

May 1, 2017

City Council Work Session

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

Others present included City Manager James Wheeler, Finance Director Patty Chase, Public Works Director Michael Perreault, Community Development Director Pamela Laflamme, HEB Engineer Jay Poulin, Planning Board Members Naomi Levesque and Tom McCue, Police Chief Peter Morency, Assistant Chief Dan Buteau, Grace and Micah Blake and Barbara Tetreault, *Berlin Daily Sun*

Agenda Addition

Councilor Rozek moved with a second from Councilor Higbee to add Account Clerk Position Discussion to the agenda. So moved, the motion carried.

Councilor Rozek moved with a second from Councilor Theberge to add Fire Chief Position Discussion to the agenda. So moved, the motion carried.

Peavey Lane Bump Out

Jay Poulin addressed the Council with regard to the continuation of work on Route 16. The winter shut down is over. They have to wait for the river to subside to get into drainage. The crew will start at 11th Street and go toward Brown School. Utility construction is ongoing and old poles have been pulled. Mr. Poulin said that he will provide project summaries to keep everyone updated on the progress.

The bump outs at Cambridge, Success and Peavey will all be made five feet as directed in March. There are no issues with Cambridge and Success; however HEB's suggestion is to eliminate the south bump out on Peavey Street and maintain the north at 8 feet wide. Justification for leaving the north bump out is that the roadway is wider there and the bump out is on a straight section of road; problems have been where there is a curve. Modifications would require changes in the drainage structure at a cost of about \$10,000.

Councilor Rozek noted that the Council agreed at the last meeting to get rid of Peavey south, as recommended. He said that he would not support relocating the catch basin. Councilor Theberge agreed that re-work adds extra cost and he felt it was wasting money.

Councilor Rozek confirmed that the curbing will be seven feet for the remaining length going north. Mr. Poulin assured Councilor Remillard that changes can still be made up to the final wearing course of pavement.

Councilor Otis moved to accept the Peavey Street bump out as recommended by HEB, leaving the north bump out at eight feet; Councilor Theberge seconded and the motion carried.

Mr. Poulin indicated that he would come to Council once a month during the construction season for updating.

OHRV Ordinance Changes

Councilor Rozek reported that the Police Department and Traffic Safety have met several times over the last three weeks to address issues with the OHRV ordinance. The document has the approval of the traffic safety committee and an ordinance will go to the Council for first reading.

Chief Morency added that 90% of complaints are juvenile related and raising the age to 25 for being the responsible person in charge is the first step to addressing the issue. Mayor Grenier asked if the Coos County Police Chief's Association is working toward making the regulations uniform throughout Coos County. Chief Morency acknowledged that the more consistency we have, the better. It is frustrating to have inconsistent rules from one community to another and he will continue to work toward uniformity.

Accessory Dwelling Zoning

Ms. Laflamme informed the Council that new legislation is going into effect June 1 that will allow in-law units in single family zones. If the community's zoning does not address the new law, then the least restrictive interpretation will be in place. The law allows a few options such as requiring that the property owner live in one of the units. Rochester and Claremont are doing this. In Planning Board discussions, it was agreed that we do not want to add unnecessary rental housing to Berlin's excessive stock; however we need to comply with the law.

Mayor Grenier asked if the Planning Board was unanimous in its recommendation and Ms. Laflamme indicated that they were. Planning Board Member Tom McCue explained that the Board wanted to start as restrictive as possible; and if it's a problem, an amendment can be made to the ordinance. Other ways of regulating include requiring a special exception and an application would have to go before the zoning board. The Board decided to propose a conditional use permit issued by the Planning Board. Mayor Grenier asked if a process has been developed to review applications and Ms. Laflamme said that there are sample application forms available that would suit the purpose. Councilor Remillard said that any accessory dwelling would have to be built to code.

Changes to Zoning Map

Ms. Laflamme indicated that there is an area of Industrial business zone on Route 110 that is seeing some interest that is not conducive to industrial business. The area is recreational, retail and with that in mind, the Planning Board proposes to change an area by the former Bass Shoe building all the way to Jericho Deli to Jericho Gateway Zone. In the future, there may also be interest from the other side of the road. Mayor Grenier established that making this change affirms that manufacturing in that area would be history. It's a strong support of motorized recreation.

