

City Council Work Session September 17, 2018

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

Others present: City Manager Jim Wheeler, Police Chief Pete Morency, Assistant Chief Dan Buteau, and Claire Stiles.

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

Opioid Legislation

Chief Morency reported that the City is being represented by Napoli Shkolnik, PLLC in a class action law suit to recover costs associated with the opioid epidemic and they suggested the proposed legislation. It is important that this is passed to emphasize the ongoing problems that are caused by the opioid epidemic. The language would be put into an ordinance and it would be on the next agenda for first reading. Mayor Grenier asked if the law suit is expected to go on for years and Chief Morency stated that the pressure to settle beforehand will come as the class action suit goes forward. He added that the costs to the City are endless. Mayor Grenier noted that first read of the ordinance will be October 1.

Health Officer Appointment

Mr. Wheeler explained that there was a form created some years ago that called for the selectmen to sign an appointment of the Health Officer. He confirmed with the State that the City Manager can sign and there is no need for Council action.

Ordinance re: Sale of Closed Container Alcohol at Farmer's Market

Mr. Wheeler explained that this comes on the heels of the discussion and suggestion to put something in the ordinance that would allow unopened alcohol sales at the Farmer's Market without a need for Council approval each time. Councilor Nelson asked if this includes the events at the Heritage Park and Mr. Wheeler noted that it is strictly for the Farmer's Market. Councilor Theberge asked if there is a limit on the alcohol percentage and Mr. Wheeler confirmed that it is not in the ordinance; however it may be covered by State Law. Our ordinance stated that the seller has to have permission from the Liquor Commission ahead of selling at the Farmer's Market. The ordinance is on the agenda for first reading.

Resolution 2018-23 Amendment

Mr. Wheeler noted that there is a small amendment that needs to be made on the resolution. Account #01-480-961-0012 Fire Department Engine 4 Pumper "Replacement" needs to be changed to "Repair"

Other

Mr. Wheeler noted that he is continuing to work on a statistical update on property values that would be effective on the upcoming tax bill. He's talked with other communities and the City's assessing firm, KRT who quoted \$12,000 for the update and an additional \$9,000.00 for hearings. The City would not sign on for the hearings. Mayor Grenier noted that the abatement process can be sent in the tax bill.

Bemis Street

Councilor Remillard acknowledged the letters received from Bemis Street residents and asked what it would cost to repave. Mr. Wheeler stated that he estimates it would be about \$50,000 from Rheims Street to Joe Lefebvre's house which is the first 700 feet. The asphalt needs to be ground and replaced to do a good job that will last. He noted that there are several ongoing projects including the work that FEMA will reimburse as part of the disaster declaration from last year. Once these projects are complete, we will have final costs. Councilor Rozek stated that we could prioritize Bemis Street as soon as there is money. Councilor Morgan Allain reminded the group that it was going to be done two years ago.

There was discussion about patching or having the road shimmed to last until spring at a cost of \$20,000. This would not last and it is not a good use of resources. It was determined that the best time of year to pave is in the spring. Council members committed to fixing Bemis Street temporarily for the winter with grader patch and rolling and to have grinding and pavement as a first priority in the spring. Councilor Nelson asked that the residents who wrote in be contacted with a letter back letting them know the plan.

Councilor Rozek mentioned that there is a big problem with the Water Department cutting laterals to put in pipes and then patching the asphalt. They are given a lot of latitude to patch streets and it comes back on the City. There is an ongoing agreement to pave 12 to 14 feet wide and they need to replace what they damaged. Trench patching does not work long term.

Non Public Session

Councilor Rozek moved with a second from Councilor Theberge to go into non-public session per RSA 91-A: 3II(d) Land Matters. So moved, the motion carried unanimously by roll call. Chief Morency and Assistant Chief Buteau were present for the nonpublic session.

Councilor Berthiaume moved to come out of nonpublic session; Councilor Rozek seconded and the motion carried.

Councilor Rozek moved to seal the minutes until the Mayor and City Manager determine they can be released as releasing them would render the action taken ineffective; Councilor Morgan Allain seconded and the motion carried.

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

CITY COUNCIL MEETING – Monday, September 17, 2018

Mayor Grenier recognized several students who were in the audience with their instructor Naomi Levesque. They had reported on the need for sidewalks on Hutchins and the City has applied to the NHDOT Transportation Alternative Program for \$800,000 to construct a new sidewalk along Hutchins Street between Napert Village and Columbia Avenue. Mayor Grenier applauded the group for being active in their civic duties.

