

PUBLIC HEARING – MAY 19, 2014

Mayor Grenier opened the duly advertised public hearing at approximately 7:42 p.m. to discuss the following subject matter:

Resolution 2014-09 Authorize an application to the US Department of Agriculture (USDA) Community Facility Grant for partial funding to provide two picnic shelters at local playgrounds

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

CITY COUNCIL MEETING – Monday, May 19, 2014

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:43 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: City Manager James Wheeler, Terry Letarte Recreation Department and Barbara Tetreault.

Minutes, Previous Meeting

Councilor Theberge moved with a second by Councilor Morgan Allain to accept the minutes of the May 5 Regular Meeting/WS and May 12 Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1715 start date 5/07/2014 end date 5/20/2014 for a total cash disbursement of \$1,351,379.17. 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. Resolution 2014-09 Authorizing an application to the US Department of Agriculture (USDA) Community Facility Grant for partial funding to provide two picnic shelters at local playgrounds (tabled 5/05/14) Resolved by the City Council of the City of Berlin as follows:

Whereas, the City of Berlin, Recreation Department has, for many years, offered a summer playground program free of charge to area residents at Community/Central Park Playground and Brown School Playground; and

Whereas, the Recreation Department, at these two sites, also offers the USDA Summer Food Program providing lunch and snacks free to all school age children; and

Whereas, the USDA Summer Food Program is an equal opportunity provider and employer; and

Whereas, the most recent statistic indicates 56% of the Berlin school age population is eligible for free/ reduced lunch, and

Whereas, permanent picnic shelters will enhance the playgrounds as well as provide necessary coverage from adverse weather conditions to allow Berlin Recreation to continue offering meals and activities; and

Whereas, the total cost of two picnic shelters is: \$6500.00; of which \$2000.00 is labor and \$4,500.00 is material. The grant will pay for up to \$2,400.00 toward the cost of material; and

Whereas, the City will be responsible for in-kind labor to build the shelters and \$2,100 of material costs; and

Whereas, Recreation maintenance personnel have indicated an ability to construct shelters at a lower cost than an outright purchase.

Now therefore, be it resolved by the Mayor and City Council that the Recreation Programmer is hereby authorized to apply for a USDA Community Facility Grant for the purpose of funding \$2,400.00 of the construction material cost to erect two 20 x 10' shelters at Community/Central Park Playground and Brown School Playground with the city funding in-kind labor and \$2,100.00 of material costs. 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 Theberge moved with a second by Councilor Higbee 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 amend the resolution in the sixth paragraph by changing the amount from \$2,100.00 to \$2,000.00 and \$4,400.00 to \$4,500.00; in the seventh paragraph to change the amount from \$2,000.00 to \$2,100.00; in the ninth paragraph to change the amount from \$2,000.00 to \$2,100.00 as highlighted. So moved, the motion carried.

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

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

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

NEW BUSINESS

3. Resolution 2014-10 appropriating \$400,000.00 to establish Capital Improvement Projects in the FY14 Budget. (1st read)

Councilor Nelson moved with a second by Councilor Higbee to table the resolution and schedule a public hearing on June 2. So moved, the motion carried.

4. Resolution 2014-11 appropriating \$15,000.00 of Funding from Coos County to the Legal Services Account to Defend Utility Valuations. (1st read)

Councilor Nelson moved with a second by Councilor Theberge to table the resolution and schedule a public hearing on June 2. So moved, the motion carried.

5. City Manager's Report

Housing/Recreation

Raised garden beds were constructed on May 9th in Friendship Park on Granite St. See attached picture

School Department

On May 8th a National Honor Society induction ceremony was held at Berlin High School. During the ceremony 23 sophomores were inducted. Inductees maintain an average grade of 85 and have demonstrated the qualities of Scholarship, Leadership, Service and Character.

BHS Graduation will be held on June 6th and the last day of school will be June 13th.

Council Members are invited to an Open House to view a house built by the Building Trades Program at 575 Hillside Avenue from 4:00 to 6:00 PM on June 4th.

Hutchins St. (Wood St. to Bridge St.) Construction Schedule

A copy of the construction schedule provided by AB Logging is attached. This is in line with our prior discussion of the schedule. Work is shown as substantially complete during the first week of July.

Berlin Airport Jet-A Tank

The new tank was delivered and set on its pad on May 9th. Please see the attached report from HEB.

