

## **CITY COUNCIL MEETING – Monday, September 20, 2021**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:43 pm for Resolution 2021-20 Sale of 121 Main Street and Abutting Lots.

Robert Theberge of 30 Oxford Street in Berlin commented that this sale is a plus for the downtown area and for Berlin. Mr. Theberge stated that the plans for the building are fantastic and he concurs with the sale.

Mayor Grenier closed the Public Hearing at 7:45 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:45 p.m.

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

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

Present: Mayor Grenier, Councilors Remillard, Otis, Eastman, Rozek, and Theberge

Absent: Councilors Berthiaume, Morgan, and Higbee

Also present: Community Development Director Pamela Laflamme, City Clerk Shelli Fortin, Donna Godin, Bonnie Hamel, Robert Theberge, Lori Korzen, Steven Korzen, Kathy Trumbull, Eli Clemmer, Paul Ingersoll, Sr., and William Carroll, Berlin Daily Sun.

**c.** Councilor Remillard moved, with a second by Councilor Otis, to accept the minutes of the September 7, 2021 Regular Meeting and Work Session. So moved, the motion passed.

#### **Disbursements:**

Disbursement Summary Draft #1896 start date 09/04/2021 end date 09/20/2021 for a total cash disbursement of \$1,261,928.26. Councilor Theberge moved with a second by Councilor Otis to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. Mayor Grenier requested that information on the two vouchers that Councilor Remillard asked for clarification on be shared with the whole council. So moved, the motion passed.

### **PUBLIC COMMENTS**

Bonnie Hamel of 73 French Hill Road in Milan stated that she was in attendance for any clarification needed on the request from the Coos County Medical Freedom Fighters for the parade.

Robert Theberge of 30 Oxford Street in Berlin noted that when streaming meetings, votes should be done by roll call vote. Mayor Grenier noted that when the majority of the elected body is present in-person for the meeting, this is not required. Mr. Theberge also noted that when amending an ordinance, the original should be included with strikeouts to show the changes requested. Mr. Theberge also asked about the indemnification of damages clause and was advised that is in a separate section of the Ordinance. Mr. Theberge also noted that if there is ever any appeal or concern about non-public items, there is an Omnibus bureau that you can request a public hearing with. Mr. Theberge also shared concerns about the proposed ordinance concerning Conflict of Interest and stated that it is vague and would prevent him from running for Council if his brother was also serving. Mayor Grenier explained that the proposed ordinance would not prohibit both brothers serving on the Council, as they would be elected by the voters, it would just prohibit appointing family members to available positions.

### **UNFINISHED BUSINESS**

#### **1. Council Committee Reports**

Councilor Rozek shared information from the Traffic Safety Committee meeting.

Councilor Rozek advised that the blind driveway sign requested by Julia Brennan and John Tate was referred to the City Manager, to locate the sign matrix that was developed by a former Public Works Director. This will be discussed again at the next meeting.

Councilor Rozek advised that the request for a left-hand turn arrow signal at the Cleveland Bridge was referred for review by a lighting system professional to adapt or adjust the lights, as there is sometimes not enough time to make a left-hand turn when traffic is heavy.

Councilor Rozek advised that the cross has been removed from Mt. Jasper. There is also graffiti in the mine that should be removed, along with anchor points that will be removed. The problem of loose dogs was discussed, and the City Manager will review the agreement for Mt. Jasper to see what commitment the City has for this property.

Councilor Rozek advised that the request for an autistic child sign from Angela Collins was referred to the Police Department and the City Manager. They will review this again at the next meeting.

Councilor Theberge moved, with a second by Councilor Otis, to accept the Traffic Safety Committee report. So moved, the motion carried.