PUBLIC HEARING

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:38 p.m. to hear comments on the following subject matters:

Resolution 2018-23 Carrying over \$1,665,339.65 of Capital funds into FY2019. There being no comments, he closed the public hearing for this subject matter 7:38 p.m.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:39 p.m. in the Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Higbee, Berthiaume, Rozek, Remillard, Theberge and Morgan Allain; Councilor Gentili was absent. Also present: James Wheeler, Claire Stiles, Naomi Levesque and members of the Afterschool Program, Bemis Street residents and public

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the September 4, 2018 Regular Meeting/Work Session and September 10, 2018 Work Session. So moved, the motion carried.

Disbursements:

Disbursement Summary Draft #1823 start date 09/05/2018; end date 09/13/2018 for a total cash disbursement of \$1,831,389.18. Councilor Theberge moved with a second from Councilor Berthiaume to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS

Mayor Grenier asked Mr. Wheeler to summarize the Council's discussion of their plan for Bemis Street. Mr. Wheeler said that the asphalt needs to be ground and paved from Rheims Street to Joe Lefebvre's house at a cost of around \$50,000. There is some complexity in the funding with the City completing work on Hutchins Street, the street light project, Hillside Avenue Bridge, and the work done in response to flooding that occurred on the East Side last year. We have applied to FEMA for reimbursement of 75% of the cost. If funding comes in as expected, we would then have enough to do Bemis Street.

Going forward, this fall Public Works will do some kind of grader patch to make the street better for the winter with a commitment that if there is enough money, grinding and repaving will be done in the spring. If there is not enough money, an appropriation would be budgeted for July 1 of the next fiscal year.

Bin Hood, 56 Bemis Street, commented that the street was patched in the fall and it is now in the same spot. He appreciates the Council taking time and is also sensitive to the budget. He said that all take good care of their properties and they pay a lot of taxes and he does not want to come back July 1 and have the same conversation.

Patty Hood, 56 Bemis Street stated that this is the same conversation that occurred a few years ago. She mentioned that in addition to cars that can be damaged, there is also the risk of injuries that can occur. Mayor Grenier stated that there will be a new Public Works director that will be able to work on the issue.

Brad Dube, 55 Bemis Street commented that plows go by and asphalt from the road ends up in the driveway and those pieces of asphalt end up in the snowblower. It would be good to do something in the fall to alleviate the problem with a commitment to do something more later on. Mayor Grenier reiterated that the Council is committed to going in with City crews in the fall and committed to repaving in the spring.

Joe Lebfèvre, 64 Bemis Street stated that it makes more sense to grade than to patch. Grinding and making smooth with new asphalt is what makes sense. Mayor Grenier noted that the grinders are booked months ahead of time. We will get up there and will make it right

Mike Caron, 86 Bemis Street said that he is passionate about the City and anything that can be done would be appreciated.

Donny Hood, 75 Bemis Street stated that the residents of Bemis were told the paving would be done last year and nothing got done.

Councilor Higbee stated that there are eight Council people present promising to do something.

Patty Hood, 56 Bemis Street commented that these residents have a lot of pride and believe in the community and pay their fair share of taxes and will continue to do so. She appreciates the Council hearing their voices and for doing it right. It's important do it right and do it well.

Mayor Grenier thanked all for attending and voiced the Council's commitment to repairing Bemis Street. Residents of Bemis Street left the meeting at this time, 7:50 p.m.

UNFINISHED BUSINESS

1. **Council Committee Reports** – There were none.
2. **Resolution 2018-23 Carrying Over \$1,665,339.65 of Capital Funds into FY2019**

In the Year of Our Lord Two Thousand Eighteen

A RESOLUTION carrying over One Million, Six Hundred Sixty-Five Thousand, Three Hundred Thirty-Nine Dollars and Sixty-Five Cents (\$1,665,339.65) of Capital Appropriations from the Fiscal Year ending 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 capital appropriation funds be carried over as described below:

