

PUBLIC HEARING – OCTOBER 3, 2016

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:25 p.m. to hear comments on the following subject matters:

Ordinance 2016-07 amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XXI, DEFINITIONS, Section 17-222, Specific Definitions

Robert Usherson of 44 Twelfth Street, recently moved to the area. Prior to his retirement, Mr. Usherson worked as a City Planner and has significant experience with electronic digital message board signs. He urged the Mayor and Council to not adopt the ordinance in its current form. He recommended that the City take more time to craft the ordinance. Mr. Usherson suggested that the City review the illumination standard, auto dimming and display time. He stated that the City should take consistency, enforceability and content into consideration when creating the ordinance. Mr. Usherson implored the Mayor and Council to look into this ordinance more and to create a standard for light levels now.

There Being no further comments, Mayor Grenier closed this portion of the public hearing at 7:40 pm.

A public hearing was opened on Ordinance 2016-08 amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XV, Signs, Section 17-164, Signs allowed by Permit Only. No comments were presented and Mayor Grenier closed this portion of the public hearing at 7:41 pm.

A public hearing was opened on Resolution 2016-26 appropriating the sum of up to \$30,540.00 to Berlin Police Department Fund 30 for anticipated 2016 Camp RZR Expenses which will be reimbursed by Polaris and the Coos County Delegates.

There being no one wishing to speak further regarding the subject matter at this time, Mayor Grenier declared the Public Hearing portion of the meeting closed at approximately 7:42 p.m.

CITY COUNCIL MEETING – Monday, October 3, 2016

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:42 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Higbee, Rozek, Nelson and Theberge. Councilor Gentili was absent. Also present: James Wheeler, Susan Tremblay, Barbara Tetreault, Pam Laflamme, Robert Usherson and Naomi Levesque

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the September 19 Regular Meeting/Work Session as well as the September 26 Work Session. So moved, the motion carried.

Disbursements:

Disbursement Summary Draft #1774 start date 9/20/2016 end date 10/03/2016 for a total cash disbursement of \$1,179,812.17. 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 – There were none.

UNFINISHED BUSINESS

1. Council Committee Reports – There was none.
2. Ordinance 2016-07 Electronic Message Display Regulations (Tabled 9/19/2016)

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XXI, DEFINITIONS, Section 17-222, Specific Definitions

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

NOW THEREFORE BE IT ORDAINED by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, ZONING, ARTICLE XXI, DEFINITIONS, Section 17-222, Specific Definitions is hereby amended as follows (double underline = new language):

Electronic Message Display:

A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

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 Otis 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. So moved the motion carried and Mayor Grenier declared the ordinance now passed.

3. Ordinance 2016-08 Signs Allowed by Permit Only (Tabled 9/19/2016)

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XV, Signs, Section 17-164, Signs Allowed By Permit Only

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

NOW THEREFORE BE IT ORDAINED by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, ZONING, ARTICLE XV, SIGNS, Section 17-164, Signs Allowed By Permit Only is hereby amended as follows (double underline = new language):

8. Electronic Message Displays

Electronic Message Displays may be permitted in Business General and the Industrial Business Zones subject to the following requirements:

- a. Operation – such displays shall be limited to messages that appear or disappear from the display. In no instance shall the display use the flash mode of operation.
- b. Display Time – each message on the sign must be displayed for a minimum of 10 seconds, with the exception of time and temperature displays which may change every three seconds.
- c. Illumination – the display must be equipped with automatic and manual dimming controls. The maximum nighttime brightness shall not exceed 700 NITs (candela per square meter).

- d. Hours of operation – 5am until 12am; 12 am to 5am with a static message.
- e. Content – The display may only be used to advertise goods and services on the property, time and temperature, and public service announcements. It may not be used to sell advertising to outside businesses.
- f. Size, height and distance from right of way shall follow the provisions of the underlying zone in which the sign is located.

This Ordinance shall be in full force and effect from and after passage.

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

Councilor Nelson moved with a second by Councilor Remillard to pass the ordinance. Roll call resulted in Councilors Remillard, Otis, Nelson and Mayor Grenier voting in the affirmative. Councilors Morgan Allain, Higbee, Rozek and Theberge voting in the negative. The motion failed.

