

PUBLIC HEARING – JULY 7, 2014

Mayor Grenier opened the duly advertised public hearing at approximately 7:55 p.m. to discuss the following subject matters:

- Resolution 2014-14 BIDPA Sale of Land Parcel Map 404, Lot 29. No comments
- Resolution 2014-15 BIDPA Sale of Land Parcel Map 404; Lot 32. 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, July 7, 2014

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:56 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, Nelson and Theberge. Councilor Higbee was absent. Also present: City Manager James Wheeler, Pam Laflamme, Roland Riendeau and Barbara Tetreault.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the June 16 Regular Meeting/WS. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1718 start date 6/17/2014, end date 6/30/2014 for a total year-end disbursement of \$2,563,609.11; Draft # 1719 start date 7/1/2014, end date 7/7/2014 for a new fiscal year total cash disbursement of \$1,112,199.97. Councilor Theberge moved with a second by Councilor Nelson to accept both disbursement summaries and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS – Roland Riendeau, 20 Arlington Street and 174 Jericho Road, was approached this morning by the Police Chief and Deputy Chief about the ATV speed limit on Rt 110 to give him the opportunity to voice his opinion. He recently opened his business which is only about 500 yards from the ATV trail head but they currently have no access to his business. He spent a lot of time and money to renovate a run-down building up to code and wants to get business from the ATV traffic on Jericho Road. Mr. Riendeau asked for Council support for the ATV Ordinance which would greatly help his business.

UNFINISHED BUSINESS

1. Council Committee Reports – No Reports
2. Resolution 2014-14 Authorizing the Berlin Industrial Development Park Authority (BIDPA) to sell land at the Maynesboro Industrial Park Map 404 Lot 29 to Presby Steel, LLC for the assessed fair value pursuant to the Chapter Laws of 1925 and RSA 162-G. (tabled 6/16/14)
Resolved by the City Council of the City of Berlin as Follows:

Whereas, Map 404, Lot 29 at Industrial Park Road in the Maynesboro Industrial Park in Berlin has been undeveloped for many years, and

Whereas, BIDPA is interested in having Presby Steel, LLC become the owner and developer of this lot, and

Whereas, Presby Steel is desirous of becoming the purchaser of the lot in order to develop it for industrial use, and

Whereas, this development would provide new economic activity in the community, new tax base and new jobs in Berlin, and

Whereas, this sale of land has a public benefit and value to the community by allowing a private business to retain and expand jobs in Berlin, and

Whereas, RSA 162-G specifically authorizes municipal agencies such as BIDPA to sell such industrial land. Now therefore, be it resolved, that the Mayor and Council of the City of Berlin hereby authorize the Berlin Industrial Development Authority (BIDPA) to sell Map 404; Lot 29 in the

Maynesboro Industrial Park to Presby Steel, LLC for the assessed fair value of \$20,600.00 pursuant to RSA 162-G. Be it further resolved that the Mayor and Council of the City of Berlin do hereby make the following findings with respect to said property sale to be entered in to between BIDPA and Presby Steel, LLC:

- Presby Steel, LLC can be feasibly located on the intended site and required utilities and access are or will be provided.
- The establishment and operation of the business and industrial facility will alleviate or prevent unemployment or underemployment, either in whole or in part, in the area in which such business and industrial facility is located.
- Such business and industrial facility will consist of land, or land and business and industrial building, or buildings, which are suitable for business, industrial, manufacturing, waste processing, or warehousing purposes.
- Presby Steel, LLC has the skills and financial resources necessary to operate the business and industrial facility successfully.
- Adequate provision has been, or will be, made for the payment of the cost of the construction of such business and industrial facility and that under no circumstances will the municipality be obligated, directly or indirectly, for the payment of the cost of construction of such business and industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture except to the extent permitted by this chapter.
- The proposed acquisition, leasing, operation, and use of such business and industrial facility will aid in the development, growth, and prosperity of the municipality in which such business and industrial facility is located, or of the municipality undertaking the project. This Resolution shall be in full force and effect from and after passage.

