

## **Public Hearing – March 3, 2014**

Mayor Grenier called the duly advertised public hearing to order at approximately 7:30 p.m. to hear public comments on the following subject matter:

Ordinance 2014-03 - adding a new Division 3. Alcoholic Beverages.

There being no one wishing to speak for or against the subject matter at this time, Mayor Grenier closed the public hearing portion of the meeting.

## **CITY COUNCIL MEETING – Monday, March 3, 2014**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:30 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 and Nelson. Councilors Theberge and Higbee were absent. Also present: James Wheeler, Police Chief Morency and the press.

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Morgan Allain to accept the minutes of the February 17 Work Session and Regular Meeting and February 24 Work Session. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1710 start date 2/15/2014 end date 3/03/2014 for a total cash disbursement of \$1,355,751.41. Councilor Nelson moved with a second by Councilor Otis 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 2014-03 amending the Code of Ordinances, Chapter 9, License and Regulation of Occupations & Businesses, Article VI. Restaurants by adding a new Division 3. Alcoholic Beverages. (tabled 2/17/2014)

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

Sec. 9-223 – 9-235 Reserved - Division 3. Alcoholic Beverages. Sec. 9-236: Hours of Sales. Pursuant to RSA 179:17 II(b) On-premises licensees may sell alcohol until 2:00 a.m. according to State law, until such time that the licensee violates State law and/or Liquor Enforcement rules or regulations. Once in violation, the licensee's infraction(s) shall be reviewed by the Berlin Police Commission, and said licensee's ability to sell alcohol for the extended hour shall be subject to revocation. The extended hour will Sunset at the end of one year. This Ordinance shall be in full force and effect from and after passage.

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

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

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

Councilor Remillard moved with a second by Councilor Morgan Allain to pass the ordinance. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier with the exception of Councilor Otis who abstained from voting due to a conflict of interest. The motion carried and Mayor Grenier declared the ordinance now passed.

## NEW BUSINESS

3. Resolution 2014-03 Supporting the need for two billion cubic feet of new natural gas pipeline capacity to stabilize the New England Region's gas prices and make the use of natural gas economically viable for 12 months of the year. (1<sup>st</sup> read – suspend rules)

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

Whereas, because New England lacks adequate natural gas pipeline capacity, natural gas prices have risen in the 2013-2014 winter to twice as high as they did last winter; and

Whereas, the unpredictable cost of natural gas presents an economic challenge that threatens commercial and industrial businesses and institutions in Northern New England; and

Whereas, a study by Competitive Energy Services dated February 2014 finds that to bring New England's gas costs to the same level as the rest of the nation; and

Whereas, New England needs two billion cubic feet of new natural gas pipeline capacity to be installed in strategic locations between New England and natural gas resources. Now therefore, be it resolved by the City Council of the City of Berlin that the Berlin City Council supports the effort of New England's Governors, New England States Committee on Electricity (NESCOE) and ISO-NE; and the Berlin City Council supports the need for two billion cubic feet of new natural gas pipeline capacity to bring New England's gas prices to the same level as the rest of the nation. This Resolution shall be in full force and effect from and after passage.

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

Councilor Nelson moved with a second by Councilor Otis to suspend the rules of Council to allow this resolution to be placed on its final passage at this time. Roll call resulted in unanimous affirmative votes and the rules were suspended at this time.

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

Councilor Nelson moved with a second by Councilor Otis to pass the resolution. Councilor Benski stated that she needs more information before she can make an informed decision. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier with the exception of Councilor Benski who abstained from voting. The motion carried and Mayor Grenier declared the resolution now passed.