A discussion took place regarding the direction of where the Council and Mayor felt the Ordinance should be heading. Councilor Rozek stated that the ordinance should be reviewed further. However, the Mayor felt that the ordinance should at least be in place now and could always be re-worked as necessary. Mayor Grenier asked Mr. Usherson if he would be willing to pull information together and present it to the Planning Board. Mr. Usherson stated that he will be leaving for a period of time, but would bring in information to Pam Laflamme, City Planner.

In order to keep the ordinance moving forward, Mayor Grenier asked if a Council member would reconsider their original negative vote. Councilor Morgan Allain stated that she would. Councilor Remillard moved with a second by Councilor Nelson to accept the reconsideration of Councilor Morgan Allain's vote. So moved, the motion carried.

Councilor Rozek moved with a second by Councilor Morgan Allain to pass the ordinance. Roll call resulted in all votes in the affirmative. The motion carried.

Mayor Grenier stated that the sign language can be tightened up down the road. He thanked Mr. Usherson for his comments and assistance. Councilor Higbee thanked the Planning Board for their work on this matter. He also noted that the City will need to be careful enforcing this ordinance and stated the current sign should be brought into compliance. Councilor Nelson stated this needs to be really looked at for the residential areas.

4. Resolution 2016-26 Appropriating up to \$30,540.00 to the PD (Tabled 9/19/2016)

A RESOLUTION appropriating the sum of up to Thirty-Thousand, Five Hundred and Forty Dollars (\$30,540.00) to Berlin Police Department Fund 30 for anticipated 2016 Camp RZR Expenses which will be reimbursed by Polaris and the Coös County Delegation

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

WHEREAS Berlin is the gateway to the Great North Woods where many NH and out-of-state residents come to enjoy outdoor activities such as OHRV riding; and

WHEREAS Polaris has designated the Berlin OHRV park for their 2016 Camp RZR event; and

WHEREAS this event will entail enforcement services provided by outside agencies; and

WHEREAS the Berlin Police Department has been designated intermediary for payments pertaining to outside agency enforcement services, and

WHEREAS the Coös County Delegation has authorized up to \$3,540.00 for law enforcement and medical tent expenses; and

WHEREAS Polaris has authorized up to \$2,000.00 for fire services, \$5,000.00 for trail enforcement services, and \$20,000.00 for law enforcement services;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the sum of up to \$30,540.00 is hereby appropriated to Berlin Police Department Fund 30 for outside agency enforcement expenses pertaining to Camp RZR.

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.

NEW BUSINESS

5. Ordinance 2016-09 Removing Parking on a Portion of Community Street (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the ordinance and schedule a public hearing on October 17, 2016. So moved, the motion carried.

6. Resolution 2016-27 Appropriating \$3,000 to PD for Distracted Driving Patrols (1st read)

Councilor Nelson moved with a second by Councilor Morgan Allain to table the ordinance and schedule a public hearing on October 17, 2016. So moved, the motion carried.

7. Resolution 2016-28 Authorizing Grant \$17,981.32 for Opioid Abuse Reduction Initiative (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on October 17, 2016. So moved, the motion carried.

8. Resolution 2016-29 Appropriating \$3,600 to PD for E-Ticket Equipment (1st read)

Councilor Theberge moved with a second by Councilor Higbee to table the resolution and schedule a public hearing on October 17, 2016. So moved, the motion carried.

9. Resolution 2016-30 Authorizing an Application to CDBG for Engineering & Technical Assistance (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on October 17, 2016. So moved, the motion carried.

10. Correspondence – City Clerk Polling Hours General Election

TO: Mayor and City Council

FROM: City Clerk
DATE: September 27, 2016
RE: POLLING HOURS/POLLING PLACES

Council is asked for the record, by motion, to set the polling hours for the November 8, 2016, General Election. The voters of Berlin previously voted to have the polls open at 8:00 a.m. and State Law mandates that all polling places remain open until 7:00 p.m.

For Council information, the Berlin voting locations are as follows:

PRECINCT 1 - Recreation Center, First Avenue entrance

PRECINCT 2/3 - St. Anne Hall, School Street

PRECINCT 4 - Community Bible Church (formerly Guardian Angel Church)

Respectfully submitted,
Elaine Riendeau
Berlin City Clerk

Councilor Remillard moved with a second by Councilor Otis to accept the communication and place it on file and a copy placed on the website. So moved, the motion carried

11. Mayor's Report

Mayor Grenier stated that Councilor Gentili's mother had recently passed away, and flowers were sent for her funeral from the City. The cost of the flowers, including delivery, was \$70.00. Payment for the \$70.00 can be taken from the Council Contingency Fund.