Item	From Account #	FY18 Carry Over Request to FY19	Request	City Manager Recommendation	Total
		Purpose			
		Carryover Requests from FY18 Capital Improvement Funds to Current Year FY19 Segregated Funds			
	01-461-400-0000	BMS Gym Floor/Repairs	\$19,660.00	\$19,660.00	
	01-461-400-0002	School Masonry and Brick Work	\$10,000.00	\$10,000.00	
	01-461-400-0003	School Roof Replacement	\$53,341.36	\$53,341.36	
	01-461-400-0021	Hillside Tile Floor Replacement	\$7,801.82	\$0.00	
	01-461-400-0023	Resurface BHS Running Track	\$61,650.00	\$61,650.00	
	01-480-913-0022	Highway Construction/Reconstruction	\$67,782.42	\$67,782.42	
	01-480-932-0001	Police Building Repairs	\$8,700.23	\$8,700.23	
	01-480-932-0005	Police Monitoring System	\$6,063.50	\$6,063.50	
	01-480-932-0008	Police Radar Units	\$2,806.00	\$2,806.00	
	01-480-961-0011	Fire Department Floor	\$12,000.00	\$12,000.00	
	01-480-961-0012	Fire Department Engine 4 Pumper Repair	\$47,000.00	\$47,000.00	
	01-480-961-0018	Fire Department Protective Clothing/Equipment	\$15,808.01	\$15,808.01	
	01-480-961-0024	Fire Department EMS Study	\$26,068.00	\$26,068.00	
	01-480-962-0004	PWD Equipment Replacement	\$527.00	\$527.00	
	01-480-962-0016	PWD Drain Line Replacement	\$15,842.35	\$15,842.35	
	01-480-963-0050	Heritage Park	\$1,299.09	\$1,299.09	
	01-480-965-0002	IT Initiative	\$397.69	\$0.00	
A					
		Total FY18 Capital Improvement Funds to Carryover	\$356,747.47	\$348,547.96	\$0.00
		Carryover Requests from Prior Year Segregated Capital Improvement Funds to Current Year FY19 Segregated Funds			
	01-495-995-0105	Moving Downtown Forward	\$ 37,640.41	\$ 37,640.41	
	01-495-995-0403	PWD Garage	\$ 7,039.20	\$ 7,039.20	
	01-495-995-0706	Recreation Soccer Goals	\$ 532.44	\$ 532.44	
	01-495-995-0708	Recreation Equipment	\$ 39,203.00	\$ 39,203.00	
	01-495-995-0709	Interior/Exterior Recreation Center	\$ 8,459.06	\$ 8,459.06	
	01-495-995-0716	Skate Park	\$ 49,950.00	\$ 49,950.00	
	01-495-995-1001	City Hall Repairs	\$ 10,356.66	\$ 10,356.66	
	01-495-995-1204	PWD Equipment Replacement	\$ 9,977.00	\$ 9,977.00	
	01-495-995-1313	Fire Department Repair Program	\$ 2,871.54	\$ 2,871.54	
	01-495-995-1315	FD Emergency UTV	\$ 146.00	\$ 146.00	
	01-495-995-2503	Retaining Wall Repair/Replacement	\$ 17,596.96	\$ 17,596.96	
	01-495-995-2605	Sidewalk Replacement	\$ 27,960.20	\$ 27,960.20	
	01-495-995-3502	Library Building Improvements	\$ 32,847.14	\$ 32,847.14	
	Justification	<i>consolidates prior library capital accounts</i>			
B					
		Total Prior Year Segregated Capital Funds to Carryover	\$244,579.61	\$244,579.61	\$0.00
		Sewer Fund			
	60-480-438-0026	Replacement Cost Reserve	\$ 460,000.00	\$ 460,000.00	
	Justification	<i>Required for RDA Loan Conditions and Equipment Replacement</i>			
C					
		Total FY18 Sewer Capital Improvement Funds to Carryover	\$460,000.00	\$460,000.00	\$0.00
	60-495-995-0101	Sanitary Line Replacement	\$ 15,446.81	\$ 15,446.81	
	60-495-995-0103	Replacement Cost Reserve	\$ 587,351.70	\$ 587,351.70	
	Justification	<i>Prior Years Reserve Total</i>			
	60-495-995-0106	Long Term CSO Plan	\$ 9,413.57	\$ 9,413.57	
D					
		Total Prior Year Segregated Sewer Capital Funds to Carryover	\$612,212.08	\$612,212.08	\$0.00
A + B					
		Total FY18 Capital Improvement Funds and Prior Year Segregated Funds	\$601,327.08	\$593,127.57	\$0.00
C + D					
		Total FY18 Capital Improvement Sewer Funds and Prior Year Segregated Funds	\$1,072,212.08	\$1,072,212.08	\$0.00
A+B+C+D					
		Total Carryover Capital Improvement Sewer Funds Requested from FY 2018 (All Funds)	\$1,673,539.16	\$1,665,339.65	\$0.00

