

## **CITY COUNCIL MEETING – Monday, June 3, 2019**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:41 p.m. in the Council Chambers.

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:41 pm for Ordinance 2019-02 Mt. Jasper Ordinance Amendment. There were no public comments. Mayor Grenier closed the public hearing at 7:42 pm.

Mayor Grenier opened the Public Hearing at 7:42 pm for Ordinance 2019-03 Chapter 17 Zoning Map Amendment. Robert Goddard of 154 High Street spoke in favor of the Ordinance. Goddard stated that adjusting the property lines is a good housekeeping effort on the part of the City. Robert Theberge of 30 Oxford Street commended the Zoning Board for the changes and stated they are long overdue. Theberge stated that it will be a benefit to the community. Lynn Tremblay, who owns Shadow Ridge, also spoke in favor of the zoning amendments and thanked the Council for considering it. Mayor Grenier closed the public hearing at 7:45 pm.

Mayor Grenier opened the Public Hearing at 7:45 pm for Resolution 2019-17 Accepting up to \$802,000 in FEMA Funds. There were no public comments. Mayor Grenier closed the public hearing at 7:46 pm.

Mayor Grenier opened the Public Hearing at 7:46 pm for Resolution 2019-18 Accepting \$6,037 from NH Health Consortium. There were no public comments. Mayor Grenier closed the public hearing at 7:46 pm.

Mayor Grenier opened the Public Hearing at 7:46 pm for Resolution 2019-19 Hillside Avenue Bridge Funding. City Manager James Wheeler explained that this is State Aid for the bridge replacement on Hillside Avenue. There were no public comments. Mayor Grenier closed the public hearing at 7:48 pm.

Mayor Grenier opened the Public Hearing at 7:48 pm for Resolution 2019-20 Repurposing Bond Funds. There were no public comments. Mayor Grenier closed the public hearing at 7:48 pm.

### **Regular Meeting**

#### **a. Pledge of Allegiance**

#### **b. Roll Call**

Present: Mayor Grenier, Councilors Remillard, Otis, Morgan Allain, Gentili, Higbee, Rozek, Berthiaume, and Theberge

Absent: None

Also present: James Wheeler, Susan Tremblay, Shelli Fortin, Pam Laflamme, Robert Goddard, Debra Goddard, Lynn Tremblay, Michael Tremblay, Robert Theberge, and Barbara Tetreault, Berlin Daily Sun

**c.** Councilor Remillard moved, with a second by Councilor Otis, to accept the minutes of the May 20, 2019 Regular Meeting and Work Session, and May 22, 2019 Budget Hearing. So moved, the motion carried.

### **Disbursements:**

Disbursement Summary Draft #1839 start date 05/21/2019 end date 06/03/2019 for a total cash disbursement of \$690,046.41. Councilor Theberge moved with a second by 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** – Richard Laflamme of 128 Jasper Street spoke on several issues, including the disarray of homes on Jasper Street, the abandoned vehicle at the end of Collins Street, the cost of sewer bills when not all water used goes into the sewer, the cost of wastewater treatment, the number of parks in the city, the cost of the Police Chief and Deputy Chief, contracting services for the Public Works Department, and a letter that he will write to Governor Sununu asking for Berlin to be a town instead of a City. City Manager James Wheeler explained that the sewer ordinance includes a 20% discount for residential properties as they are aware that not all water used goes into the sewer system, such as water for pools or for washing cars. Mayor Grenier advised that the voters would decide if Berlin was to become a town per the City Charter, not the Governor. Councilor Rozek suggested that

Laflamme tour the Wastewater Treatment Plant, and advised if we did not separate out our wastewater, we would be a third world country.

## **UNFINISHED BUSINESS**

### **1. Ordinance 2019-02 Mt Jasper Ordinance Amendment (tabled 5/20/2019)**

In the Year of Our Lord Two Thousand Nineteen

**AN ORDINANCE** amending the CODE OF ORDINANCES, Chapter 13, STREETS, ARTICLE IV PARKS AND RECREATION, Division 1. Generally. Sec. 13-95 Mt. Jasper. by adding a requirement for prior notice before earth is disturbed on Mt. Jasper.

