

## **City Council Work Session**

### **September 4, 2018**

Present were: Mayor Grenier, Councilors Theberge, Gentili, Remillard, Otis, Higbee, Berthiaume, and Morgan Allain; Councilor Rozek was absent

Others present: City Manager Jim Wheeler, Tom McCue, Claire Stiles, Barbara Tetreault *Berlin Daily Sun* and public.

Mayor Grenier opened the meeting at 6:30 p.m.

Councilor Remillard moved to add a request to sell unopened wine at the Berlin Farmer's Market; Councilor Morgan Allain seconded and the motion carried.

### **Legislative Policies**

Mayor Grenier introduced Tom McCue who has been the City's long time representative to the Legislative Policy Conference. Mr. McCue is Chair of the Berlin Planning Board and sits on the Coos County Planning Board. Mr. McCue stated that he will need authorization to represent the municipality and to vote on behalf of the City of Berlin. At the conference, to be held September 14, legislation submitted by various cities and towns is considered to see if the NH Municipal Association will support their ideas. NHMA consistently opposes any legislation that involves the downshifting of costs to municipalities.

Mr. McCue indicated that he served on the NHMA Land Use and Planning Committee reviewing legislation dealing with land use. Councilor Remillard asked if there is proposed legislation relevant to Air B&B's. Mr. McCue stated that there is legislation for the regulation of short term rentals which would authorize municipalities to regulate. Berlin's approach has been to wait and see. In NH the communities cannot regulate if there is no authorizing legislation.

NHMA would like clarification that cities and towns have the authority regulate short term housing. It cannot be the same regulation for every community because what works in one may not work in another. Mr. McCue added that the DRA has said that rentals are subject to rooms and meals tax. Mayor Grenier noted that the City would support the idea of local control. Mr. McCue stated that Berlin's zoning ordinance does not authorize short term rentals and if it is not in the zoning ordinance, it is not allowed.

Councilor Higbee asked if there are Air B&B's paying rooms and meals tax in Berlin and Mr. McCue noted that A B&B makes them aware that it is due.

Councilor Nelson expressed concern that these rentals are not registered and we don't know if they are up to code. Councilor Remillard indicated that the Planning Board is waiting to see how other communities handle it. She added that for those who use the A B&B service, it self regulates with comments left by landlords and tenants.

Mayor Grenier stated that he read all the proposals and he questioned a proposal from Easton asking NHMA to support a bill that would clarify that the Site Evaluation Committee does not have jurisdiction over use of municipal roads by merchant utility projects. Mr. McCue stated that this was brought on by the Northern Pass project. It is not clear whether the site evaluation committee has jurisdiction to regulate roads. They're looking for clarification to see if that is what the legislature had intended. Mr. McCue noted that the SEC has superseded local authority. Mayor Grenier added that SEC is sensitive to local issues.

Mayor Grenier expressed support for legislation proposed by Hudson that would lower the abatement interest rate to align it with the interest rate on delinquent taxes which was recently lowered by the NH Legislature.

Mr. McCue commented on proposed legislation that would allow municipal authority to adopt more recent building and fire codes. Currently if the State has not adopted a National Code, municipalities cannot either.

Councilor Higbee moved to authorize Tom McCue to attend the NHMA Policy Conference on September 14 to represent the City of Berlin as its official voting delegate; Councilor Morgan Allain seconded and the motion carried.

### **Request for Sewer Extension**

Mr. Wheeler noted that Mr. Goddard was not able to make it to this meeting. He explained that travelling up Balsam Street, the last sewer extension is at Alpine Street. An extension of public sewer to Mr. Goddard's property would be 209 feet. The City Ordinance for sewer extension has a statement that the City "shall" provide 100 feet of pipe and a manhole; it is up to the property owner to pay for the remainder of the extension. There is however, a statement in the ordinance that says there is nothing to prevent the City from providing that the whole or part of the expense be paid by the City. Mr. Goddard is asking for more support than 100 feet of pipe and a manhole. He is asking that he pays for 100 feet of pipe and a manhole and the City pays the rest. The question is, do we want to do anything different than what is in the ordinance?

