

## CITY COUNCIL MEETING – Monday, November 18, 2013

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:14 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 and Nelson. Councilor Theberge was absent. Also present: James Wheeler, Pam Laflamme, citizens and the press.

### Minutes, Previous Meeting

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

**Disbursements:** Disbursement Summary Draft #1703 start date 11/05/2013 end date 11/18/2013 or a total cash disbursement of \$999,740.10. Councilor Nelson moved with a second by Councilor Morgan Allain 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.

Councilor Higbee attended the recent North Country Council meeting. It was an interesting meeting with discussions about the 10-year plan, phone survey and transportation. Councilor Higbee offered to provide an electronic copy of the meeting if anyone is interested.

2. Resolution 2013-24 Authorizing the City Manager to refinance existing loan(s) with the NH Department of Environmental Services to acquire lower interest rates. (tabled 11/4/2013)

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

Whereas, the original loan agreements were executed between the NH Department of Environmental Services and the City for the Berlin Water Works and associated Water Works projects; and  
Whereas, the NH DES is offering to reduce the applicable interest rates on the remaining debt for the Water Works projects resulting in considerable interest savings over time as shown below:

SRL #	Current Remaining Years	Current Rate	Refinance Rate	Current Debt	Savings Over Time
SRL #01	8	3.80%	0.85%	\$471,644.57	\$54,867.42
SRL #02	8	3.80%	0.85%	\$607,922.75	\$68,921.73
SRL #03	9	3.70%	0.85%	\$281,271.69	\$36,896.96
SRL #04	9	3.70%	1.02%	\$689,843.82	\$83,157.32
SRL #05	10	3.73%	1.36%	\$1,141,160.81	\$188,767.37

Whereas, principal and interest on these loans will continue to be paid by the Berlin Water Works.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows: That, the City Manager is authorized to enter into supplemental loan agreements and to sign and do all things necessary to effectuate refinancing agreements that reduce the interest rates on the Berlin Water Works' loans with the NH DES. This Resolution shall be in full force and effect from and after passage.

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

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

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

3. Resolution 2013-25 authorizing an application to the Community Development Finance Authority for a Community Development Block Grant for the sum of Five Hundred Thousand Dollars (\$500,000.00) to continue the Berlin Neighborhood Revitalization Program. (tabled 11/4/2013)

Councilor Remillard moved with a second by Councilor Higbee 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 retable the resolution until December 2, 2013. So moved, the motion carried.

4. Resolution 2013-26 authorizing an application for \$55,950.00 to the Assistance to Firefighters Grant Program for a Vehicle Exhaust System for the fire station, 1,200 feet of large diameter hose and 32 fire helmets. (tabled 11/4/2013)

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

Whereas, there are Federal funds available from FEMA's Assistance to Firefighters Program for firefighter equipment, protective gear, emergency vehicles, and training to protect the public and emergency personnel from fire and related hazards; and

Whereas, the Berlin Fire Department seeks funding to replace a vehicle exhaust system at the fire house, 1,200 feet of large diameter hose and 32 fire helmets; and

Whereas, the available funding is provided with 95% from the Grant Program (\$53,153.00) and a 5% match requirement from the City (\$2,797.00) for a total project cost of \$55,950.00; and

Whereas, all grant proceeds shall be deposited with the City Treasurer for appropriation by the City Council and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council. Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows: That, the City Manager is authorized to apply for and accept a grant in the amount of \$53,153.00 00 from FEMA's Assistance to Firefighters Program and provide a match of \$2,797.00 for a project totaling \$55,950.00 for firefighter tools and equipment; and that such funds, if received are hereby appropriated for use by the Fire Department as specified in this resolution. Be it further resolved that the City Manager is authorized to do all things necessary to effectuate the grant. This Resolution shall be in full force and effect from and after passage.

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

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

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

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

## **NEW BUSINESS**

5. Ordinance 2013-09 amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE VIII. Uses, Section 17-82, Uses Permitted by Special Exception and ARTICLE XXI. Definitions, Section 17-122, Specific Definitions. (1<sup>st</sup> read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on December 2. So moved, the motion carried.