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

That the following new section is added to Chapter 13, STREETS, ARTICLE IV PARKS AND RECREATION, Division 1. Generally:

Sec. 13-95 Mt. Jasper

- a. The use of Off Highway Recreational Vehicles (OHRV's) is prohibited with the exception of snowmobiles on existing, designated trails.
- b. Rock and mineral mining and/or rock and mineral collection is specifically prohibited.
- c. Prior notice to Abenaki Nation of NH (current address of 262 Lancaster Road, Whitefield, NH 03598) is required prior to disturbing earth on or at the base of Mt. Jasper.

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

Councilor Remillard moved, with a second by Councilor Otis, to remove this item from the table. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Ordinance 2019-02 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Ordinance 2019-02 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, that Ordinance 2019-02 be passed. So moved, the motion passed.

### **2. Ordinance 2019-03 Chapter 17 Zoning Map Amendment (tabled 05/20/2019)**

In the year of our Lord Two Thousand Nineteen

**AN ORDINANCE** amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE IV, Establishment of Zoning Districts, Section 17-41, Zoning Districts

### **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 IV, Establishment of Zoning Districts, Section 17-41, Zoning Districts is hereby amended as follows

## OFFICIAL ZONING MAP

The City of Berlin Zoning Map shall be changed to reflect the following:

1. A map is attached to this ordinance to clearly reflect the change being made in the area of Highland Park Avenue and Cates Hill to clarify the lines between Rural Residential and Residential Single Family by using boundary lines of parcels and streets rather than cutting through parcels as currently reflected.

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

Councilor Berthiaume moved, with a second by Councilor Morgan Allain, to remove this item from the table. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan Allain, to read Ordinance 2019-03 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan Allain, to read Ordinance 2019-03 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan Allain, that Ordinance 2019-03 be passed. So moved, the motion passed.

### **3. Resolution 2019-17 Accepting up to \$802,000 FEMA Funds (tabled 05/20/2019)**

In the Year of Our Lord Two Thousand Nineteen

**A RESOLUTION** accepting and appropriating Federal Emergency Management Administration (FEMA) storm damage reimbursement grant funds in an amount up to Eight Hundred Two Thousand Dollars (\$802,000.00).

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

Whereas, the City sustained substantial damage to infrastructure and other property by rain, flooding and wind damage during the storm event of October 30-31, 2017; and

Whereas, Governor Sununu signed a major disaster declaration and requested funds from FEMA; and

Whereas, the City applied to FEMA for the storm damage related expenses and FEMA reimburses up to 75% of expenses; and

Whereas, the City estimates its total reimbursable expenses to be up to Eight Hundred Two Thousand Dollars (\$802,000.00); and

Whereas, Three Hundred Seventy-Two, Seven Hundred Forty-Two Dollars and Seventeen Cents (\$372,742.17) of the reimbursable total is associated with work performed under the Rte. 16 Reconstruction Project contract with Sargent Construction Co. by change order; and

Whereas, the balance of the reimbursable total is for work completed or to be completed by City Public Works, Parks and Pollution Control personnel, equipment or other resources as appropriate. Said balance of reimbursable total includes:

\$45,842.92	allocated to the Sewer Fund for work completed to date
\$126,318.81	allocated to the General Fund for work completed to date
\$257,096.09	allocated to the General Fund for work yet completed

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

That, the City Council accepts the reimbursement funds and appropriates up to Eight Hundred Two Thousand Dollars (\$802,000.00) from FEMA for damage repairs associated with the October 30-31, 2017 storm ; and

That, up to Three Hundred Seventy-Two Thousand, Seven Hundred Forty-Two Dollars and Seventeen Cents (\$372,742.17) will be deposited in the Fund 51 Revenue Account 51-360-510-0001; up to Three Hundred Eighty-Three Thousand, Four Hundred Fourteen Dollars and Ninety Cents (\$383,414.90) will be deposited in the General Fund Miscellaneous Account 01-373-601-0000 and that up to Forty-Five Thousand, Eight Hundred Forty-Two Dollars and Ninety-Two Cents (\$45,842.92) will be deposited into the Sewer Fund Miscellaneous Revenue Account 60-333-205-0000.

