

## **PUBLIC HEARING – JULY 21, 2014**

Mayor Grenier opened the duly advertised public hearing at approximately 8:15 p.m. to discuss the following subject matters:

- Ordinance 2014-05 Burgess Street Four-Way Stop Sign – No comments.
- Ordinance 2014-06 Amending OHRV Speed Limits – 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 21, 2014**

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:16 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, Pam Laflamme, Police Chief Morency, Deputy Chief Valerino, Fire Chief Trull, citizens and Barbara Tetreault.

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the July 7 Regular Meeting/WS. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1720 start date 7/8/2014 end date 7/21/2014 for a total cash disbursement of \$1,898,753.19. Councilor Nelson moved with a second by Councilor Morgan Allain 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 2014-05 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. (tabled 7/7/14) Be it ordained by the City Council of the City of Berlin, as follows:

### **Sec. 15-33. Stop intersections.**

Any person operating a vehicle on a street upon which a stop sign has been placed by authority of the mayor and city council shall bring such vehicle to a complete stop before crossing the line of pedestrian traffic on such street. The following streets and squares are designated as stop streets: ~~Strafford Street at the intersection of Burgess Street.~~

**Sec. 15-33 b. Four Way Stop intersections. Burgess Street at the intersection of Strafford Street.**  
This Ordinance shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor Otis to remove the ordinance from the table at this time. So moved, the motion carried with the exception of Councilor Theberge who voted no. Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a second time by title only. So moved, the motion carried with the exception of Councilor Theberge who voted no.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a third time by title only. So moved, the motion carried with the exception of Councilor Theberge who voted no.

Councilor Theberge had spoken to several Burgess Street constituents who did not feel there was a need for a four way stop sign. If there are speeders, the complainer can call the Police. He reviewed some of this with the Police Department and they had no complaints on file. They sent letters and did not receive a letter requesting a stop sign. He observed that area which is lightly

used and there is a slow children sign and another slow children sign on Hillsboro Street. The residents there don't think it is a problem. He concluded that a four way stop would just create more of a problem.

Councilor Rozek said the matter was brought up before the Traffic Safety Committee by a previous letter sent regarding vehicles traveling in that area at a high rate of speed. The Police sent out more patrols but can't afford to have a cop there full time. Through the assistance of the Police at the Safety Meeting they agreed it would be a deterrent to have a stop sign. It might be an inconvenience to some but the big concern is the safety of the children who play in that area which needed to be addressed. They did the best they could but you cannot make everyone happy.

Councilor Remillard moved with a second by Councilor Otis to pass the ordinance. Roll call resulted in unanimous affirmative votes with the exception of Councilor Theberge who voted no. Mayor Grenier declared the ordinance now passed.

3. 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. (tabled 7/7/14) Be it ordained by the City Council of the City of Berlin, as follows:

That Sec. 13-112 Operation of OHRV's is amended as indicated below; numbering will be amended sequentially:

**Sec. 13-112. Operation of OHRV's**

2. OHRV users in the City must abide by all State and City laws when on designated trails on City streets and must abide by all motor vehicle traffic laws. However, underage State certified OHRV operators may ride the trail on City streets if and only if accompanied closely by a properly motor vehicle licensed adult. (Ord. 9-20-2010)
- a) ~~The speed limit for OHRV operators when operating on the designated trail on City streets is 25 mph or 30 mph where posted.~~ This Ordinance shall be in full force and effect from and after passage.

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

Councilor Nelson moved with a second by Councilor Higbee to have the ordinance read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Higbee to have the ordinance read a third time by title only. So moved, the motion carried.

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

**NEW BUSINESS**

4. Resolution 2014-16 appropriating \$4,446.77 of donations to the Berlin Recreation Department FY2014 budget for Babe Ruth Baseball, the Ski and Snowboard Program, Easter Eggstravaganza, city flowers and equipment (1<sup>st</sup> read)

Councilor Theberge moved with a second by Councilor Morgan Allain to table the resolution and schedule a public hearing on August 4. So moved, the motion carried.

5. Resolution 2014-17 appropriating \$10,000.00 (Ten Thousand Dollars) from surplus funds from the Berlin Police Department's Fiscal Year 2014 Special Enforcement Budget (01-420-114-0000) to the Police Department's Fiscal Year 2015 budget to offset ATV Festival-related expenses (1<sup>st</sup> read)

Councilor Theberge moved with a second by Councilor Higbee to table the resolution and schedule a public hearing on August 4. So moved, the motion carried.

