

PUBLIC HEARING – APRIL 20, 2015

Mayor Grenier opened the duly advertised public hearing at approximately 7:30 p.m. to discuss the following subject matters:

- Ordinance 2015-06 Elaine Hardie Scholarship Fund
- Resolution 2015-11 Harvard Pilgrim Healthy Food Fund \$5,000 Grant

There being no one wishing to speak for or against the subject matters at this time, Mayor Grenier declared the Public Hearing portion of the Meeting closed at approximately 7:30 p.m.

CITY COUNCIL MEETING – Monday, April 20, 2015

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:31p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Gentili, Higbee, Rozek, Nelson and Theberge. Councilor Morgan Allain was absent. Also present: City Manager James Wheeler, Pam Laflamme, Susan Tremblay and Barbara Tetreault.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the April 6 Regular Meeting/Work Session, April 13 Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1738 start date 4/7/2015 end date 4/20/2015 for a total cash disbursement of \$602,664.06. 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 – OHRV Committee: Councilor Theberge reported that the Committee met to discuss the speed limit on Cates Hill. It was decided that the simplest remedy would be to change the ordinance which will have its first reading under new business tonight.

Councilor Otis moved with a second by Councilor Higbee to accept the communication. So moved, the motion carried.

2. Ordinance 2015-06 Amending the Code of Ordinances, Chapter 2, Administration, Article V Finance by adding Division 2a Elaine Hardie Scholarship Fund. (tabled 4/6/2015)

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

Division 2a. Elaine Hardie Scholarship Fund Sec. 2-182. Established; purpose; donations; trustees.

(a) The Elaine Hardie Scholarship Fund is hereby established.

(b) This expendable trust fund is established in accordance with RSA 31:19a and will be used for the purposes of promoting and supporting the granting of scholarships to one senior boy or girl who is: 1. On the Honor roll or in the top 25% of the class; 2. Has studied a western language in high school, preferably French, up to at least the third year level; 3. Plans to study a western language in college, preferably French.

(c) The City Council hereby accepts the full bequeath of Elaine Hardie, class of 1938 to the Berlin Public Schools and authorizes the entire sum donated, ten thousand dollars (\$10,000.00), be deposited in the Elaine Hardie Scholarship Trust Fund. This trust may also accept future donations.

(d) In accordance with state law, the following people shall be appointed as trustees to the City of Berlin Public School Scholarship Trust Fund and shall serve until replaced by the nomination and approval of the Board of Education of the City Public School SAU except the member of council who shall serve for his/her regular term of office: 1 Superintendent of Schools; 2 High School

guidance counselor; 3 City Treasurer; 4. High school principal; (5) Senior class advisor; 6. One (1) member of the City Council as approved by the Council.

(e) The trustees shall have the full authority to expend the funds of the trust. 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.

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.

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

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

Mayor Grenier appointed Councilor Nelson as trustee representing the City Council to the City of Berlin Public School Scholarship Trust Fund who shall serve for her regular term of office. Councilor Rozek moved with a second by Councilor Higbee to accept Councilor Nelson's appointment as stated. So moved, the motion carried.

3. Resolution 2015-11 Authorizing an application to the Harvard Pilgrim Healthy Food Fund Grant for Five Thousand Dollars (\$5,000.) to expand and/or build the permanent capacity of gardening programs including opening new locations; purchasing equipment; and/or expand staff or group of volunteer participants (tabled 4/6/2015) Resolved by the City Council of the City of Berlin as follows:

Whereas, funding from the Harvard Pilgrim Healthy Food Fund Grant will allow expanded garden space in the community; and

Whereas, tools, seeds, equipment and garden support including a part time employee to teach community members about gardening will be provided.

Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the City Manager is hereby authorized to apply for and receive funds from the Harvard Pilgrim Healthy Food Fund Grant in the amount of \$5,000 and to do all things necessary to effectuate the grant. Be it further resolved that said funds granted to the City of Berlin shall be appropriated for the purpose of the grant. 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 at this time. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

NEW BUSINESS

4. Ordinance 2015-07 Amending the Code of Ordinances, Chapter 13, Streets, Article IV. Parks and Recreation, Division 2, Operation of Off Highway Recreational Vehicles, Sec. 13-112. Operation of OHRV's (1st read)

Councilor Theberge moved with a second by Councilor Nelson to table the ordinance and schedule a public hearing on May 4, 2015. So moved, the motion carried.