Councilor Higbee questioned how often we talk about setting precedent. We would be demonstrating a willingness to pay for new sewage. Councilor Nelson asked if any other properties can be serviced with this sewer line. Mr. Wheeler replied that Mr. Goddard's letter says there are three. Councilor Nelson commented that when the issue occurred on Haskell Street, they were required to pay down to the sewer line. Councilor Remillard asked what we did with others who have built. Mr. Wheeler responded that with Mike Caron, the city provided 100 feet of pipe and a manhole; with others, he would have to look into it. Mayor Grenier noted that if there is future development that would use the sewer line, the developer could share in any future reimbursement. The first house pays for the whole sewer and subsequent people who tie in would pay the City and the City would reimburse the first house.

Mayor Grenier suggested that the City pay cost of materials. Councilor Remillard maintained that we should be consistent. Mr. Wheeler stated that he would bring the information requested to another meeting.

**Segregated Funds Resolution**

Mr. Wheeler noted that this is the standard resolution that brings forward school, city, and sewer capital improvement funds from FY 18 to FY 19.

**Wine Sales**

Councilor Higbee reported that the request came in from Mountain Music Winery who wants to sell wine at Berlin's Tuesday night market. He needs the Liquor Commission's and the City's permission to go forward.

Councilor Higbee suggested a resolution that would give general approval as long as the Liquor Commission has given approval. The seller has to ask the liquor commission in a letter to sell closed bottles and tell what dates and show proof that the municipality has supported. The blanket approval would be contingent on seeing the Liquor Commission's approval. Councilor Gentili confirmed that this would need to be done on an annual request. Councilor Remillard asked if there was a problem at another market, would the City be notified? She wanted more information before pursuing a blanket approval.

Councilor Remillard moved to grant permission for Mountain Music Winery to sell closed, unopened bottles of wine at the Berlin Farmer's Market in accordance with liquor commission rules; Councilor Otis seconded and the motion carried. Councilor Higbee abstained

With no further business in the Work Session, the Council moved on to the Regular Meeting.

## **CITY COUNCIL MEETING – Tuesday, September 4, 2018**

### **PUBLIC HEARING**

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:30 p.m. to hear comments on the following subject matters:

Resolution 2018-21 Appropriating \$191,026.68 of Deferred Revenue. Mayor Grenier asked for comments from the public. There being none, he closed the public hearing for this subject matter and opened a public hearing for:

Resolution 2018-22 Authorizing Grant Application of Up To \$800,000 for Hutchins St Sidewalk. Mayor Grenier asked for comments from the public. There being none, he closed the public hearing at 7:32 p.m.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:32 p.m. in the Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Higbee, Berthiaume, Gentili, Remillard, Theberge and Morgan Allain; Councilor Rozek was absent. Also present: Jim Wheeler, Claire Stiles, Barbara Tetreault, Berlin Daily Sun, and public

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Higbee to accept the minutes of the August 20, 2018 Regular Meeting/Work Session. So moved, the motion carried.

### **Disbursements:**

Disbursement Summary Draft #1822 start date 08/21/2018; end date 09/04/2018 for a total cash disbursement of \$503,807.70. Councilor Theberge moved with a second from 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** – there were no comments

### **UNFINISHED BUSINESS**

1. **Council Committee Reports** – There were none.
2. **Resolution 2018-21 Appropriating \$191,026.68 of Deferred Revenue**

In the Year of Our Lord Two Thousand Eighteen

A Resolution carrying over One Hundred Ninety-One Thousand, Twenty-Six Dollars and Sixty-Eight Cents (\$191,026.68) of Grant Funds from the year ended June 30, 2018 which are not yet expended to Fiscal Year 2019.

Resolved by the City Council of the City of Berlin as Follows:

That the following grant funds for the year ended June 30, 2018 be carried over to FY19 as described below:

