at 10:30 a.m., Mr. David Martin of CLiF will entertain the crowd with stories, games and free books to area children. The event will be at Central Playground/Community Field, Unity Street. Rain location will be Berlin Recreation Center, First Avenue. This is a free event.

City Clerk

To date, the City has registered 933 dogs. There are approximately 150 people who have not come forward to register their dogs to date. Registering dogs is mandated by the State of NH. Individuals are allowed to register their dogs by mail if they choose to do so. An application is available on the front page of the City web site.

Mayor Grenier spoke about the Jonathan Edwards vs City of Berlin law suit. The City tax deeded one of his properties for non-payment of taxes. Mr. Edwards claims the City has the same sort of landlord/tenant relationship that someone who rents property has with their tenants. The City Manager emphasized that the City does not have the same obligations on a tax deeded property. Mayor Grenier asked the City Manager to provide Council with how much the City paid for legal fees on behalf of Jonathan Edwards. The City Manager agreed to provide Council with that information once the amounts are compiled.

Councilor Rozek asked about the I & I Sewer Project and if Hutchins from Wood to Bridge Street is projected to do this year?

The City Manager replied yes, that is in the current project as a change order. When the contractor has completed work on Twitchell Lane, he will go to Hutchins Street, maybe in 4 weeks.

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.

4. Mayor's Report

With the resignation of Max Makaitis, it was brought to his attention that the City currently is not represented on the Coos Economic Development Commission. Mayor Grenier nominated Councilor Nelson to represent the City on the CEDC for a term to expire January 1, 2014. Councilor Rozek moved with a second by Councilor Higbee to accept the Mayor's nomination of Councilor Nelson on the CEDC. So moved the motion carried.

Mayor Grenier reported that things going smoothly. He warned The Committee on Accounts & Claims that there will be increased legal activity due to depositions on the BTLA suit between the City and Great Lakes Hydro.

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

5. Public Comments: No comments

6. Council Comments:

Councilor Rozek mentioned that Riverside Drive was closed due to water line work. He spoke to the City Manager about the detour from Howard to Noury to Pine Island and just how bad the road is since trench patching has settled and the road is uneven.

City Manager Wheeler met with the Water Works Superintendent who said that they are four weeks into the twelve week project. The City Manager agrees with Councilor Rozek that Howard Street is rough and he will ask Water Works to shim the area since there are at least eight weeks of detour left and the City has no money to do that unless they plan to improve Howard Street anyway.

Councilor Rozek added that the people living in that area pay premium taxes to the City. He did not realize how severe the situation was until he received several phone calls from people living in the area. He is not sure when the street first closed but would like Council to be more involved in the process so when they get calls they have answers and actually know what people are talking about.

The City Manager concurs that notification for both Council and the residents of the affected areas makes sense and they can also notify the public through the local paper. The City Manager will proceed to see what can be accomplished.

Councilor Theberge reported that there will be a post-meeting after the ATV Festival on August 1 to discuss the pros and cons of the event. There will also be a discussion about area residents wanting to leave from their dwelling to the trail system. There is talk about getting some type of permit to do that. The main reason is people would like to take off from point-a to point-b without putting their machines on a trailer.

Mayor Grenier advised they will need a public hearing for that discussion since non-motorized people have rights too and should be given the opportunity to voice their opinion.

7. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Theberge to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 7:54 p.m.

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