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

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

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

3. Resolution 2014-15 Authorizing the Berlin Industrial Development Park Authority (BIDPA) to sell land and building at 143 East Milan Road at the Maynesboro Industrial Park Map 404 Lot 32 to Presby Steel, LLC for the fair value of \$350,000.00 pursuant to the Chapter Laws of 1925 and RSA 162-G. (tabled 6/16/14) Resolved by the City Council of the City of Berlin as follows:

Whereas, Map 404 Lot 32 at Industrial Park Road in the Maynesboro Industrial Park in Berlin has been in the City's ownership for many years, and

Whereas, BIDPA is interested in having Presby Steel, LLC become the owner and developer of this building and lot, and

Whereas, Presby Steel, LLC is desirous of becoming the purchaser of the lot in order to develop it for industrial use, and

Whereas, this sale would provide new economic activity in the community, new tax base and new jobs in Berlin, and

Whereas, this sale of land has a public benefit and value to the community by allowing a private business to retain and expand jobs in Berlin, and

Whereas, RSA 162-G specifically authorizes municipal agencies such as BIDPA to sell such industrial land and buildings. Now therefore be it resolved that the Mayor and Council of the City of Berlin hereby authorize the Berlin Industrial Development Authority (BIDPA) to sell Map 404 Lot 32 in the Maynesboro Industrial Park to Presby Steel, LLC for the fair value of \$350,000.00 pursuant to RSA 162-G. Be it further resolved that the Mayor and Council of the City of Berlin do hereby make the following findings with respect to said property sale to be entered in to between BIDPA and Presby Steel, LLC:

- Presby Steel, LLC can be feasibly located on the intended site and required utilities and access are or will be provided.
- BIDPA established a fair price for the property after consideration of its own previous sales, the current local market, and recent comparable sales in the area.
- The establishment and operation of the business and industrial facility will alleviate or prevent unemployment or underemployment, either in whole or in part, in the area in which such business and industrial facility is located.
- Such business and industrial facility will consist of land, or land and business and industrial building, or buildings, which are suitable for business, industrial, manufacturing, waste processing, or warehousing purposes.
- Presby Steel, LLC has the skills and financial resources necessary to operate the business and industrial facility successfully.
- Adequate provision has been, or will be, made for the payment of the cost of the construction of such business and industrial facility and that under no circumstances will the municipality be obligated, directly or indirectly, for the payment of the cost of construction of such business and industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture except to the extent permitted by this chapter.
- The proposed acquisition, leasing, operation, and use of such business and industrial facility will aid in the development, growth, and prosperity of the municipality in which such business and industrial facility is located, or of the municipality undertaking the project. This Resolution shall be in full force and effect from and after passage.

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

NEW BUSINESS

4. Ordinance 2014-05 Amending the Code of Ordinances, Chapter 15, Traffic and Vehicles, Article II, Specific Street Regulations, Sec.15-33 Stop intersections and establishing a new Sec.15-33b. Four Way Stop Intersections in order to create a four way stop intersection on Burgess and Strafford Streets. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on July 21. So moved, the motion carried.

5. Ordinance 2014-06 Amending the Code of Ordinances Chapter 13 Streets Article IV Parks & Recreation Division 2 Operation of Off Highway Recreational Vehicles Sec.13-112 Operation of OHRV's. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on July 21. So moved, the motion carried.

6. City Manager's Report

PILT National Forest. The City received a PILT payment of \$42,501.00 for US Forest Service Land in Berlin. This is an increase of about \$3,200 from last year.

Demo 1051 Main Street. Bids were open June 19 at 2:00 p.m. for demolition of 1051 Main Street (former Sunny Rooms). Douglas Jones of Cross Excavation was the low bidder at \$19,945

The City's FY 2015 fuel oil needs will be provided by CN Brown. They bid \$3.219 for bulk delivery and \$3.319 for local.

