

## **PUBLIC HEARING – MARCH 7, 2016**

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:46 p.m. to hear comments on the following subject matters:

- Ordinance 2016-03 OHRV Ordinance - No comments.
- Resolution 2016-04 175 Washington St Sale to B. Edward & Laurie A. Bryant – No comments
- Resolution 2016-05 Highway Safety Grants – No comments

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 7:47 p.m.

## **CITY COUNCIL MEETING – Monday, March 7, 2016**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:47 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Gentili, Higbee, Rozek, Nelson and Theberge. Also present: City Manager Wheeler, Fire Chief Trull, Susan Tremblay and Barbara Tetreault.

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the February 15 Regular Meeting/Work Session; February 22 Work Session. So moved, the motion carried.

**Disbursements:** Disbursement Summary Draft #1760 start date 2/13/2016 end date 3/7/2016 for a total cash disbursement of \$1,555,483.40. Councilor Theberge moved with a second by 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** – No comments

## **UNFINISHED BUSINESS**

1. Council Committee Reports – No reports
2. Ordinance 2016-03 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. (tabled 2/15/2016) 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:
    1. d) The City of Berlin's roadways will be open to OHRV riders for purposes of accessing the Connector Trail, (via the shortest possible route) as well as local businesses and services. Riding on municipal streets for any other purpose is prohibited. 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 read the ordinance a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Higbee to read the ordinance 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.

3. Resolution 2016-04 authorizing the transfer of 175 Washington Street, Map 119; Lot 208 to B. Edward Bryant and Laurie A. Bryant of 180 Hillside Avenue for \$7,600.00. (tabled 2/15/2016) Resolved by the City Council of the City of Berlin as follows:

Whereas, the City of Berlin currently owns the property at 175 Washington Street, Map 119; Lot 208, tax deeded on April 28, 2014; and

Whereas, there is currently no tax base derived from the abandoned buildings on the property; and

Whereas, the buyer agrees to: demolish the main building and have the garage on the property evaluated for structural soundness; cap and seal the existing foundation, pay tipping fees and any other fees associated with the demolition estimated at over \$20,000.00; and

Whereas, the Mayor and Council have determined that the City of Berlin has no need for the property; and

Whereas, the proposal tendered by B. Edward Bryant and Laurie A. Bryant was found to meet the City's goals to remove dilapidated properties; and

Whereas, the Bryant's business will benefit with additional parking. Now therefore be it resolved by the City Council of the City of Berlin as follows: That the City Manager is authorized to do all things necessary to effectuate a contract to sell the property at 175 Washington Street, Map 119; Lot 208 for Seven Thousand, Six Hundred Dollars (\$7,600.00) to B. Edward Bryant and Laurie A. Bryant under an agreement which makes it clear that the proposed demolition, clean-up, and capping of foundation will be substantially completed within one year of the closing date, or the property will revert to the City. Further, that upon satisfactory completion of the demolition, the City will reimburse B. Edward Bryant and Laurie A. Bryant Five Thousand Dollars (\$5,000.00). 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 read the resolution a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to read the resolution 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.

4. Resolution 2016-05 authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2017. (tabled 2/15/2016)

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

Whereas, voluntary compliance of bicycle, scooter, and skateboard laws is a problem in Berlin, particularly in the downtown area; and

Whereas, DWI offenses are problems in Berlin; and

Whereas, traffic light avoidance is a problem which creates unnecessary risk for pedestrian traffic, and designated patrols are needed for enforcement; and

Whereas, the New Hampshire primary child passenger safety law requires that all children up to the age of four be restrained and properly secured in an approved child passenger safety seat, and everyone up to the age of 18 use a seat belt; and

Whereas, operation of OHRVs on public ways is a concern; and

Whereas, distracted driving during morning and evening commutes is a statewide problem requiring increased public awareness that distracted driving will not be tolerated; and

Whereas, information is available to teach young, inexperienced drivers specific educational experiences that focus on the behavior of vehicles, their limits of operation, and the effectiveness of seat belt use in the operation and occupancy of a motor vehicle, as they do not realize the limitations of vehicles or the harmful impact that alcohol may have on their ability to safely operate a vehicle; and

Whereas, the NH Highway Safety Agency funds local projects to promote such enforcement and education. Now therefore, be it resolved by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and receive funds for Highway Safety Project Grants. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purposes of the grants during Fiscal Year 2017. This Resolution shall be in full force and effect from and after passage.

Councilor Theberge moved with a second by Councilor Nelson 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 read the resolution a second time by title only. So moved, the motion carried.

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

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

## **NEW BUSINESS**

5. Ordinance 2016-04 amending the Code of Ordinances Chapter 9 License and Regulation of Occupations and Businesses Article VI Restaurants by amending Division 3 Alcoholic Beverages Sec. 9-236 Hours of Sales. (1<sup>st</sup> read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on March 21, 2016. So moved, the motion carried.