That the City Manager is authorized to receive said reimbursement funds from FEMA in the amount up to Eight Hundred Two Thousand Dollars (\$802,000.00) and use said funds to offset storm damage related expenses.

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

Councilor Higbee moved, with a second by Councilor Morgan Allain, to remove this item from the table. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, to read Resolution 2019-17 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, to read Resolution 2019-17 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, that Resolution 2019-17 be passed. So moved, the motion passed.

**4. Resolution 2019-18 Accepting \$6,037 from NH Health Consortium (tabled 05/20/2019)**

In the Year of Our Lord Two Thousand Nineteen

**A RESOLUTION** accepting up to \$6,037.00 from the North Country Health Consortium Student Assistance Program

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

Whereas, funding is available through the North Country Health Consortium Student Assistance Program to support activities associated with the North Country Health Consortium's Regional Prevention Network; and

Whereas, funding will pay for Addiction and Prevention Training; and

Whereas, funding will pay for a Rachel's Challenge guest speaker to come to Berlin High School to make a presentation to students and their parents about bullying and violence prevention, which will help create a school climate and community that is less susceptible to harassment, bullying and violence.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that a grant of up to \$6,037.00 is accepted and upon receipt shall be appropriated to the School Department 2019 budget for the purpose of the grant.

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

Councilor Remillard moved, with a second by Councilor Otis, to remove this item from the table. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2019-18 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2019-18 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, that Resolution 2019-18 be passed. So moved, the motion passed.

**5. Resolution 2019-19 Hillside Avenue Bridge Funding (tabled 5/20/2019)**

In the Year of Our Lord Two Thousand Nineteen

**A RESOLUTION** accepting and appropriating State Aid Bridge Grant funds in an amount up to Six Hundred Fifty Thousand Dollars (\$650,000.00).

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

Whereas, the City applied to the State Aid Bridge Grant Program for the Hillside Avenue Bridge replacement; and

Whereas, the bridge replacement was completed in Fiscal Year 2019; and

Whereas, the total project cost was estimated to be up to Eight Hundred Twelve Thousand, Six Hundred Eighteen Dollars (\$812,618.00) with the grant reimbursing the City for 80% of the total and the City paying the remaining 20% with funds authorized in Resolution 2018-09; and

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

That, the City Council accepts reimbursement funds in the amount of 80% of the project costs and appropriates up to Six Hundred Fifty Thousand Dollars (\$650,000.00) from the State Aid Bridge Grant Program for the Hillside Avenue Bridge replacement project; and

That the City Manager is authorized to receive said grant from the State Aid Bridge Grant Program for the Hillside Avenue Bridge replacement project and the grant proceeds are hereby appropriated for the purpose of the grant.

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

Councilor Higbee moved, with a second by Councilor Morgan Allain, to remove this item from the table. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, to read Resolution 2019-19 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, to read Resolution 2019-19 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan Allain, that Resolution 2019-19 be passed. So moved, the motion passed.

**6. Resolution 2019-20 Repurposing Bond Funds (tabled 05/20/2019)**

In the Year of Our Lord Two Thousand Nineteen

A RESOLUTION authorizing: (i) the repurposing of surplus bond funds in the amount of Thirty Four Thousand, Nine Hundred Sixteen Dollars and Sixty-Two Cents (\$34,916.62) originally authorized in Resolution 2015-31; (ii) the repurposing of Sixty Thousand, Seven Hundred Sixty-Nine Dollars and Forty-Two Cents (\$60,769.42) originally authorized in Resolution 2015-32, and; (iii) the repurposing of Fifty-Three Thousand, Nine Hundred Thirty-Four Dollars and Eighty-Nine Cents (\$53,934.89) originally authorized in Resolution 2019-19 in order to fund Street Improvements and Bank and Legal Fees.