5. Resolution 2015-12 Accepting a donation of \$20,000.00 (Twenty Thousand Dollars) for field improvements at Community Field from Burgess BioPower (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on May 4, 2015. So moved, the motion carried.

6. Resolution 2015-13 Authorizing the Berlin Airport Authority (BAA) to sell a certain parcel of Berlin Airport Authority land for the appraised value of \$35,000.00 to Robert Chapman, Sr. (1st read)
Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on May 4, 2015. So moved, the motion carried.

Councilor Theberge asked if this land will be affected with the growth of the airport. Mayor Grenier replied that the land is of no value to the City and is on the river side of the airport.

7. Resolution 2015-14 Amending the City of Berlin's speed limit map, pursuant to the City of Berlin's Code of Ordinances Sec. 15-41 (1st read)
Councilor Nelson moved with a second by Councilor Higbee to table the resolution and schedule a public hearing on May 4, 2015. So moved, the motion carried.

8. City Manager's Report

Dog Registrations at the April 11, 2015 Rabies Clinic

Once again, the Beagle Club sponsored a Rabies Clinic to provide shots for cats from 9:00 a.m. until noon and from 1:00 p.m. until 4:00 p.m. for dogs at the Berlin Recreation Center.

As a Community Service, City Clerk Debra Patrick and Sherry Young set up a table at the clinic to register Berlin dogs. A total of 117 dogs were registered in a very busy 3 hours. This is the 19th year the City Clerk has provided this service for our local dog owners.

For the first time ever, dog notices were mailed with the sewer bills this week. This was a savings of roughly \$300 in mailing fees due to the cooperative efforts of the Finance Department and City Clerks' Department working together toward a common goal.

As a reminder to Berlin dog owners, all dogs four (4) months old and over are required to be licensed by May 1, 2015. Failure to do so will result in a \$25.00 forfeiture fee as well as a \$1.00 per month penalty fee for every month dogs are not registered per RSA 466:13 beginning June 1, 2015. Current rabies certificates are needed when registering dogs. The various fees are as follows:

Male/Female	\$9.00
Neutered Male/Spayed Female	\$6.50
Owner over 65	\$2.00 (first dog)

Mail-in dog registrations are available to download on the City of Berlin website on the home page: www.berlinnh.gov

Berlin Recreation. Announces area residents of Friendship Park have first option to obtain a raised bed for their growing pleasure. Neighbors whose address is listed as Mason, Granite, York, Cushing, Clover Street or Bell Lane have until May 15 to select a raised bed at Friendship Park. The fee is \$20.00 per bed (soil included). There are two handicap accessible beds available. Starting on May 18, any remaining beds will be on a first come-first serve basis. A basic Garden Guideline contract will have to be signed and the \$20.00 fee per bed is required at time of registration. Register at the Berlin Recreation Department, 672 First Avenue, Berlin. Friendship Park Raised Beds were made possible through a HEAL (Healthy Eating/Active Living) Grant, Neighborhood Stabilization Funds through HUD, and volunteer efforts of the Enriched Learning Center.

The Recreation Department's Ski Program was the recipient of a \$2,327.00 donation from Wildcat - Attitash Ski Organization for the fourth year in a row. The money was raised during the Ski Mountain's annual Season Passholder Party and Auction

Local businesses came through once again to the delight of over 200 children as they hunted for treats and tried their luck at raffles during the 34th Annual Easter Eggstravaganza at the Berlin Recreation Center on Saturday, March 28. The gym was filled with treats and decorations thanks to Gill's Florist and Candy Shop. Financial assistance was also provided by Coulombe Real Estate and Verizon Wireless Zone. In addition, Verizon Wireless Zone brought over four large Easter baskets to raffle and Greetings Jewelers provided us with 31 stuffed bunnies to award to those who found the "special egg." The children were thrilled!

Berlin Airport. An airport project scoping meeting was held on April 14, 2015. Carol Niewola, Aviation Planner from the NHDOT attended along with Eric Kaminski, Jay Poulin, HEB, Lee Carol, Lee Carol Associates and myself. During the meeting a variety of projects were discussed including the current Jet-A Fuel Tank Project, a Hazard Beacon Pole Replacement Project, Rehabilitation of the Rotating Beacon Project, HVAC Improvements in the Terminal Building Project, and a Wild Life Study Project. The future project planning will be refined as each of these proposed projects is studied.