6. Communication from Community Bible Academy.

Marshall Santy, CBA School Board Chair, wrote that they realize that Berlin has moved its polling places away from local schools to more public locations. The Community Bible Academy is located in the church building. Allowing the building to be open to the public as a polling place compromises the ability to maintain an element of safety for students and staff. Their school board would like to respectfully request that the CBA requirement for a safe secure environment be addressed as a part of Berlin's plan to adjust polling places.

Councilor Theberge moved with a second by Councilor Higbee to accept/file the communication and direct the City Manager to meet with Mr. Santy for a resolution to the issue. So moved, the motion carried.

7. City Manager's Report

1. BEMS provided us with their Annual Report for Year Ending 2015. During 2015, the trend of increased call volume continued. Chris and Jonathan Dubey have been co-owners of the business for the past ten years and in 2015, Jonathan decided to resign his position and transfer his holdings in the company. Chris has provided the draft terms of a contract renewal which will be brought to the Council in the near future.

BEMS continued to offer low or no cost services to several community activities including the ATV Festival, Downtown Clean-up, Riverfire, Berlin Gladiators, the Farmer's Market and BHS parades including Homecoming. The full report from BEMS is attached.

2. With the assistance of Kelly Croteau and Jennifer Gagne (Make-A-Wish representatives) and many other volunteers the Berlin Fire Department and Northern NH Corrections held a Make-A-Wish Benefit Hockey Game on Saturday, March 5 at the Notre Dame Arena. NH Corrections won 5/4 however the real winners will be the NH children who have their wish granted by the Foundation. The event raised \$5,620.00. Seniors Julia Grey, Mathew Morin, and Nathan Trull raised \$2,400 on their own. There were approximately 500 in attendance along with 8 Make-A-Wish children and their families. Thank you BFD and NH Corrections for participating in this worthwhile event.

3. Bids for the reconstruction of Hutchins Street will be received by the City until 2:00 p.m. local time on March 22, 2016. There was a mandatory pre-bid meeting on Friday March 4<sup>th</sup>. A total of 9 general contractors were represented. This is a sign that there should be some good competition for the project.

4. Rte. 16 bid packages have been prepared and will be advertised on Tuesday, March 8<sup>th</sup>. A pre-bid meeting is scheduled for March 17<sup>th</sup> and the bid opening is scheduled for April 14<sup>th</sup>.

5. An application for an expedited NHDES Wetlands Permit was submitted by HEB Engineers on February 22nd for Route 16. The Wetlands Permit is for impacted wetlands where the turning radius of the 12<sup>th</sup> Street Bridge will be improved. A copy of the permit request is available for review.

6. 56 Iceland Street is out for bids which are due March 10th. The property has a minimum bid of \$5,000 as requested by the Council.

7. In addition to the Neighborhood Stabilization Grant work Linda White will be tying up some loose ends on a few housing issues including the training of a new housing coordinator when one is brought on board.

8. The Police Department's statistics for January 2016 are attached.

9. A Public Works Department Report is attached.

10. House Bill 1198, a bill that prescribes a method for telephone pole valuations, will go before the full House on Wednesday March, 9<sup>th</sup>. On Wednesday March 2<sup>nd</sup> the House Ways and Means Committee voted 16-5 to recommend a proposal drafted by Fairpoint Communications. This action opposes a recommendation that was made by the Assessing Standards Board. Efforts are underway to encourage the voting down the bill at the House or to adopt an amendment that follows the recommendation of the Assessing Standards Board.

The House Judiciary Committee voted to recommend killing HB 1687 and 1688 which would have increased municipal liability in negligence cases.

The House Finance Committee has recommended that HB 1698, Medicaid Expansion bill, as Ought to Pass with amendment. This bill will extend the NH Health Protection Program for two years. This program has shown to save municipal welfare programs money.

Last Tuesday the House Resources, Recreation and Development Committee voted to recommend that SB 380 Ought to Pass. This bill establishes a drinking water and groundwater trust fund using the approximately \$300 million in proceeds from the State's lawsuit with Exxon over MTBE groundwater contamination.

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.

8. Mayor's Report – Planning Board Appointment.  
Per recommendation of Planning Board Chair, Ernie Allain, Mayor Grenier nominated Martha Creegan for another three year term set to expire April 2019. Councilor Rozek moved with a second by Councilor Higbee to accept the Mayor's nomination of Martha Creegan. So moved, the motion carried.
9. Public Comments – No comments
10. Council Comments - No comments
11. Adjournment: There being no further business before the Mayor and Council, Councilor Theberge moved with a second by Councilor Morgan Allain to recess the regular meeting to go into Non-Meeting per RSA 91-A:2, I.(c) Legal Consultation. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier who declared the regular meeting recessed at approximately 8:14 P.M.

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