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

WHEREAS on October 19, 2015, the Mayor and City Council of Berlin passed Resolution 2015-31 authorizing the repurposing of general obligation bonds in an amount up to \$5,997,045.00 to fund various capital improvement projects and acquisitions; and

WHEREAS, the City has surplus funds allocated to the Route 110 Phase II project in the amount of \$34,916.62 as listed in Resolution 2015-31; and

WHEREAS, the City has surplus capital improvement funds allocated to the Housing Initiative in the amount of \$60,769.42 as appropriated in Resolution 2015-32; and

WHEREAS, the City has surplus capital improvement funds allocated to the Bridge Inspection/Repair 12<sup>th</sup> Street in the amount \$53,934.89 as appropriated in Resolution 2019-19; and

WHEREAS, the total of these surplus funds is \$149,620.93; and

WHEREAS, the City received storm damage repair funds from FEMA as listed in Resolution 2019-17 and the City is responsible for its 25% share of expenses and requires \$92,566.32 to fund this share; and

WHEREAS, the City incurred \$16,000.00 in Bank and Legal Fees in the processing of General Obligation Bond funds identified in Resolution 2016-08; and

WHEREAS, after using surplus funds to pay for expenses associated with storm damage repairs and Bank and Legal Fees there is a balance of \$41,054.61 and this remaining balance may be appropriated for Street Repairs.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council hereby authorize and approve the repurposing of the Surplus Bond funds and Capital Improvement funds in the amount One Hundred Forty-Nine Thousand, Six Hundred Twenty Dollars and Ninety-Three Cents (\$149,620.93) for street improvements and bank and legal fees.

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

Councilor Berthiaume moved, with a second by Councilor Theberge, to remove this item from the table. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Theberge, to read Resolution 2019-20 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Theberge, to read Resolution 2019-20 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Theberge, that Resolution 2019-20 be passed. So moved, the motion passed.

7. Council Committee Reports – Councilor Rozek reminded the Traffic Safety Committee that there will be a meeting on Monday, June 10, at 5:30 pm.

**NEW BUSINESS**

8. Resolution 2019-21 Accepting \$5,000 from Jericho Wind (1<sup>st</sup> read)

Councilor Theberge moved, with a second by Councilor Morgan Allain to table the Resolution and schedule a public hearing for June 17, 2019. So moved, the motion carried.

9. Resolution 2019-22 Adopting the FY2020 Budget (1<sup>st</sup> read)

Councilor Berthiaume moved, with a second by Councilor Higbee to table the Resolution and schedule a public hearing for June 17, 2019. So moved, the motion carried.

**10.     Resolution 2019-23 School Department Grants (1<sup>st</sup> read)**

Councilor Remillard moved, with a second by Councilor Otis to table the Resolution and schedule a public hearing for June 17, 2019. So moved, the motion carried.

**11.     City Manager's Report**

1. Spohn Ranch has completed the concrete work at the Skate Park. We were very fortunate to have received a donation for colored concrete from Burgess Biopower/CS Operations in the amount of \$1,200. While some youths have been able to try out the course over the last few days, we will be closing the site to use so that the remaining loaming and seeding can be completed by the City.
2. The City will be updating the Emergency Operations Plan with the first meeting planned for August. The update is funded by grant and being facilitated by June Garneau of Mapping Planning & Solutions. The first meeting will be on Wednesday, August 14<sup>th</sup>, 2019 at 9:00 am at Berlin City Hall.
3. The wastewater treatment plant processed 136.9 million gallons of wastewater in the month of April. The average for the previous 11 months was 58.405 million gallons per month. This data points to spring season sources of flow. It was a very busy month! Even with all this flow, we did not have an overflow event.
4. The City has several bids out. The fuel oil bid is due back Wednesday, June 12; a boiler services bid is due June 13<sup>th</sup> and 723 Third Avenue is advertised with bids due June 27<sup>th</sup>.
5. The City has been granted a court order to take steps to remediate the code violations and dangerous conditions at 469 Hillsboro Street. We plan to take steps to clean the property within the next few weeks.
6. PD Statistics are attached.