Public Works Pothole Patching and Shimming

Public Works has been busy patching the most severe holes over the last couple of weeks. Weather permitting, shimming of select areas, beginning on Main St., will begin this week. Shimming will be done by an equipped paving contractor.

Pollution Control

The new Rotary Drum Screw Press sludge dewatering equipment was placed into the treatment facility by crane on May 13th. The screw press will replace the original (1979) centrifuges. Picture attached.

EPA Invitation for the Chlor-Alkali Site

EPA has noticed an Informational Meeting for the Chlor-Alkali Superfund Site to be held on May 29th at Berlin City Hall.

City of Berlin vs. Edrest Properties

The City of Berlin prevailed in virtually all of its multiple motions against Edrest Properties. Attached is a copy of a letter to Edrest from the City Attorney's Office seeking reimbursement of attorney's fees to the City of Berlin as ordered by the Circuit Court. The amount of the fees is \$3,817.14.

Burgess BioPower Report to SEC

Attached is a report dated May 16, 2014 which provides the procurement data for 80,208 tons of biomass purchased by Burgess BioPower in 2013.

NHRS Public Relations Press Release

Attached is a press release which is dated May 14. The release discusses pending litigation that could ultimately affect Employer Contribution Rates. The release discusses two possible scenarios in which funds in the amounts of \$75M or \$150M would have to be returned to employees by NHRS. In addition, reduced employee contributions going forward would have to be offset. The only means to offset these rate adjustments would be through employer contributions.

The City Manager added that he will be attending the Primex annual meeting on Wednesday and Thursday this week. He was asked and will be presenting a session with Adam Jenkins.

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 stated that in the City Manager Report regarding the Edrest legal matter, the letter from the attorney remitting payment was dated August 20, 2013 and he was wondering why such a delay?

The City Manager explained that there were numerous motions going back and forth until the attorney heard from court. The City Manager waited for this letter to be issued once the attorney got the final resolution back from the court which said all was successful for the City. The attorney then asked if we wanted to pursue legal fees and the City Manager replied that the City did indeed want to pursue the legal fees.

Councilor Rozek verified that Mr. Edwards had until June 1 to come up with the legal fee reimbursement and the City Manager replied that was correct.

Mayor Grenier asked if Edrest Properties still owns property in Berlin and if so, we should attach a lien on Mr. Edwards' assets as a way to discourage this type of behavior from others. The City Manager concurs and that is the reason he brought the item forth tonight in his Manager's Report. The City Manager will look into whether or not Mr. Edwards owns other properties and will report back to Council.

6. Mayor's Report

Mayor Grenier reminded Council that on Wednesday, May 28 there will be a public hearing for the municipal budget at 6:30 so Council will not meet on the 26th. The public hearing is an opportunity for the public to comment on the work being done to date.

It is not a debate between Council and the public. It is an opportunity for the public to vent, to tell Council where to cut and where to spend more money and is a very important part of the budget process. The Mayor will lay ground rules for the public hearing and will remind the public to remand their questions to the Chair.

7. Public Comments – no comments

8. Council Comments

Councilor Remillard said that she and Councilor Morgan Allain attended the School Board Meeting where the School Board was presented the “2014 School Board of Excellence Award” which is bestowed to one school board throughout the state. They will also be recognized at the NH Radisson Hotel on June 7. They should be proud of achieving this award. Mayor Grenier agreed and said Council has a good working relationship with the School Board.

Councilor Theberge inquired about the Botanical Garden and brush cutting that needs to be done. Community Development Director Laflamme replied that PSNH was here last Tuesday and looked at where to trim. They will meet again and work will begin in a couple of weeks. The use of prisoners was a suggestion that Councilor Theberge had heard along the way. According to Ms. Laflamme, PSNH wants to use their personnel to do the work.

On another matter, Councilor Theberge thought the work was supposed to start this year on the boat launch between Bridge and 12th Street by Mr. Perreault. The City Manager said that project will be put on hold until the bigger project on Main Street is completed so we are probably looking at next year. Councilor Theberge added that canoes that come in add to the local revenue of our local businesses.

Councilor Morgan Allain asked if it was actually called the Morton boat launch. The City Manager will look into that since he does not recall if a name was officially voted upon yet.

9. Adjournment:

There being no further business before the Mayor and Council at this time, Councilor Rozek moved with a second by Councilor Theberge to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:07 p.m.

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