6. Resolution 2013-27 authorizing the sale of the Bartlett School Building located at 56 Mt. Forist Street to New England Family Housing/TKB Properties, LLC for the sum of One Dollar (\$1.00) to revitalize said property into living units. (1<sup>st</sup> read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on December 2. So moved, the motion carried.

7. Jeskey Lane Motion

Councilor Nelson moved with a second by Councilor Higbee that the City Council acknowledges it has no rights in what has been formerly referenced as Jeskey Lane. So moved, the motion carried.

8. City Manager's Report

**Meeting with Jon Freeman, President of NCIC and Ted Brady, RDA State Director**

Ted Brady, State Director of the Rural Development Administration visited several North Country communities on November 7, 2013. Mr. Brady and Mr. Freeman visited with me and Housing Coordinator Linda White. We discussed current wastewater work being financed through the RDA as well as other potential ways in which the RDA might assist the City of Berlin.

**Reissuance of Temporary Air Permit for Berlin Biomass**

The temporary permit for the biomass project was re-issued on November 4, 2103. The temporary permit is the permitting document needed while the facility continues to undergo compliance testing. Permit is attached. (NHDES ARD Letter Attached)

**Pollution Control Report**

*Revised Anti-degradation Water Quality Study*

The City has been notified by the NHDES of an additional measure that will need to be monitored in the effluent of the WWTF. The measure is for the amount of selenium that will be discharged from the plant to the Androscoggin River. While the upgrade to the WWTF will increase the capacity of the plant, NHDES will require us to hold selenium at the current levels. It is not expected at this time that additional treatment measures will be required although it will remain a possibility until we gain experience measuring this parameter. (NHDES WEB Letter Attached)

*Sewer Discharge Permit for Berlin Biomass*

We are currently working with representatives on the process for defining a long-term sewer discharge agreement for the biomass facility. The agreement will be consistent with what has been done with other entities in that past and will use the AVRRDD Leachate Agreement at the model for the Berlin Biomass Agreement.

(See attached report from Henry Noel, Supt. of BPCF for more information)

**Route 110 Phase 2 Construction Initiated**

Construction work by A.J. Coleman was initiated on the subject project on November 4<sup>th</sup>, 2013.

**Mason Street Sidewalk (& Guardrail) Repair**

Bids were received for the subject project on November 6, 2013. The bids were as follows:

Wyman & Simpson of Richmond, ME - \$47,000

Hansen Construction of Georges Mills - \$39,000

Because this project resulted from motor vehicle accident we are currently waiting for confirmation from the insurance company on acceptance of the low bid as the claim amount.

**City Boiler Services Bid**

Bids were received on November 14, 2013. One bid was received from Mechanical Services, Inc. of Portland, ME in the amount of \$7,023. This amount includes the annual servicing of 8 City boilers (\$3,490) and the estimated amount of unplanned services calls (\$2,783).

**Time Warner Notification**

Attached is a notification from Time Warner regarding potential programming changes and disruptions to service. This notification is being made to the City so that Time Warner remains in compliance with notification regulations. They cite that they do not expect most or any of the changes to actually occur.

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.

9. Mayor's Report  
Appointment: Housing Authority, Marge McClellan, 5 year term set to expire 12/2018. Councilor Rozek moved with a second by Councilor Higbee to accept the Mayor's nomination of Ms. McClellan. So moved, the motion carried.
10. Public Comments - No comments
11. Council Comments  
Councilor Rozek reminded members of the Safety Committee that they are scheduled to meet Monday, November 25 at 5:30 pm.

Mayor Grenier recessed the regular meeting at this time to enter into the Public Hearing.

#### **PUBLIC HEARING – November 18, 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:

- Resolution 2013-24 Authorizing BWW Refinancing of Debt. No Comments
- Resolution 2013-25 Authorize an Application to CDBG for \$500,000 for Housing. No Comments
- Resolution 2013-26 Authorize an Application to the Assistant to Firefighters Grant for \$55,950. No Comments
- Jeskey Lane. 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 7:42 p.m.

12. 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 7:42 p.m.

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