Councilor Rozek moved with a second from Councilor Higbee to accept the City Manager's Report and place it on file.

Councilor Theberge asked about the remediation at 469 Hillsboro and if it would include vehicles left in the yard. City Manager James Wheeler advised that it would be cleaned inside and outside. Clean up will start after June 10<sup>th</sup>.

So moved, the motion carried.

**10.     Mayor's Report**

- a. Letter from Monique Lavertu, Executive Director, St Kieran Community Center for the Arts

Dear Ms. Fortin,

I would like to request permission from the appropriate city officials for the use of the Bridge Street pedestrian bridge to host our 2<sup>nd</sup> "Dinner on the Bridge". Last year's undertaking was well received and proved beneficial as a fundraising effort. People who went are already asking if we are doing it again and people who missed it are looking forward to being part of it.

We are planning for Sunday, September 15<sup>th</sup>. We will need a block of time to set everything up, serve dinner, and clean-up. I realize that closing the bridge for the entire time would make things difficult for those who depend on that path for multiple purposes. In 2018, we posted signs on the bridge in advance of the dinner indicating that it would be closed to all public pedestrian traffic during the actual dinner block. We were actually on the bridge from 8:30 am until about 3:00 pm and foot traffic didn't seem to be much of an issue.

Thank you for consideration of this request. I look forward to hearing from you and setting the plan in motion.

Respectfully submitted,

Monique Lavertu  
Executive Director

Councilor Remillard moved with a second from Councilor Otis to grant the request from St Kieran Community Center for the Arts to close the Bridge Street pedestrian bridge for their 2<sup>nd</sup> Annual "Dinner on the Bridge" fundraiser scheduled for Sunday, September 15, 2019. So moved, the motion carried.

A letter will be sent to Monique Lavertu advising her that permission was granted and asking for clarification on the time it will be closed.

b. Letter from Nathan Alander – Mayor Grenier read the letter received from Nathan Alander.

To Whom it May Concern,

I have recently moved to Berlin and live on the corner of Park and Willard with my fiancé. Our address is 311 Willard Street.

Together, we have a total of 5 children between the ages of 2 and 13. Three out of the 4 houses at this intersection also have children in that approximate age range.

Having watched the traffic pattern here over the past 9 months, I would like to ask the city to consider making this intersection a 4-way stop. Thank you for your time.

Regards,

Nathan Alander  
nathankalander@gmail.com

Councilor Remillard moved, with a second from Councilor Otis, to accept and acknowledge the correspondence from Mr. Alander, to forward the letter to the Police Department and the City Engineer, and to remand the issue to the Traffic and Safety Committee for the meeting to be held next week. So moved, the motion carried.

c. Request for Appointment – Trustees of Trust Funds

Dear Mayor Grenier and City Council,

I wish to express my interest in being appointed as a Trustee of Trust Funds under Chapter 2 of the City's Ordinances for a term to end 6/30/2022. Thank you for your consideration.

Sincerely,

Joe Dupuis

Councilor Rozek moved, with a second by Councilor Theberge, to appoint Joe Dupuis to a three-year term to expire June 30, 2022 as a Trustee of the Trust Funds. So moved, the motion passed.

**8. PUBLIC COMMENTS** – Richard Laflamme of 128 Jasper Street asked why the City would pay money for colored concrete for the skate park. When advised that it was a donation, Laflamme asked why the City even needs a skate park.

**9. Council Comments** – There were no Council comments.

**10. Adjournment**



At approximately 8:32 p.m. Councilor Rozek moved with a second by Councilor Higbee to adjourn the regular meeting. So moved, the motion carried.

A True Record, Attest:

Shelli Fortin  
City Clerk

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