

## **Work Session December 2, 2013**

Mayor Grenier called the Work Session to order at approximately 6:35 p.m. in the City Hall Executive Council Chambers. Present: Councilors Otis, Morgan Allain, Benski, Rozek, Nelson and Theberge. Councilors Higbee and Remillard were absent. Also present: James Wheeler, Pam Laflamme, Mike Perreault, Bert Bryant, Ed Bryant, citizens and the press.

Mayor Grenier asked Council to vote on the following changes to tonight's agenda:

- Postpone the Welfare Guidelines Resolution until December 9.
- Under other: Add Inauguration discussion

Councilor Rozek moved with a second by Councilor Morgan Allain to amend the agenda as stated. So moved, the motion carried.

### Traffic Safety Committee Recommendations

#1. 30 Pine Island Avenue Hedge. The City Manager reminded Council that the first item was previously discussed at a work session. He contacted the City Attorney to check whether this was a liability issue for the City and the attorney confirmed that since the City was given notice, a situation exists so we could be held liable if something were to happen. The attorney suggested that the first step in the process would be to take one step back and write a letter informing the property owner he needs to trim the hedge due to a visibility issue.

Councilor Nelson inquired if the owner was asked to cut the shrub? The City Manager replied affirmatively that due to the obscure vision of a driver, the property owner was asked to rectify the situation and limit the extent of growth from the property.

Councilor Morgan Allain asked if the owner will be given a time frame because we need to be careful about that. The City Manager agreed to add that to the letter. If it goes for an extended period, the City will sign the intersection to let people know there is a potential visibility issue.

Mayor Grenier also suggested that the City Manager send a copy of the RSA that gives the City the legal authority to take action. He asked if the Attorney sent his reply by email and if so, could the City Manager also send a copy to the owner so he sees how we were advised by our attorney.

#4 709 Western Avenue. Lt. Buteau at the last meeting was going to research the area but he did not get back to us yet. The City Manager suggested that Council could go through the first reading tonight and once they receive additional information, they could take it off the table and amend it to include exactly where the no parking should be.

### Pole License Petition

City Manager Wheeler as a follow-up from last week contacted the City Attorney who said there are currently two things Council needs to do. 1) Modify the licenses; 2) make changes to the ordinance and modify the street excavation ordinance at the same time. Step 1 to modify the current licenses is through the petition Mike Perreault will sign and we will forward to the appropriate entities. Council will also need to schedule a public hearing and then go forward with process.

The only question the Mayor had was about the administrative code and he is sure it needs to address some issues. The City Attorney agreed Council has to alter the administrative code to get where want to be. It will be divided in two parts, the existing licenses and then future licenses through administrative code changes.

Councilor Nelson moved with a second by Councilor Rozek to schedule/advertise a Public Hearing on January 6, 2014 at 7:30 p.m. to consider a universal amendment on pole and conduit licenses and agreements as well as gas line licenses and agreements in the City of Berlin to require the payment of properly assessed property taxes and to require the licensees to provide information to the City annually on the entities attached to their poles or conduits. So moved, the motion carried.

#### Ordinance 2013-09R1 Zoning Changes for Crematoriums

Mayor Grenier said at the last meeting they had discussed only to allow funeral homes operating in the City but was told that would stifle business competition. It had a first read, was tabled and if passed has to go through the zoning board process. The Mayor asked if it had to also go through the Planning Board Process.

Pam replied that if it is new construction they need a site plan. If it is an existing funeral home and they add on they only need to go through the Zoning Board process unless they increase size by 25%.

Councilor Rozek asked if the current proposal is to use the existing structure. Ms. Laflamme said they are currently weighing their options.

Councilor Rozek asked if there is a limitation on how many crematoriums could be used in the City. According to Pam's research there were only 440 reported deaths in Coos County so she see no run on crematoriums. Other than a business preserving their right, Sabbow had a former standalone crematorium.

The City Manager asked if there was nothing to prohibit them from soliciting business out of the County. Pam replied that is not an issue.

Councilor Theberge asked if they could put a crematorium near his house. Pam replied that he does not live in a Residential General (RG) zone. The nearest RG zone to him would be near the Guardian Angel Credit Union, York Land Services and other limited areas. Ms. Laflamme elaborated after last week they added Business General (BG) and Industrial Business (IB) zones to the ordinance.

Mayor Grenier asked if they could have a crematorium at the Maynesboro Industrial Park. Yes.