Route 16. Reconstruction Project Stakeholders Meeting was held on Thursday April 16th at Berlin City Hall at 10:00 am. This session was held for businesses, local government agencies and other organizations such as the Chamber of Commerce so that they would have an opportunity to comment on concerns or elements they would like to see incorporated into the project. Additional stakeholder groups will meet in the future.

Hazard Mitigation Plan. The first City Hazard Mitigation Plan re-write meeting was held at the White Mountains Community College on April 8th. The planning consultant is June Garneau of MAPS who is located in Twin Mountain. There will be several planning meetings before a final document is produced.

Primex. Annual Meeting will be held on May 13th and 14th at the Mount Washington Hotel. If any City Councilors would like to attend or you would like further information, please contact Sue Tremblay.

Legislative Issues – The House and Senate Calendars for this week are attached. One of the more significant issues to the North Country, SB 30-FN-L (relative to Balsams project), will undergo a public hearing at 1 PM on Tuesday in the Representative Hall of the State House. In addition, the Senate Ways and Means Committee will likely discuss and possibly vote on HB 547, the Pole Tax Bill and HB 192, the Valuation of Utilities Bill on Tuesday

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

Regarding SB 20-FN-L, establishing a commission on historic burial grounds and cemeteries, Councilor Rozek asked if they could help with the Cates burial ground on a citizen's property. These historical plots exist all over the state on private properties and maybe the state can take care of them. The City Manager replied he will review the bill to see how it will apply.

Councilor Rozek shared his idea to pave part of the road on Cates Hill that is in disrepair. If they just do shim paving it will break again. They need to make the road flush with the wetland on either side of the road like they did on the northern part of Rt. 16 near Errol. They could do a quarter of a mile to cover the bad areas which are by the cemetery and Farley Road. Adding drainage is a step in positive improvements.

9. Mayor's Report

- Proclamation: Water Works Week, May 3-9, 2015

Councilor Rozek moved with a second by Councilor Higbee to accept the BWW Proclamation. So moved, the motion carried.

- Appointments: Planning Board.

Mayor Grenier nominated Regular Members: Ernie Allain, Aline Boucher, Thomas McCue and Alternate Member John White for three year terms set to expire April 2018.

Councilor Rozek moved with a second by Councilor Gentili to accept the Mayor's nominations for the Planning Board as presented. So moved, the motion carried.

Mayor Grenier mentioned the vote in the Work Session regarding Paul Croteau's request to establish a Junk Yard. The Mayor asked the four Councilors who voted on the prevailing side to reconsider their vote. He feels they would gain a hand on the way Mr. Croteau does business. The City has spent lots of money on legal battles and giving Mr. Croteau a license would yield stronger legal authority to contain his actions. We could get DES involved and prosecute violations since he is not a licensed operator. The Mayor asked them to sleep on it and if they change their minds,

they could ask the City Clerk for a reconsideration tomorrow morning. The way it is now, it totally disarms the City Manager and City Planner in dealing with this issue to get his operation out of 110.

Councilor Nelson would be willing to ask for a reconsideration only if they make the stipulation that if he is not in compliance, there would be penalties. She would like to see his other properties cleaned up before giving him permission to have a Junk Yard.

Mayor Grenier clarified that for the purposes of Roberts Rules of Order, they need to file for reconsideration to discuss the issue next Monday.

Councilor Higbee felt they were granting permission before they knew what the conditions would be and he did not like the idea of saying yes up front. If the motion was worded differently, it would have made a difference.

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

10. Public Comments – No Comments

11. Council Comments

Councilor Higbee informed Council that the North Country Council has a meeting on April 29 and they plan to review municipal dues for 2015 specifically the discount for Berlin and they can't decide the methodology. He will not be in town and suggests that Council either send a note or letter or send Tom McCue to have someone there to represent the City.

Councilor Nelson asked the City Manager for an updated waiting list of the CAP properties.

12. Adjournment: There being no further business before the Mayor and Council, 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 8:12 p.m.

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