Councilor Rozek moved with a second by Councilor Morgan Allain to pay \$70.00 for flowers purchased for Councilor Gentili's mother's funeral service using the Council Contingency Fund. So moved, the motion carried.

A request was received from the Housing Authority to appoint John DeChamplain to complete David Graham's term on the Housing Authority. Mr. Graham resigned effective July 1st and his position term expires on December 31st.

Councilor Rozek moved with a second by Councilor Theberge to appoint John DeChamplain to fill the position of a Board Member for the Housing Authority with a term to expire December 31, 2016. So moved, the motion carried.

Mayor Grenier presented the following Proclamation to the Council.

OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH

Whereas, domestic violence is a serious crime that affects people of all races, ages, gender and income levels; and

Whereas, domestic violence is widespread and affects over 12.7 million Americans each year; and

Whereas, 60% of Americans know a victim of domestic violence; and

Whereas, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

Whereas, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity; and

Whereas, only a coordinated community effort will put a stop to this heinous crime; and

Whereas, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy services and assistance to victims; and

Whereas, the Mayor and City Council are working to raise awareness throughout the community by encouraging City employees and citizens to wear purple every Thursday in the month of October as a symbol of support for the NO MORE campaign and local businesses are urged to participate. Now, therefore, I, Paul Grenier, Mayor of Berlin, do hereby proclaim the month of October as DOMESTIC VIOLENCE AWARENESS MONTH and urge our citizens to work together to eliminate domestic violence from our community.

Paul Grenier
Mayor of Berlin, NH

Mayor Grenier asked that everyone wear purple every Thursday during the Month of October as a symbol of support.

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

12. City Manager's Report

1. Please help us recognize a deserving Berlin resident who has given their time and talent for the benefit of youth in the community by nominating that person for the Gus Rooney Award. [Applications](#) are due to the Recreation Department by November 9th.
2. Route 16 Update – Sargent Construction is planning to pave the base course of a completed section of the road this week. Jay Poulin will be here next week to provide a full update.
3. The Fire Chief has issued an initial notice of a pending 155B action to the owner of 609 Third Avenue.
4. We have received and are reviewing three "Smart Start" contracts from Eversource for energy efficient lighting upgrades at the Fire Dept., Library and City Hall. I expect to bring these contracts to the City Council with a recommendation next week.
5. All overhead doors at the Public Works Garage were upgraded over the last month. Personnel doors were upgraded over the last several weeks. All of the upgrades will improve energy efficiency.
6. The NH Retirement System Board of trustees recently certified employer rates of contribution to the NH Retirement System beginning July 1, 2017. The rates are as follows:

GROUP I	Pension Percentage	Medical Subsidy Percentage	Total Employer Percentage
Employees	11.08%	0.30%	11.38%
Teachers	15.70%	1.66%	17.36%
GROUP II			
Police	25.33%	4.10%	29.43%
Fire	27.79%	4.10%	31.89%

7. October is Domestic Violence Awareness month and as you may recall, the City participated in the "No More" campaign last year. We have hung the "No More" banner at the tennis courts on Glen Avenue and we are encouraging employees to

wear purple on Thursdays to bring about awareness and an end to domestic violence in our community.

8. As part of the 10 Year Celebration of the Neil and Louise Tillotson Fund several free community events have been organized:

- Free Artist Gallery Exhibition on October 20, 5 to 7 pm at WREN Makers Studio on Main Street
- Free Public Skate on October 23, 2 to 4 pm at the Notre Dame Arena
- Free Cup of Coffee White Mountains Café and Book Store on October 25, 7 to 9 pm

A full schedule including other area events is accompanies this report.

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.

13. PUBLIC COMMENT - There were none.

14. Council Comments

Councilor Remillard stated that she had been looking at the City's new website and no phone numbers are listed for the Council. She asked that this be looked into noting that it is important for the residents of Berlin to be able to contact them.

Councilor Theberge asked City Manager Wheeler if the sidewalks in the project area mentioned above in #2 of his report would be completed this year or next. Mr. Wheeler stated that the curbing would be completed this year but the actual sidewalk would be completed next year.

Councilor Nelson asked to make sure that the contractor for the Route 16 project is aware of the upcoming RiverFire Event.

15. 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 adjourned at approximately 8:25 P.M.

A True Record, Attest:

Elaine Riendeau
City Clerk