

## **PUBLIC HEARING – APRIL 21, 2014**

Mayor Grenier opened the duly advertised public hearing at approximately 8:04 p.m. to discuss the following subject matters:

- Resolution 2014-05 PD Highway Safety Grants – No Comments
- Resolution 2014-06 PD Accepting Grant Funds from Dept of Safety – No Comments

There being no comments for or against the subject matters, Mayor Grenier declared the public hearing portion of the meeting now closed.

## **CITY COUNCIL MEETING – Monday, April 21, 2014**

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:05 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, Lt Dan Buteau and Jennifer Cloutier.

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Morgan Allain to accept the minutes of the April 7 Regular Meeting/WS and April 14 Work Session. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1713 start date 4/8/2014 end date 4/21/2014 for a total cash disbursement of \$632,063.05. Councilor Theberge moved with a second by Councilor Higbee 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. Resolution 2014-05 authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2015. (tabled 4/7/14) Resolved by the City Council of the City of Berlin as follows:

Whereas voluntary compliance of bicycle, scooter, and skateboard laws is a problem in Berlin, particularly in the downtown area; and

Whereas possession of alcohol and DWI offenses are problems in Berlin; and

Whereas traffic light avoidance is a problem which creates unnecessary risk for pedestrian traffic, and designated patrols are needed for enforcement; and

Whereas the New Hampshire Primary Child Passenger Safety Law requires that all children up to the age of four be restrained and properly secured in an approved child passenger safety seat, and everyone up to the age of 18 use a seat belt; and

Whereas operation of OHRVs on public ways is a concern; and

Whereas distracted driving during morning and evening commutes is a statewide problem requiring increased public awareness that distracted driving will not be tolerated; and

Whereas information is available to teach young, inexperienced drivers specific educational experiences that focus on the behavior of vehicles, their limits of operation, and the effectiveness of seat belt use in the operation and occupancy of a motor vehicle, as they do not realize the limitations of vehicles or the harmful impact that alcohol may have on their ability to safely operate a vehicle; and

Whereas the NH Highway Safety Agency funds local projects to promote such enforcement and education.

Now therefore be it resolved by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and receive funds for Highway Safety Project Grants. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purposes of the grants during Fiscal Year 2015. 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.

Councilor Benski, for the record, stated that she is not voting in favor of this resolution due to sobriety checkpoints, which is a violation of civil rights and is being lumped in with the other grants. She does however support the other grants that are being requested. Roll call resulted in affirmative votes of Council including Mayor Grenier with the exception of Councilors Benski and Otis who voted in the negative. Mayor Grenier declared the resolution now passed.

3. Resolution 2014-06 authorizing the Berlin Police Commission to apply for and accept \$35.00 (thirty-five dollars) in grant funds from the NH Department of Safety for the purpose of programming one portable radio and appropriating said funds to the Berlin Police Department to effectuate the grant. (tabled 4/7/14) Resolved by the City Council of the City of Berlin as follows:

Whereas effective communications are vital to the success of law enforcement operations, and the State of New Hampshire recognizes the importance of such communications; and

Whereas the Berlin City Council passed a resolution on June 4, 2012, authorizing the Berlin Police Commission to apply for and accept grant funds from the NH Department of Safety for the purchase of eleven State Contracted portable radios; and

Whereas in September, 2013, Round III of the aforementioned grant permitted the NH Department of Safety to provide a twelfth radio to the Berlin Police Department at no cost to the City; and

Whereas programming expenses for said State-provided radio will be reimbursed through the grant, and the expense will be \$35.00. Now Therefore Be It Resolved by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and accept funds from the NH Department of Safety for the purpose of radio programming and that \$35.00 is hereby appropriated to the Berlin Police Department to effectuate the grant. Further, the above sum is in addition to all other previously appropriated funds for the Berlin Police Department Fiscal Year 2014 Budget. 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 have the resolution read a second time by title only. So moved, the motion carried.

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

## **NEW BUSINESS**

4. Ordinance 2014-04 amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE IV, Establishment of Zoning Districts, Section 17-41, Zoning Districts. (1<sup>st</sup> read)

Councilor Remillard moved with a second by Councilor Nelson to table the ordinance and schedule a public hearing on May 5. So moved, the motion carried.

5. Resolution 2014-08 authorizing the Berlin Police Commission to apply for and accept grant funds from the NH Department of Safety State Homeland Security Grant Program for Communications-Specific Professional Development and appropriating the sum of Seven Thousand, Seven-Hundred Dollars (\$7,700.00) to the Berlin Police Department FY'14 budget for the purpose of effectuating the grant. (1<sup>st</sup> read)

Councilor Nelson moved with a second by Councilor Theberge to table the resolution and schedule a public hearing on May 5. So moved, the motion carried.

## 6. City Manager's Report

### **Housing**

Bids are due Thursday, April 24 for:

- a. 1051 Main St. (former Sunny Rooms) – Asbestos Abatement
- a. 376 Burgess St. & Garage on 32 Ottawa – Demolition

There was a good showing of contractors for both.

2. The City's \$500,000 CDBG application for the Neighborhood Revitalization program was approved at the Advisory Board Meeting of CDFA this past Thursday. It now goes to Governor and Council for approval.
3. Were notified by our insurer that the City will be receiving a settlement payment for the fire at 148 Pleasant St in the approximate amount \$55,000.

### **Finance Dept.**

On April 17<sup>th</sup> the NH Department of Motor Vehicles conducted their annual audit of our NH Registration sales and related DMV operations. The DMV auditor told Finance staff that He we are an example for the rest of the State. He concluded the audit with no findings for correction. Congratulations to Kris Davis, Elaine Tremblay, Jan Gagnon and Patty Chase.

### **WWTF Upgrade**

#### **Payment Status**

a. Original Contract Amount	\$13,138,700.00
b. Current Contract Amount	\$13,969,999.99
c. Total Completed and Stored to Date	\$11,418,596.67
d. Total Amount Eligible for Payment to Date	\$10,846,284.72
e. Amount Due for Payment Requisition No. 23	\$265,109.10
f. Percent of Contract Amount Requisitioned or Retained to Date	81.7%

#### **Contract Times**

a. Substantial Completion:	August 15, 2014
b. Final Completion:	October 14, 2014
c. Dewatering Substantial Completion:	June 30, 2014
d. Dewatering Final Completion:	August 29, 2014
e. Contract Time Completed (to Substantial Completion):	84%

### **NHMA Legislative Bulletin Excerpts and Updates**

#### *SB 367 – Increase in Road Toll for Transportation Funding*

This bill will go to the full House this week. Berlin is estimated to received and additional \$25,000 per year (or approximately \$450,000 over 18 years) as a result of this increase (see attached).

A copy of RSA 235:23 is attached. This statute describes how these funds are allocated to municipalities.

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

Councilor Rozek asked the City Manager if he checked to see if pavement is included in the \$13+million dollars? The City Manager replied he attended the last construction meeting and asked about the condition of the pavement. They agreed as the weather gets better they will go out, look at the damage that occurred over the course of the project and fix what needs to be fixed.

## 7. Mayor's Report – Proclamation: Water Works Week, May 4 – 10 2014.

If Council has time, the Mayor encouraged all to visit and tour the water treatment facility which is a state of the art facility that has come a long way.

Councilor Rozek moved with a second by Councilor Benski to accept the Mayor's Report and place it on file. 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 Nelson to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:26 p.m.

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