

PUBLIC HEARING – SEPTEMBER 3, 2013

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:42 p.m. to hear public comments on the following subject matters:

Ordinance 2013-08 Glen Avenue Parking – No Comments

Resolution 2013-18 Appropriating \$183,000 to the School Department – No Comments

Resolution 2013-19 Carrying Over \$47,696.85 of Grant Funds to the FY'14 Budget - No Comments

Resolution 2013-20 Authorize Sale of Land on Community St. to PSNH for \$400,000 -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 7:43 p.m.

CITY COUNCIL MEETING – Tuesday, September 3, 2013

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:44 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, Rozek, Nelson and Theberge. Councilor Higbee informed Mayor Grenier he would be absent. Also present: James Wheeler, Pam Laflamme, Corinne Cascadden, citizens and the press.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the August 19 Regular Meeting/Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1698 start date 8/21/2013 end date 9/03/2013 for a total cash disbursement of \$584,006.74. 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 2013-08 Amend the Code of Ordinances, Chapter 15 Traffic and Vehicles Article II Specific Street Regulations & Article III Stopping, Standing & Parking on Glen Ave. (tabled 8/19/13)
No Action.
3. Resolution 2013-18 Appropriating One Hundred Eighty-Three Thousand Dollars (\$183,000.00) to the School Department's Fiscal Year 2014 Budget. (tabled 8/19/13)
Resolved by the City Council of the City of Berlin as follows:

Whereas, in order to meet the City's budget goals, it was necessary for the School Board to defer the technology advances recommended in its District Technology Plan 2012-2015; and

Whereas, the School Department returned \$183,000.00 of excess revenues to the City from their 2013 budget; and

Whereas, the City Council was presented with the School Board's commitment to offering students the best opportunities with respect to technology; and

Whereas, the City Council sees fit to appropriate the School's excess revenues from Fiscal Year 2013 to the Fiscal Year 2014 budget. Now therefore be it resolved that the City Council of the City of Berlin hereby appropriates an additional One Hundred Eighty-Three Thousand Dollars (\$183,000.00) from unappropriated fund balance to the School Department for use in Fiscal Year 2014. 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 read the resolution for a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Theberge to read the resolution 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.

4. Resolution 2013-19 Carrying over Forty-Seven Thousand, Six Hundred Ninety-Six Dollars and Eighty-Five Cents (\$47,696.85) of Grant Funds from the Year Ended June 30, 2013 which are not yet Expended to Fiscal Year 2014. (tabled 8/19/2013)
Resolved by the City Council of the City of Berlin as follows:

That the following grant funds for the year ended June 30, 2013, be carried over to FY14 as described below:

Rev Acct #	Description	Grant Amount Received	2013 Expense	Grant Funds Re-Appropriated	Totals By Fund
	FUND 10				
10-305-240-0000	AV Roy Grant	26,089.73	25,961.97	127.76	
10-309-201-0000	Berlin City Dealership	13,400.00	9,601.24	3,798.76	
10-325-239-0000	EBD - Engineering by Design	9,000.00	-	9,000.00	
10-347-301-0020	National Forest Reserve	36,494.66	29,583.34	6,911.32	
10-382-301-0000	NH Charitable Foundation	12,362.55	11,927.18	435.37	
10-383-301-0000	NC Health Consortium	2,636.12	1,389.79	1,246.33	
Total Revenue Deferrals FD 10 - School Grants					21,519.54
30-364-602-0059	Police Department Wal Mart Grant	2500	0.00	2,500.00	2,500.00
	Health Dept.				
30-361-604-0017	Hazard Mitigation Grant	154.83	-	154.83	
30-361-604-0019	Public Health Community Initiative	2,661.64	-	2,661.64	
30-361-604-0020	NC Health Consortium Pandemic Planning	831.44	-	831.44	
30-361-604-0021	Pandemic Acute Care Center Supplies	9,850.00	-	9,850.00	
30-361-604-0022	Heal NH Grant	3,000.00	791.54	2,208.46	
30-361-604-0024	Home Care Association	205.95		205.95	15,912.32
	Public Works				
30-363-605-0001	Presby Enviromental Donation	500.00	-	500.00	500.00
	Other City Departments				
30-368-300-0001	Library - Walmart Grant	83.60	-	83.60	
30-368-601-0000	Rec Dept - Tri-County CAP ARRA Grant	12,161.21	12,107.50	53.71	
30-368-601-0001	Rec Dept - Attitash Donation	4,481.12	918.53	3,562.59	
30-368-601-0002	Rec Dept - Babe Ruth Grant from CCB	2,676.38	225.00	2,451.38	
30-368-601-0004	Recreation Donations	2,195.62	1,081.91	1,113.71	7,264.99
				-	-
Total Revenue Deferrals Fund 30 - Grant Fund					26,177.31
Total Grant Funds Deferred to FY2013					47,696.85

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 read the resolution for a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to read the resolution 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.