Councilor Benski questioned that by Special Exception, is that regardless of zone? Yes, Pam elaborated that if they are in any of the three special exception zones, they have to go before the ZBA; it allows for notices to the abutters and allows for public notices in the paper and a hearing.

Mayor Grenier explained that just because it goes to the ZBA it does not mean they rubber stamp it. They research it thoroughly before granting variances and exceptions. When the ordinance is removed from the table it will be to amend by adding a Business General and Industrial Business Zone.

#### Other: Inauguration

Mayor Grenier confirmed that the Charter specifies that the newly elected Council is to be sworn in on the third Monday in January which is January 20 the day before the January 21 Special Election. He is asking for Council approval to keep the inauguration simple with the swearing in to be at City Hall before beginning the Council Meeting. Council was in agreement to keep it simple.

Councilor Benski moved with a second by Councilor Nelson to remove New Business # 6 Welfare Guidelines from the agenda. So moved, the motion carried.

Councilor Rozek added that #5 Burgess Street Stop sign request was not on the Traffic Safety Recommendations. The item was brought in by Councilor Remillard due to a problem with traffic flowing too fast on the corner of Burgess/Strafford Street. The item was referred back to Lt. Buteau who wanted to review that further. Council will wait for that information.

# 6 Temporary no parking at the bottom of 8<sup>th</sup> street. Rocks form a barrier so vehicles don't slide into river and there are three five gallon pails there but they don't know why. Both these items are waiting for more info before they can be brought up again.

Councilor Rozek wanted clarification about the Pine Island letter going from the City Manager to the property owner. Shrub trimming is better in certain times of year and we do not want to destroy personal property. He stressed it is important to work with the landowner to find out the proper time to trim.

Mayor Grenier said that in the future, the Mayor and Council will only accept written complaints.

The City Manager said the Pine Island matter was discussed with the City Attorney and is in the public record. The owner wrote a letter that demands an answer.

Councilor Theberge inquired if a complainer calls, will the City Manager ask them to submit the complaint in writing? Yes, the City Manager said getting the complaint in writing is a wise practice.

Councilor Nelson confirmed that Councilors can still ask if they want to place something on an agenda. Yes, they still have that right.

Mayor Grenier adjourned the Work Session at approximately 7:07 p.m.

Respectfully submitted,  
Debra A. Patrick, CMC  
City Clerk

## **CITY COUNCIL MEETING – Monday, December 2, 2013**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:16 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Morgan Allain, Benski, Rozek, Nelson and Theberge. Councilors Remillard and Higbee were absent. Also present: James Wheeler, Pam Laflamme, Mike Perreault, Fleury-Patry Funeral Home Staff, Bryant Funeral Home Staff, Don Piper, citizens and the press.

### **Minutes, Previous Meeting**

Councilor Rozek moved with a second by Councilor Morgan Allain to accept the minutes of the November 18 Work Session and Regular Meeting; November 25 Work Session. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1704 start date 11/19/2013 end date 12/02/2013 for a total cash disbursement of \$1,330,546.63. 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**

## **NEW BUSINESS**

5. Ordinance 2013-10 Amend the Code of Ordinances, Chapter 15, Traffic & Vehicles, Article III. Stopping, Standing & Parking, Sec. 15-69. Prohibited at all times in designated places by adding "No Parking, Vehicles will be Towed" signs on either side of the driveway at 709 Western Avenue. (1<sup>st</sup> read)  
Councilor Nelson moved with a second by Councilor Theberge to table the ordinance and schedule a public hearing on December 16. So moved, the motion carried
6. Resolution 2013-28 Amend the City of Berlin Guidelines for the Administration of General Assistance (Welfare Guidelines). REMOVED FROM AGENDA IN WORK SESSION – NOT READ
7. Polling Hours for the January 21, 2014 Special Election  
Councilor Nelson moved with a second by Councilor Morgan Allain to set the polling hours for the January 21, 2014 Special Election from 8:00 a.m. until 7:00 p.m. So moved, the motion carried.
8. City Manager's Report  
**2014 County Budget Communication**  
The Mayor and Council have received the 2014 Communication. This communication projects a 1.1% increase in County Tax. This communication has been provided to you for consideration and comment. This item could be discussed as a future Council Agenda item should the Council desire to do so.