Rev Acct #	Description	Grant Amount Received	2018 Expense	Grant Funds Re-Appropriated	Totals By Fund
	FUND 10				
10-305-239-0000	School Grants/Donations	32,085.72	26,488.81	5,596.91	
10-305-240-0000	AV Roy Grant	1,258.05		1,258.05	
10-309-201-0000	Berlin City Dealership	10,967.66	2,260.72	8,706.94	
10-382-301-0000	NHCF Grant	3,431.36	931.36	2,500.00	
10-383-301-0000	NC Health Consortium	47,303.05	34,130.07	13,172.98	
10-387-301-0000	Nellie Mae Trans. Ed	60,000.00	20,690.75	39,309.25	
	Total Revenue Deferrals FD 10 - School Grants				70,544.13
10-209-202-0000					
	Health Dept.				
30-361-604-0017	Hazard Mitigation Grant	154.83	-	154.83	
30-361-604-0019	Public Health Community Initiative	2,661.64	-	2,661.64	
30-361-604-0020	NC Health Consortium Pandemic Planning	831.44	-	831.44	
30-361-604-0021	Pandemic Acute Care Center Supplies	9,850.00	-	9,850.00	
30-361-604-0022	Heal NH Grant	2,225.54		2,225.54	
30-361-604-0024	Home Care Association	205.95	-	205.95	
30-361-604-0026	Harvard Pilgrim Healthy Food Grant	2,646.40	-	2,646.40	
					18,575.80
	Other City Departments				
30-366-603-0001	Better Buildings-EECBG	689.02	-	689.02	
30-366-603-6012	NH Charitable FND Leadership Program	3,615.80	-	3,615.80	
30-366-603-6017	NH Charitable FND Mt. Forist Parking Lot	14,000.00		14,000.00	
30-366-603-6018	NH Charitable FND Skate Park	75,000.00		75,000.00	
30-368-601-0001	Rec Dept - Attitash Donation	6,994.31	1,860.00	5,134.31	
30-368-601-0002	Rec Dept - Babe Ruth Grant from CCB	1,424.38	252.08	1,172.30	
30-368-601-0004	Recreation Donations	2,061.28	1,564.14	497.14	
30-369-605-0002	Community Field Imp Berlin Biomass	2,933.01	1,134.83	1,798.18	
					101,906.75
30-209-202-0000	Total Revenue Deferrals Fund 30 - Grant Fund				120,482.55
	Total Grant Funds Deferred				191,026.68

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

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

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

Councilor Berthiaume moved with a second by Councilor Higbee to pass the resolution. Roll call vote resulted all in the affirmative, the motion carried

### **3. Resolution 2018-22 Authorizing Grant Application of Up To \$800,000 for Hutchins St Sidewalk**

In the Year of Our Lord Two Thousand Eighteen

A RESOLUTION authorizing an application to NHDOT Transportation Alternatives Program for a grant in an amount up to Eight Hundred Thousand Dollars (\$800,000.00). The purpose of the grant is to construct a new sidewalk along Hutchins Street between Napert Village and the intersection of Columbia Avenue with Hutchins Street.

Resolved by the City Council of the City of Berlin as Follows:

Whereas, up to Eight Hundred Thousand (\$800,000.00) is available to municipalities in New Hampshire and all grants require a match of twenty percent of the total project; and

Whereas, if awarded, up to Eight Hundred Thousand Dollars (\$800,000.00) of the funds will be used for constructing a new sidewalk along Hutchins Street between Napert Village and the intersection of Columbia Avenue with Hutchins Street; and

Whereas, the City recently finished a new sidewalk project along Hutchins Street and there is an area approximately 1,700 feet in length with no sidewalk; and

Whereas, the City recognizes Hutchins Street is the City's primary truck route and north/south connector road which experiences heavy traffic and a new sidewalk connecting the two existing sidewalks will make the area much safer for pedestrians and motorists alike; and

Whereas, the City's Master Plan calls for the application of TAP funds to construct additional sidewalks in the City.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That, the City Manager is authorized to apply to the NHDOT Transportation Alternatives Program for a grant in an amount up to Eight Hundred Thousand Dollars (\$800,000.00). The purpose of the grant is to construct a new sidewalk along Hutchins Street between Napert Village and the intersection of Columbia Avenue with Hutchins Street and the City Manager is authorized to execute any documents which may be necessary to effectuate the NH DOT Transportation Alternatives Program grant and contract;

Be it further resolved that the City Manager is authorized to receive said grant and the grant proceeds are hereby appropriated for the purpose of the grant; and all grant proceeds shall be deposited with the City Treasurer and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

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. Roll call vote resulted all in the affirmative, the motion carried

## **NEW BUSINESS**

### **4. Resolution 2018-23 Carrying Over \$1,665,339.65 of Capital Funds into FY2019**

Councilor Berthiaume moved, with a second from Councilor Higbee, to table the resolution and schedule a public hearing for Monday, September 17, 2018. So moved, the motion carried.