5. Resolution 2013-20 Authorizing the Sale of a One Acre Parcel of Land on the Southwesterly Side of Community Street for Four Hundred Thousand Dollars (\$400,000) to PSNH. (tabled 8/19/2013)
Resolved by the City Council of the City of Berlin as follows:

Whereas, Public Service of New Hampshire (PSNH) approached the City to buy an acre of land at Community Field adjacent to their power station; and
Whereas, PSNH proposes to purchase the property for \$400,000.00 and said sum is intended to be used for the following projects in the respective approximated sums of; \$250,000 to replace the cold storage building; \$80,000 to replace the skate park; \$60,000 for new restrooms and \$10,000 for trail development; and
Whereas, the Mayor and Council have determined that there is public benefit in both the expansion of the sub-station and in the improvements to Community Field and other recreational facilities. 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 purchase and sale agreement and to sell the property identified as Map 129; Lot 052, for Four Hundred Thousand Dollars (\$400,000.00) to Public Service of New Hampshire under the terms in the purchase and sale agreement dated _____. 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 read the resolution for a second time by title only. So moved, the motion carried.

Councilor Theberge moved with a second by Councilor Nelson to read the resolution 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.

NEW BUSINESS

6. Resolution 2013-21 Carrying over Five Hundred Seventy-Nine Thousand, Six Hundred Seventeen Dollars and Seventy Cents (\$579,617.70) of Capital Appropriation from the Fiscal Year 2013, ending June 30, 2013 which are not yet Expended. (1st read)

Councilor Nelson moved with a second by Councilor Otis to table the resolution and schedule a public hearing on September 16. So moved, the motion carried.

- 6a. Resolution 2013-22. Authorizing the Transfer of 613 Western Avenue, Map 117; Lot 93, to Billy James Gagnon of 629 Western Avenue, Berlin, NH 03570. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on September 16. So moved, the motion carried.

7. Communication from Jackie Reardon

Ms Reardon is unable to attend the public work session in September due to ongoing medical issues so she wrote a letter to the Mayor and Council giving her personal opinion on the following subject matters: backyard chickens: Ms. Reardon thinks chickens should only be allowed on the most rural of Berlin properties; recycling: Ms. Reardon believes every business should recycle; ATV noise: Ms. Reardon agrees ATV's would be a potential boost to our economy however, she is concerned about the noise they create.

Councilor Nelson moved with a second by Councilor Remillard to file the communication and that all matters be brought to the City Manager for further study. So moved, the motion carried.

8. City Manager's Report
Edrest Properties vs. City of Berlin Attorney's Fees

Following my last report the exact amount of attorney's fees we would be seeking from Edrest Properties was requested. Legal fees, for which we have filed for reimbursement with the court, total \$3,817.14

WWTF Receiving "Start Up" Flows from Burgess Bio-Power

The Waste Water Treatment Plant has begun receiving flows generated from start-up procedures on the biomass boiler. The Public Works Director and Treatment Plant Supervisor have worked with Burgess Bio-power Representatives and our engineering consultant, Wright-Pierce, to design a discharge and receiving process that will avoid any major disruption to the waste water treatment plant. Representatives from the NHDES Industrial Discharge Program have also approved this process.

In addition, Burgess Bio-power has completed permanent connections to the City's storm water and sanitary collections systems. The City and Burgess Bio-power are now focused on the creation of a discharge agreement for ongoing operations at the facility.

SAFER Grant Application Submitted

On Friday, August 30th, the Berlin Fire Chief submitted the City's completed SAFER Grant Application to FEMA. The application is the result of a highly collaborative preparation process that included the Chief, Asst. Chief, members of the Fire Dept. and assistance from the Professional Fire Fighters Association as well as the City of Laconia Fire Dept. Many hours were dedicated to the preparation of this application which requests the funding for additional Fire Fighter positions to help stabilize our municipal budget with providing fire services.

Route 110 Phase 2 Construction Phase Bid Results

Bids were opened for Phase 2 of the Route 110 project construction on August 25, 2013. There were four bidders on the project. The low bidder was Alvin J. Coleman & Son, Inc. in the amount of \$4,074,356.50. The low bid came in approximately \$800,000 under the construction estimate. This pricing will provide the City with a very respectable contingency for any project change orders and provide us the ability to pursue other much needed capital work with remaining bond funds.