### **Notice to Property Owners/Tenants – Rte. 110 Project**

Continental Placer, Inc. has provided a notice to property owners and tenants in the vicinity of the Rte. 110 project regarding Pre-Blast and Pre-Construction surveys. They will be conducting surveys for properties within a defined radius of the project at no cost to the property owner/tenant. A copy of the notice is attached for your information.

### **Leadership North Country**

I will be attending a session of the current Leadership North Country class in Errol tomorrow December 3<sup>rd</sup>. I will be joining a panel that will include Jeff Woodburn, State Senator and Fred King Representative, Coos County Treasurer. The focus of the panel discussion will be: *the different roles and responsibilities of local, county, state, and federal governments.*

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 Rozek asked if the Notre Dame Arena would be surveyed as part of the construction process. Mayor Grenier replied it was already done.

9. Mayor's Report

Mayor Grenier said the Public Hearing for the Coos County Budget will be held Monday December 9 at 10:00 a.m. at the Coos County Nursing Home. They normally try to have the Public Hearing on Saturday but the Executive Councilor's funeral will be on Saturday December 14 so they made that adjustment.

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

10. Public Comments – No comments

11. Council Comments – No comments

**PUBLIC HEARING – December 2, 2013**

Mayor Grenier opened the duly advertised public hearing portion of the meeting at approximately 7:27 p.m. to hear public comments on the following subject matters:

**- Resolution 2013-25 Authorize an Application to CDBG for \$500,000 for Housing.**

Berlin Development Director, Pamela Laflamme, had informational packets available prior to making the following presentation:

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available on a competitive basis for economic development, up to \$500,000 for public facility and housing projects, up to \$500,000 for emergency activities that directly benefit low and moderate income persons, and up to \$12,000 is available for feasibility study grants.

This grant application is for a \$500,000 Community Development Block Grant to continue the Berlin Neighborhood Revitalization Project (BNRP). Berlin's neighborhoods are in great need of repair, much of it unseen to the public. The Berlin Neighborhood Revitalization Program has expended over \$1,000,000 to assist 63 homeowners with desperately needed improvements in energy, safety, and structural repairs. If awarded, this grant will allow us to continue this program with a goal of assisting 32-35 additional homeowners to meet Housing Quality Standards and provide a safe and warm environment for Berlin residents.

This project conforms with Berlin's Housing and Community Development Plan's Goal of "rehabilitating existing buildings".

**Mayor Grenier asked for Public Comments at this time. There were no comments.**

**Mayor Grenier Closed this Public Hearing**

**Mayor Grenier Opened the next Public Hearing**

Review of the updated Housing and Community Development Plan.

The plan is the same plan accepted by the City Council in October 2013. Complete copies of the plan are available for review in the Community Development Department.

**Mayor Grenier asked for Public Comments at this time. There were no comments.**

**Mayor Grenier Closed this Public Hearing**

## **Mayor Grenier opened the next Public Hearing**

### Residential Antidisplacement and Relocation Assistance Plan

Although this project does not involve any displacement or relocation of persons (or businesses), if the City were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

**Mayor Grenier asked for Public Comments at this time. There were no comments.**

**Mayor Grenier closed the CDBG Public Hearing and went on to the next subject matters:**

- Ordinance 2013-09 Zoning Changes (Crematorium). No Comments.
- Resolution 2013-27 Transfer of Bartlett School. No Comments

There being no one else wishing to speak for or against the subject matters, Mayor Grenier closed the public hearing portion of the meeting at approximately 7:31 p.m.

## **UNFINISHED BUSINESS**

1. Council Committee Reports. Traffic Safety Report was discussed in length at the work session. The Mayor asked if anyone had further questions and there were no comments at this time.
2. 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 & 11/18/2013)

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

Whereas, through previous funding, 63 homeowners have received assistance to meet Housing Quality Standards and to do needed home repairs; and

Whereas, the City may use these funds to assist additional homeowners that have been on a waiting list for needed home repairs; and

Whereas, the City of Berlin has now established a good track record of using these funds to help homeowners improve and retain their properties through upgrades that improve energy efficiency and the overall maintenance of their properties. Now therefore be it resolved by the City Council of the City of Berlin as Follows: That the City Manager is authorized to sign and submit an application to the Community Development Finance Authority for a Community Development Block Grant in the sum of Five Hundred Thousand Dollars (\$500,000.00). Further, that the City Manager is authorized to accept said grant, if awarded, and do all things necessary to effectuate it, and the grant proceeds, if awarded, are hereby appropriated for the purpose of the grant. Be it further resolved that the Mayor and Council review and affirm the 2013 Housing and Community Development Plan, and review, reaffirm and readopt the Residential Antidisplacement and Relocation Plan. We do not anticipate any displacement as a result of this project but should the need arise; the City will comply with the Residential Anti-Displacement and Relocation Assistance Plan. This Resolution shall be in full force and effect from and after passage.