Finance Position

Ms. Chase reported that the Payroll Benefits Clerk is retiring at the end of July and she wants to hire for that position. It is a lengthy process to learn the job. It is an OPEIU position and will be advertised within the union first to see if there is anyone qualified.

Councilor Remillard moved to approve hiring for the position; Councilor Rozek seconded and the motion carried.

Fire Chief

Mr. Wheeler read Chief Trull's letter of resignation. The Chief gave a three week notice and he intends to help make the transition as smooth as possible. The chief will be taking a position as deputy chief in Durham.

Councilor Rozek moved to go forward with advertising for a new fire chief; Councilor Theberge seconded. In discussion Councilor Higbee confirmed that Primex would help with the hire. Councilor Remillard encouraged hiring from within the department and Mr. Wheeler stated that it is customary to advertise outside as well to be sure to get a good field of candidates. Mayor Grenier asked if Chief Morency could do some of the SAFER grant administration. Chief Morency agreed to do what he could. Councilor Remillard said that there should be an interim chief until the budget process is finished. Mayor Grenier did not think there would be a new chief in place by July 1.

The vote on the motion was unanimous in agreement to advertise for a new Fire Chief

There being no further business in work session, Mayor Grenier moved on to the Regular meeting

Respectfully Submitted,
Susan Tremblay
Administrative Assistant

CITY COUNCIL MEETING – Monday, May 1, 2017

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:38 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Gentili, Higbee, Rozek, Morgan Allain and Theberge. Councilor Nelson was absent. Also present: James Wheeler, Pamela Laflamme, Peter Morency, Daniel Buteau, Tom McCue, Naomi Levesque, Patty Chase and Barbara Tetreault

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the April 17th Regular Meeting/Work Session and the April 24th Work Session. So moved, the motion carried.

Disbursements:

Disbursement Summary Draft #1788 start date 4/18/2017, end date 5/1/2017 for a total cash disbursement of \$769,710.97. Councilor Theberge moved with a second by Councilor Morgan Allain 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

Council Committee Reports – Traffic Safety Committee Report

1. Councilor Rozek reported that the Traffic Safety Committee unanimously agreed to the OHRV ordinance change that is before the Council this evening.
The Police Department has also asked for a blinking yellow light on Route 110 & Hillside Avenue. The PD will get more information for next Traffic Safety meeting to be held June 26.
Councilor Higbee moved to accept the Traffic Safety Report; Councilor Otis seconded and the motion carried.

NEW BUSINESS

Councilor Higbee moved with a second from Councilor Remillard to change the date on Resolution 2017-02. So moved, the motion carried.

Councilor Remillard moved with a second from Councilor Higbee to change the date on Resolution 2017 03. So moved, the motion carried.

2. **Ordinance 2017-02 Stop Sign at Memorial Lane as it Intersects with Madison Ave (1st read)**

An Ordinance amending the CODE OF ORDINANCES, Chapter 15 , TRAFFIC AND VEHICLES, ARTICLE III. STOPPING, STANDING AND PARKING, Sec. 15-33. Stop Intersections by adding a Stop sign on Memorial Lane as it intersects with Madison Avenue

Councilor Remillard moved with a second from Councilor Otis to table the Ordinance and schedule a public hearing for May 15. So moved, the motion carried

3. **Ordinance 2017-03 OHRV Amendments (1st read)**

AN ORDINANCE amending the CODE OF ORDINANCES, Chapter 13, STREETS, DIVISION 2
Operation of Off Highway Recreational Vehicles, Sec. 13-112. Operation of OHRV's

Councilor Remillard moved with a second from Councilor Otis to table the Ordinance and schedule a public hearing on May 15. So moved, the motion carried.

4. Ordinance 2017-04 Zoning – Accessory Dwellings (1st read)

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE II. General Provisions, Section 17-29, Accessory Dwelling Units

Councilor Theberge moved with a second from Councilor Morgan Allain to table the Ordinance and schedule a public hearing for May 15, 2017. So moved, the motion carried.