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 to amend the resolution by removing the word “replacement” under account #01-480-961-0012 with “repair” making the title, FD Engine 4 Pumper Repair; Councilor Otis seconded and the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the resolution read a second time by title only, as amended. 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, as amended. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to pass the resolution, as amended. The motion carried and Mayor Grenier declared the resolution passed.

NEW BUSINESS

3. Ordinance 2018-03 Amending Chapter 9 Licensing – Sale of Closed Container Alcohol at Farmer’s Market

Councilor Higbee moved, with a second from Councilor Morgan Allain, to table the ordinance and schedule a public hearing for Monday, October 1, 2018. So moved, the motion carried.

4. Resolution 2018-24 Authorizing \$4,500.00 Library Grant

Councilor Berthiaume moved, with a second from Councilor Higbee, to table the ordinance and schedule a public hearing for Monday, October 1, 2018. So moved, the motion carried.

5. City Manager’s Report

1. Just a reminder that Eric Grenier, our new Public Works Director and Shelli Fortin, our new City Clerk will both start on October 1st.
2. The election results for the Primary held on September 11th, 2018 are attached. There were 855 Democratic ballots, 390 Republican ballots and 16 Libertarian ballots cast. Summary sheets for each party are attached.
3. The Recreation Department is currently offering fall soccer and sign-ups for hockey is going on as well.
4. Construction work on the skate park began today. The Public Works Dept. and Berlin Water Works are working together on the City’s in-kind portion of the project which involves performing a majority of the earthwork.
5. Last week, Jason Ross, PE of HEB and I inspected the underside of the Mason St. Bridge. The degradation that we are monitoring has not gotten dramatically worse since last year. We will continue to monitor it until we are able to undertake the repair work. We also reviewed the bridge travel surface and bridge joint and noted work that should be done on the surface soon.
6. Next Friday, September 21st I will be attending the Municipal Management Association of NH Meeting in Concord. In addition to the regular business of the Association there will be a presentation on the workforce shortage in NH as well as the lack of affordable housing.

7. The Public Works Activity Report for August is attached

6. Mayor's Report

Resignation – Mayor Grenier noted that John DeChamplain's tendered his verbal resignation from the Berlin Housing Authority. Councilor Rozek moved with a second from Councilor Higbee to accept the resignation of John DeChamplain. So move, the motion carried.

Appointment – Mayor Grenier nominated Lisa Fournier to fill the unexpired term of John DeChamplain to end 12/31/2021. Councilor Rozek moved to accept the nomination of Lisa Fournier to the Berlin Housing Authority for a term to end 12/31/2021; Councilor Higbee seconded and the motion carried.

Mayor Grenier asked for a plaque to acknowledge Mr. DeChamplain's long term service to the City.

7. PUBLIC COMMENTS – no comments

8. Council Comments –

Councilor Theberge questioned work being done by Eversource on the Affinity Lighting Project. He wanted to be sure the City was not being charged for the work. Mr. Wheeler noted with 953 lights being changed, there are a few that don't work. Eversource was called in an effort to get the repair done quickly. Eversource and Affinity have a working relationship and the City is not charged.

Councilor Theberge reported that in the area west of Rudy's Market, the new lights are not as bright as the former lights. For safety, the residents are asking for higher density lighting.

Councilor Theberge stated that while reviewing invoices he came across one for 45 bags of polymer for the wastewater treatment plant. He suggested looking for another vendor as the bags are more expensive than the metered liquid polymer.

Councilor Rozek commented that water levels are lower than ever and he asked if there is a reason for that. Mr. Wheeler noted that the lower water level is to complete ongoing repairs.

Councilor Theberge reported a sinkhole in the Tondreau Lot and Mr. Wheeler said that he would look at it.

9. Adjournment – Councilor Remillard moved to adjourn; Councilor Rozek seconded and the motion carried. The meeting ended at 8:15 p.m.

Respectfully Submitted,
Susan Tremblay
Administrative Assistant

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