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

Councilor Otis 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 Otis 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 Nelson moved with a second by Councilor Theberge to affirm the 2013 Housing and Community Development Plan. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Theberge to readopt the Residential Antidisplacement and Relocation Assistance Plan. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Theberge to approve the submittal of the application and vote to authorize the City Manager to sign and submit the application and upon approval of the CDBG application, authorize the City Manager to execute any documents which may be necessary to effectuate the CDBG contract. So moved, the motion carried.

Councilor Otis 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.

3. Ordinance 2013-09R1 Amend the Code of Ordinances of the City of Berlin, Chapter 17 Zoning Article VIII. Uses, Section 17-82, Uses Permitted by Special Exception, Article X Uses, Section 17-102 Uses Permitted by Special Exception, Article XI Uses, Section 17-112 Uses Permitted by Special Exception & Article XXI Definitions Section 17-222 Specific Definitions. (tabled 11/18/2013)

Be it ordained by the City Council of the City of Berlin as follows: Now therefore be it ordained by the Mayor and Council that 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 are hereby amended by to read as follows (double underline = new language):

**Article VIII**, Residential General Zone (RG)

Sec. 17-82. Uses Permitted by Special Exception

New number 7 – Crematorium

*(All other numbers in that section shift one number forward)*

**Article X** - Business General Zone (BG)

Sec. 17-102. Uses Permitted by Special Exception

New Number 6 – Crematorium

*(All other numbers in that section shift one number forward)*

**Article XI** - Industrial Business Zone (IB)

Sec. 17-112. Uses Permitted by Special Exception

New Number 5 - Crematorium

*(All other numbers in that section shift one number forward)*

**Article XXI**, Definitions

Sec. 17-222. Specific Definitions:

Crematorium - A use to reduce (a dead body) to ashes by the action of fire. It is a use generally associated with funeral establishments or may be a separate use designed for cremation. This ordinance shall be in full force and effect from and after passage.

Councilor Nelson moved with a second by Councilor Morgan Allain 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 amend the ordinance to add the following to the text of the ordinance: **Article X** Business General Zone (BG) Sec. 17-102. Uses Permitted by Special Exception. New Number 6 – Crematorium. *(All other numbers in that section shift one number forward)*. **Article XI** - Industrial Business Zone (IB) Sec. 17-112. Uses Permitted by Special Exception. New Number 5 – Crematorium. *(All other numbers in that section shift one number forward)*. So moved, the motion carried to amend the ordinance.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the ordinance, as amended, 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, as amended, 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, as amended. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier who declared the ordinance, as amended, now passed.

4. 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. (tabled 11/18/2013)

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

Whereas, the City of Berlin currently owns a building at 56 Mt. Forist Street known as the Bartlett School and the Mayor and Council have determined that the City of Berlin has no further need for the property; and  
Whereas, there are significant costs and no tax base derived from the City's maintaining such an unused building; and

Whereas, the City of Berlin advertised state-wide the sale of the building by means of a Request for Proposal (RFP); and

Whereas, the Proposal tendered by New England Family Housing/TKB Properties, LLC was found to be the most advantageous for the City in that they have a proven track record of rehabilitating properties throughout the City of Berlin that incorporate the most current measures of energy efficiency and high quality materials, and there continues to be a demand for such units, especially in neighborhoods with access to the downtown; and

Whereas, TKB Properties, LLC has agreed to the subdivision of the property to allow the City to retain the lower field. 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 building for the sum of One Dollar (\$1.00) to TKB Properties, LLC under an agreement which makes clear that the project proposed by TKB Properties, LLC is conditional on receiving a Community Development Block Fund Grant in the amount of \$500,000 and will be carried out and substantially completed within 2 years of the closing date or the property will revert to the City. 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 have the resolution read a second time by title only. So moved, the motion carried.

Councilor Theberge moved with a second by Councilor Benski 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.

12. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Nelson moved with a second by Councilor Rozek to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 7:46 p.m.

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