Community Development Finance Authority Performance Monitoring Report

On August 16, 2013 the City received the results of this monitoring report (see attached). The analysis and report were done as a review procedure for the City's Community Development Block Grant (CDBG) – Neighborhood Revitalization II Grant. Among other categories, the grant is reviewed for compliance with; Financial Management, Program Administration and Labor Standards. In summary, the report identified satisfactory performance in all areas.

Ray Burton District One Airport Information and Awareness Tour

On Friday, August 23, 2013, Councilor Burton and NHDOT Director of Aeronautics Patrick Herlihy visited the Berlin Regional Airport. Also attending the event were Eric Kaminski, Airport Manager, Jay Poulin, PE of HEB Engineers, Michael Vlach of Sen. Shaheen's Office and myself. Councilor Burton and Director Herlihy listened to concerns about the timeline for the airport fuel tank project and have helped us expedite the grant review process so that the project is scheduled for review and approval by Governor and Council at their September 4th meeting. This will complete the approval process and allow construction to go forward. Councilor Burton and Director Herlihy provided copies of the attached "New Hampshire Airport Tour". This document discusses the importance of airports in NH.

Public Hearing Schedule for 2015 – 2024 Ten Year Plan

Please see the attached schedule. There will be a District 1 public meeting at the Berlin City Hall at 10:00 AM on Thursday September 19, 2013.

Fairpoint Tax Litigation

Attached is an update from the City Attorney regarding the Fairpoint Tax Litigation. Of note in this update is the pending filing of an "amicus brief" (or friend of the Court) with the Supreme Court in association with a related case that involves the City of Concord. The outcome of the Concord case may create a precedent binding on the multi-community Fairpoint case. The purpose of the amicus brief is to alert the Court to the potential for the conceivable broad effect of precedent binding.

November 5, 2013 Municipal Election Information

Anyone wishing to run for public office in the City of Berlin must be a registered voter. To run for Mayor, you must be a Berlin resident for two (2) years. There is one (1) vacant position for Mayor. To run for City Council, you must be a Berlin resident for one (1) year. There are four (4) vacant positions for City Councilor for a four (4) year term. There are four (4) vacant positions for City Councilor for a two (2) year term. The Berlin Supervisors of the Voter Checklists will hold a session in the main lobby of City Hall Tuesday, September 17, 2013 from 7:00 pm until 7:30 pm to register new voters and to make corrections such as name or address changes to the voter checklists for all voting precincts. September 17 is the last day you can register to vote to be eligible place your name on the ballot for November 5, 2013 Municipal Election. Valid Identification is needed to register to vote. You may also register to vote in the City Clerk's Office during regular business hours until September 17 to be a candidate for the 2013 Municipal Election. If you need to check whether or not you are a registered voter or need other election information, you may call the City Clerk's Office 752-2340.

New Hampshire Local Unemployment Statistics – July 2013

Please see the attached unemployment statistics for July 2013. Although the unemployment rate of 6.7% for the Berlin NH MicroNECTA for July 2013 is identified as the highest in the State, locally it represents a substantial decrease over the rate of 8.5% for the same period in 2012.

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.

9. Mayor's Report

The Mayor received a phone call from the Football Association about a situation where they tentatively planned to use a field for their Football Jamboree only to find out that the field was being used by the schools for soccer and field hockey. The Mayor called the City Manager at home informing him about the situation. Both the City Manager and Mayor agreed that due to the circumstances, it would be appropriate to allow them to use the outfield at Memorial Field. Mayor Grenier took the time to inspect the field before it was used. He went back Sunday and checked it out after they used it but could detect no change in the field from before use to after use. The Football Association has 3 home games and would like to use the field. This would not interfere with the High School and the Mayor stated that this is a house team and they have the proper insurance in place something like the local Cal Ripken baseball team. He asked the Council to support allowing the Club Team to use the field. They are a good addition to the City and the parents of the players are Berlin residents and we need to show support for these kids. Mayor Grenier concluded that this is an activity that may come under the purview of the City in the future.

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

10. Public Comments:

Billy Gagnon, 629 Western Avenue, was here to answer questions the Mayor and Council may have for him. Mayor Grenier stated that for the process to move forward, Mr. Gagnon needs to deal with City staff. Linda White will handle the details and she will push it up the chain of command if need be. The Mayor told Mr. Gagnon that Council supports his efforts of making the city a better place to live.

11. Council Comments:

Councilor Rozek said he received several calls regarding the issue of backyard chickens which is going before the planning board tomorrow night. He emphasized that space is an important factor to consider. The City Planner assured Councilor Rozek that the Planning Board is simply collecting information from the public which will help them formulate a position to give to Council so they can make their own decision.

Councilor Nelson reminded everyone that WingZilla is on Saturday and starts at Noon.

12. 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 8:19 p.m.

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