4. Resolution 2014-04 Supporting an application of the Family Resource Center to the NH Department of Education for funding under the 21<sup>st</sup> Century Community Learning Center Program to renew its 21<sup>st</sup> Century Community Learning Center Grant to continue to provide an Afterschool Program for Berlin children. (1<sup>st</sup> read – suspend rules)

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

Whereas, Education of our youth is a major goal of all parents, educators, and public officials at every governmental level; and

Whereas, the Family Resource Center has run a widely acclaimed and successful Afterschool Program in both the Gorham Middle School and three of the Berlin schools for over ten years; and

Whereas, Berlin, New Hampshire is located in Coos County, which is the most economically depressed county in NH, with the highest levels of unemployment, high levels of family dysfunction, and other problems; and

Whereas, the children of Berlin, NH are served by School Administrative Unit 3; and

Whereas, Berlin children attend the Brown Elementary School from Kindergarten through Grade 2, Hillside Elementary School from Grades 3-5 and then attend Berlin Middle School, Grades 6-7-8; and

Whereas, the Family Resource Center and SAU #3 have cooperatively offered excellent and credentialed afterschool programming for all three of Berlin's schools for ten years through funding support from 21<sup>st</sup> Century Community Learning Center grant and have additionally received annual funding support from the SAU Board to help make affordable access to afterschool programming for Berlin families. Now therefore, be it resolved that the Mayor and City Council of the City of Berlin hereby proclaim their strong support for this program and urge that the Family Resource Center and SAU #3 be granted a renewal of its 21<sup>st</sup> Century Community Learning Center Grant due to its documented record of success and the urgent need for this program in the community. This Resolution shall be in full force and effect from and after passage.

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

Councilor Nelson moved with a second by Councilor Morgan Allain to suspend the rules of Council to allow this resolution to be placed on its final passage at this time. Roll call resulted in unanimous affirmative votes and the rules were suspended at this time.

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

Councilor Nelson 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.

5. Fire Department Communication

Professional Fire Fighters of Berlin Local 1088 request that the Mayor and Council consider filling the two vacant Fire Fighter positions immediately and fund them in the FY'2015 Budget.

Councilor Nelson moved with a second by Councilor Remillard to accept the communication and place it on file. So moved, the motion carried.

6. City Manager's Report

**Request to Conduct Archaeological Explorations at Mt. Jasper**

Richard Boisvert, PhD, State Archaeologist has asked for permission to conduct further explorations in and around the Mt. Jasper site. Dr. Boisvert indicates that new research technologies are available today that have not been previously used at Mt. Jasper. His work will be a continuation of his previous investigations made in 1988 and 1989. This work is planned to take place over the summer.

**Bureau of Prisons Update**

Presently FCI Berlin has approximately 261 staff and 733 inmates. Total staff is projected to be 330. Total inmate population is projected to be 1,500.

**Notre Dame Renovation by AHEAD**

See attached Site Observation Report by Alba Architects, LLP.

**WWTF Upgrade Project**

*Construction Schedule*

Substantial Completion:	August 15, 2014
Final Completion:	October 14, 2014
Dewatering Substantial Completion:	June 30, 2014
Dewatering Final Completion:	August 29, 2014
Contract Time Completed (to Substantial Completion):	78%

**WWTF Upgrade Project (continued)**

*Payment Status*

Original Contract Amount:	\$13,138,700.00
Current Contract Amount:	\$13,969,999.99
Total Completed and Stored to Date:	\$10,992,801.57
Total Amount Eligible for Payment to Date:	\$10,294,301.57
Amount Due for Payment Requisition No. 21:	\$313,529.50

Councilor Rozek recalled that a few years back, Dr. Boisvert himself set the precedent that there would be no more collecting artifacts from Mt Jasper. Councilor Rozek emphasized that anything relevant found should be kept within the City of Berlin and anything of significant historical value should stay in Berlin perhaps at the Moffett House as a historical artifact from potential diggings.

The City Manager will contact Dr. Boisvert to see what his intentions are and will relay the sentiment about any significant findings on Mt. Jasper staying in Berlin.

Councilor Remillard believes they only want to clarify where certain artifacts came from throughout the state collection.

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

7. Mayor's Report

ZBA Re-appointment. Mayor Grenier nominated Henry Boucher for a term to expire April 2017. Councilor Rozek moved with a second by Councilor Benski to accept the Mayor's nomination of Henry Boucher to the ZBA. So moved, the motion carried.

The Mayor commented about our local hockey and basketball teams who are currently in the playoffs and it is conceivable they could go far. These students give it their all and represent the City of Berlin well.

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

8. Public Comments – no comments

9. Council Comments – No comments.

10. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Benski to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 7:53 p.m.

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