5. Ordinance 2017-05 Zoning Map Change (1st read)

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

Councilor Remillard moved with a second from Councilor Otis to table the Ordinance and schedule a public hearing for May 15, 2017. So moved, the motion carried.

6. Correspondence – Main Street Program re: Drive in the 50's

April 13, 2017

Elaine Riendeau
City Clerk
City of Berlin
City Hall, 168 Main Street
Berlin, NH 03570

Dear Elaine:

The Berlin Main Street Program is preparing for this year's 'Drive in the 50's' car show community event in downtown Berlin. The event is slated to take place Thursday, June 1st, 5-8pm, Rain or Shine. The Main Street Program is asking the City of Berlin permission to hold this event and for assistance in its coordination.

As has been done in the past, the Main Street Program will coordinate with the different city departments, Public Works, Parks and Recreation, Police and Fire Departments to enlist their help with logistics, traffic control, trash receptacles, picnic tables, and barricades.

We thank you in advance for your help and hope that this event will prove once again to be a great time for the entire community.

Sincerely, Sylvia Poulin
Berlin Main Street Program

Councilor Remillard moved with a second from Councilor Otis to close Main Street on June 1, 2017 for Drive in the 50's. So move, the motion carried.

7. City Manager's Report

1. We received fuel oil bids from two suppliers for the City's fuel oil needs for the upcoming heating season. The low bid was with CN Brown. Their bid for bulk delivery oil at \$1.809 per gallon and their bid for local delivery is at \$1.909 per gallon. These prices are up from last year as we were paying \$1.679 for bulk and \$1.779 for local. A bid tabulation sheet is attached.
2. The Berlin Water Works has prepared an application for an additional well at the Brown Farm well site. There is already a public well that produces 1.5 million gallons per day. The intent of adding an additional well is to increase capacity to 2.1 million gallons to provide additional capacity and redundancy. Attached is a letter from DES acknowledging the start of the 45 day comment period.
3. Sewer bills went out with the approved rate of \$8.04 on Wednesday, April 19. They have a due date of May 24.
4. The Berlin Main Street Program is looking for volunteers to work the Downtown Day of Caring on Friday, May 19th. Volunteers will be sprucing up plantings in the downtown area. Groups or individuals wanting to give some of their time may do so by e-mailing berlinmainstreetprogram@gmail.com or by calling (603) 752-6246 or (603) 381-1520.
5. Starting on May 1st, anyone wanting a garden at the East Milan Road gardens may register for a lot at Berlin Recreation Center. Limited lots available - \$10.00 for 25 x 25 lots, \$5.00 for half-size lots. Gardeners must do their own tilling. Also, 4 x 8' raised beds are available at Friendship Park on a first come – first serve basis for \$20.00 per bed for the season. Contact the Recreation Center for more information.
6. Public Works has had an opportunity to operate the new JVC backhoe purchased this year and the first indications are that the operators are impressed with the way the equipment performs. Meanwhile Public Works is using every piece of available equipment to continue to remove winter sand from the streets.
7. On the legislative front SB57, which is the senate bill that appropriates state aid grant money for a variety of sewer projects, including two in Berlin, continues to be discussed in the legislative process. A current discussion point is whether to fund the bill through 2017 year-end surplus or through the Drinking Water and Groundwater Trust Fund.

Councilor Remillard moved with a second from Councilor Otis to accept the Manager's Report and place it on file. So moved, the motion carried.

Mayor Grenier noted that it would be appropriate to send a letter of support to DES for the Water Works well project. Councilor Rozek confirmed that the proposed well is south of the Industrial Park in the area of the existing well and aquifer.

8. Mayor's Report

Mayor Grenier mentioned that there is a very important meeting of the Airport Authority to discuss the airport manager position.

He also noted that on May 8, the Council will decide on a budget to send to Public Hearing. The budget will not be finalized until the third week of June.

Councilor Rozek moved with a second from Councilor Higbee to approve the Mayor's Report.
So moved, the motion carried.

9. **PUBLIC COMMENTS** – There were no comments.

10. **Councilor Comments** – There were no comments.

11. **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 8:19 P.M.

A True Record, Attest:

Susan Tremblay
Administrative Assistant