### **5. Communication re: Homecoming 2018**

Councilor Remillard moved to accept the communication and approve the proposed parade route as described and to send a letter to the Backers confirming such; Councilor Otis seconded and the motion carried.

**6. Request for Handicap Parking Space at 345 Willard Street**

Councilor Remillard moved to refer the letter to the Traffic Safety Committee and to send a letter of acknowledgement to Northern Human Services; Councilor Otis seconded and the motion carried.

**7. Request for Street Light on Hampshire Street**

Councilor Berthiaume moved to refer the letter to the Traffic Safety Committee; Councilor Higbee seconded and the motion carried.

**8. City Manager's Report**

1. The Berlin Board of Education and Mayor are hosting a workshop on education funding on Thursday, September 6th at 6 p.m. in the Berlin Middle School Auditorium, located at 200 State Street. Attached are talking points, sample questions for political candidates and SOS (Save our Schools) posters.
2. The Hillside Ave. Bridge is open to pedestrian traffic travelling to and from school at the beginning and end of each school day. This accommodation was made so that the bridge closure did not affect/add to bussing schedules. The current opening date to vehicular traffic is expected the in first week of October.
3. The Primary Election will be held on September 11, 2018. Elaine Riendeau has agreed to stay on a per diem basis to assist us with the election. Bryan Chevarie, Deputy City Clerk is overseeing the day to day preparations so that the election goes as smoothly as possible.
4. Attached is a press release from Eversource indicating that the sale of its NH hydroelectric facilities is finalized. As we know, Hull Street Energy, headquartered in Bethesda, Maryland is the new owner.
5. Attached is a letter from Alex Belenzs of the North Country Council regarding the State Ten Year Transportation Plan for FY 2021-2030. North Country Council will be in contact this month to nominate new projects for inclusion in the Plan. We will include possible projects for consideration on an upcoming Council Agenda.
6. The LED Lighting project is 97% complete.
7. Plans for the Skatepark are 100% complete. We plan to begin some in-kind work within the next two weeks. Following this work, Spohn Ranch will arrive to execute the construction of the park.
8. HEB Engineers will give an update on the Riverwalk Project at tomorrow's Planning Board Meeting. The presentation will be held in the auditorium at 6:30 p.m. The online survey generated almost 400 responses, including many helpful comments from the community.
9. The Fire Department Incident report is attached as well as a report from Fire Chief John Lacasse.
10. The Police Department Activity Report for July is attached.

Mr. Wheeler reported that the School Department's enrollment is down by 57 which will in turn reduce State Aid by \$200,000.

Councilor Remillard moved to approve the City Manager's Report and place on file; Councilor Otis seconded.

In discussion, Councilor Higbee mentioned that he will not be available to greet voters and check ID's for the September 11 election. Councilor Gentili added that he will not be available either; he added that it is a rewarding experience and any councilor that is available should try to attend.

Councilor Remillard asked how soon the barricades will be moved on Hillside Avenue. The owner of Bob's Market contacted her regarding the lack of parking for his business. She asked that the City Manager talk with the contractor.

Councilor Theberge questioned the candle power of LED lights versus sodium. He said that the new lights are not casting as much light and are not as bright. Mr. Wheeler noted that they are supposed to be similar lumens and the difference has more to do with the nature of LED vs. sodium.

Mayor Grenier asked about the item on the Carryover Resolution referring to the pumper. It should say "repair" and not "replacement". Mr. Wheeler noted that an amendment will be prepared for the next meeting.

Councilor Morgan Allain asked how close we are to hiring a new City Clerk and Mr. Wheeler confirmed that we are close.

Councilor Higbee asked about four trees that were cut along the new Route 16. He described their location. Mr. Wheeler stated he would look into it.

With no further questions, the Council voted on the motion to accept the Manager's Report and the motion carried.

9. **Mayor's Report** – no report

10. **PUBLIC COMMENTS** – no comments

11. **Council Comments** – no comments

12. **Adjournment** – Councilor Higbee moved to adjourn; Councilor Theberge seconded and the motion carried. The meeting ended at 8:03 p.m.

Respectfully Submitted,  
Susan Tremblay  
Administrative Assistant

Minutes are unofficial until they have been accepted by the City Council by motion.