6. Resolution 2014-18 accepting a grant from the NH Department of Safety, Division of Homeland Security and Emergency Management in the amount of \$7,500.00 to update the City's Hazard Mitigation Plan (1<sup>st</sup> read)

Councilor Nelson moved with a second by Councilor Higbee to table the resolution and schedule a public hearing on August 4. So moved, the motion carried.

6a Sale of Properties:

Map/Lot 128-0253.000, 1051 Main Street, .29 acres – assessed value: \$11,300. This parcel will be offered for sale by sealed bid to the general public as a buildable lot with permitted uses including residential, under Business General zoning. All commercial uses are subject to site plan review. The minimum bid is \$15,000.

Map/Lot 130-0270.000, 376 Burgess Street, .09 acre – assessed value \$6,300. This parcel will be offered for sale by sealed bid to the direct abutters with the requirement to merge the lot with their existing parcel. The minimum bid is \$1,000.

Councilor Remillard moved with a second by Councilor Otis to authorize the City Manager indefinitely until rescinded, to offer for sale at the earliest appropriate opportunity, the properties listed by sealed bid with conditions as indicated for each property or take the appropriate action as otherwise indicated. So moved, the motion carried.

7. City Manager's Report

- Public Service of NH notified the City of their plan to lower the water level above the Smith Hydro dam on the Androscoggin River. They will drain the canal and lower the water level approximately seven feet below normal from August 3, 2014 through September 25, 2014. Water levels will be restored to normal upon completion of their work.

- The Jericho ATV Festival will prove to be an event to be remembered. A schedule of events is attached.

- Angela Martin Giroux was notified that the Berlin Health Department has received The Patient Satisfaction Award of Distinction which is presented annually to home health organizations subscribed to Fazzi's Patient Satisfaction Service that have demonstrated superior performance in overall patient satisfaction results. These national best practice agencies are proven leaders and have placed in the top 25% of Fazzi's patient satisfaction national database based on a comparative analysis of overall satisfaction. Congratulations to the Berlin Health Department staff.

- On July 16th, the Governor and Council authorized the Community Development Finance Authority to award a grant to the City of Berlin, NH, in the amount of \$500,000 to assist with continued implementation of the Neighborhood Revitalization Project activity. The grant is effective July 16, 2014 through June 30, 2016 and is 100% Federal Funds. The Housing Department will administer the grant.

- The July 16<sup>th</sup> hearing in which the City is seeking injunctive relief for the unpermitted uses of properties on Jericho Road by Mr. Paul Croteau was postponed to next month.

- The first course of paving was placed on Hutchin's St. last week. Curbing installation is scheduled for this week to be followed by sidewalk construction, final paving a, landscaping and final adjustments.

- The OHRV trail through Dead River Park has been re-routed along Granite St., York St. and Hillside Ave. This re-routing has been done to avoid a deteriorating trail bridge that is within the Park. The bridge is one that is slated for repair by the White Mountain Ridge Runners. The re-routing will also facilitate OHRV traffic around a portion of the Rte. 110 construction.

- A fire occurred at 106 Pleasant St. at 3:54 AM on Friday July 18, 2014. The cause of the fire remains underdetermined at this time although the fire appears to have started in the rear of the building. Nearby buildings were protected and the fire was considered under control at 7:06 AM. Mutual Aid was requested, however, due to an incident in the mutual aid community, they were not able to respond before the Berlin Fire Department had the fire under control.

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 said that people are still using Dead River Bridge. The City Manager will look into the matter.

8. Mayor's Report - Appointment: Police Commission. Anthony Urban for a three year term set to expire September 2017. Councilor Theberge moved with a second by Councilor Nelson to accept the Mayor's nomination of Tony Urban. So moved, the motion carried.
9. Public Comments – Police Chief Pete Morency said that the Dead River Bridge area was addressed this morning because barricades had been moved but they were replaced and they will fortify the area more. He wanted to put a public notice out to the local press to inform people.

Fire Chief Trull commented about the Pleasant Street fire on Friday saying that through the collaborative efforts of the Police, Public Works, Ambulance and Red Cross they did an excellent job fighting that fire.

10. Council Comments – No comments
11. 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 8:43 p.m.

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