Playgrounds are now open from 10:00 a.m. – 3:00 p.m. Monday – Friday. There are supervised games, crafts and USDA lunch and snacks for all school age children. Lunch 12:00 – 1:00 p.m. and snacks 2:30 – 2:45 p.m. USDA Summer Food program is an equal opportunity provider and employer. Parks included are: Friendship Park, 115 Mason Street; Brown School Norway Street; Central Park @ Community Field, Hutchins Street; and Brookside Park on Maynesboro Street.

Ms. Dori Ducharme recently donated \$250 Recreation and Parks Department. A letter of thanks from the Recreation Director is attached.

The Main Street Program has requested the use of Gill Park again this year for the Downtown Block Party on August 1, 2014. A copy of the letter of authorization provided to them is attached.

The City Finance Dept. balanced taxes as of 8:25 AM on July 1, 2014 to the penny. This is a busier time of year for the Finance Dept. They have done an outstanding job.

There will be a Hearing on Preliminary Injunction for the case of the City of Berlin v. Paul Croteau on July 16, 2014 at 9:00 AM in Superior Court. The City is seeking injunctive relief for the unpermitted uses of properties on Jericho Road by Mr. Croteau as junk yard facilities.

The City Berlin v. Great Lakes Hydro case before the Board of Tax and Land Appeals concluded the Hearing phase on June 27, 2014. Mr. George (Skip) Sansoucy, the City's utility appraiser, gave direct testimony and was cross examined over the 26th and 27th. It could be several months before we receive the BTLA decision. The BTLA decision will be appealable to the Supreme Court should that be necessary.

On July 8, 2014 at 10:00 AM at City Hall an Emergency Services and Municipal Services focused meeting will be held with various groups associated with the upcoming ATV Festival. A similar meeting was held last year to coordinate City and Emergency services.

I will be on vacation from July 14th through July 18th. As always, I will have phone and email access.

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.

Councilor Theberge inquired when the demolition will start at 1051 Main Street since he has constituents who are concerned about it. The City Manager replied they will wait for Linda White to return from vacation and it should be within next week. Councilor Theberge then asked about the Paul Croteau injunction and where specifically on Jericho Road the property is located. The City Manager replied it is the old Isaacson building.

7. Mayor's Report - Appointments: BIDPA
Gerald Dumoulin, 3 year term set to expire 7/2017; Peter Higbee, 3 year term set to expire 7/2017. Councilor Rozek moved with a second by Councilor Theberge to accept the Mayor's nomination of Gerald Dumoulin and Peter Higbee for 3 year terms. So moved, the motion carried.
8. Public Comments – No comments
9. Council Comments
Councilor Theberge was concerned about tonight's tabled ordinances. He thanked the constituent who wrote about the safety of children on Burgess Street. In speaking to other Burgess Street constituents about the four way stop sign they have only seen one incident and there has been only one complaint. He suggests that it would be better to have a slow caution children sign instead.

The other concern Councilor Theberge has is about the second ordinance regarding the ATV speed limit which just amends the 30 and 25 miles. He asked if we should be more specific.

Councilor Nelson said that it really does not matter since it is city-wide.

Councilor Remillard thanked the City Manager for taking care of the construction problems with Wight Street and Third Avenue. The businesses in that area want at least one lane open since it has a major effect on business. Today, at the corner of Third and Madigan, you can't see cars coming so you have to turn into incoming traffic which is dangerous. A person directing traffic is needed there.

The City Manager will inquire about it but due to specific activities he is not sure if they can have one lane open. Someone argued that Rt 16 does not close when they pave.

Councilor Rozek thanked the City Manager for coming through on the obligation of paving the three roads (Rt 16, Hutchins Street, Rt 110) that needed to be patched. He recommended to his fellow City Councilors that if they see potholes they should report it directly to the City Manager so they can branch out and fill those areas.

Councilor Theberge asked the City Manager when the work is expected to be done on Hutchins Street. The City Manager is planning to speak to constituents in that area tomorrow. The work will be done inside of this month but hopefully in two weeks, weather permitting.

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 8:23 p.m.

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