**2. Resolution 2021-20 Sale of 121 Main Street and Abutting Lots (tabled 9/7/2021)**

In the Year of Our Lord Two Thousand Twenty-One

**A RESOLUTION** authorizing the City Attorney and City Manager to negotiate and the City Manager to enter into a purchase and sale agreement with DAVID SCALLEY for 121 Main Street, Map 119 Lot 51 along with three adjacent parcels fronting along Pleasant Street identified as Tax Map 119, Lots 33, 34, and 35 for the sum of One Dollar (\$1.00)

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

WHEREAS the City of Berlin currently owns the property at 121 Main Street, Map 119; Lot 51, along with the three vacant adjacent parcels fronting along Pleasant Street known as Tax Map 119, Lots 33, 34, and 35;

WHEREAS, there is currently no tax base derived from any of the parcels at this time; and

WHEREAS, the properties are located in the middle of downtown and have been vacant for many years and DAVID SCALLEY has been a responsible developer in many communities; and

WHEREAS, DAVID SCALLEY has agreed to substantially improve the property at 121 Main Street and the adjacent three vacant parcels by renovating the building and adjacent properties to meet all City Codes and ordinances; and

WHEREAS, the City Attorney and City Manager are authorized to negotiate and the City Manager is authorized to enter into a purchase and sale agreement on behalf of the City of Berlin for 121 Main Street, Map 119 Lot 51 along with three adjacent parcels fronting along Pleasant Street identified as Tax Map 119, Lots 33, 34, and 35 as well as to do all things necessary to close this transaction and tender the appropriate Quitclaim Deed to 121 Main Street, Map 119 Lot 51 along with three adjacent parcels fronting along Pleasant Street identified as Tax Map 119, Lots 33, 34, and 35; and

WHEREAS, the proposal tendered by DAVID SCALLEY (indicating he is willing to purchase all four parcels, "as is, where is" and to tender a complete release, indemnity and hold harmless agreement in favor of the City on any and all environmental issues concerning these properties as well as on the state of the building) was found to meet the City's goals to improve the downtown and put properties back on the tax rolls.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Berlin, NH authorizes the City Attorney and City Manager to negotiate and enter into a purchase and sale agreement with DAVID SCALLEY for 121 Main Street, Map 119 Lot 51 along with three adjacent parcels fronting along Pleasant Street identified as Tax Map 119, Lots 33, 34, and 35 for One Dollar (\$1.00) and the release, indemnity and hold harmless agreement set forth above.

Be it further resolved that the City Attorney and City Manager are authorized to do all things necessary to close on the purchase and sale agreement and to execute the associated Quitclaim Deed for 121 Main Street, Map 119 Lot 51 along with three adjacent parcels fronting along Pleasant Street identified as Tax Map 119, Lots 33, 34, and 35.

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 amend Resolution 2021-20 with changes recommended by the City Attorney. The amended Resolution was read in its entirety by the City Clerk. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2021-20R1 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2021-20R1 by short title for a third time. So moved, the motion carried with two in opposition. (Opposed- Rozek and Theberge)

Councilor Remillard moved, with a second by Councilor Otis, that Resolution 2021-20R1 be passed. So moved, the motion passed.

## **NEW BUSINESS**

### **3. Ordinance 2021-01 Conflict of Interest and Incompatibility of Office (first read)**

Councilor Remillard moved, with a second by Councilor Morgan, to table the Ordinance and schedule a public hearing for October 4, 2021. So moved, the motion carried.

Mayor Grenier encouraged the Council to compare the original ordinance to the proposed ordinance.

### **4. City Manager's Report**

There was no City Manager's Report.

### **5. Mayor's Report**

#### **a. Purple Heart Community Proclamation**

Whereas, the people of the City of Berlin have great admiration and the utmost gratitude for all of the citizens of our community who have selflessly served in the Armed Forces, which has been vital in maintaining the freedom and the way of life enjoyed by our citizens; and,

Whereas, citizens of our community have been wounded in action or killed in action while serving in the Armed Forces, and have been posthumously awarded the Purple Heart for their ultimate sacrifices; and,

Whereas, the Purple Heart is the oldest American military decoration, and was created as "The Badge of Military Merit" made of purple cloth in the shape of heart with the word "Merit" sewn upon it, on August 7, 1782 in Newburgh, New York, by General George Washington; and,

Whereas, the heritage it represents is sacred to those who know the price paid to wear the Purple Heart; and,

Whereas, August 7<sup>th</sup> is nationally recognized as Purple Heart Day.

Now Therefore, we, the City Council of the City of Berlin, New Hampshire, will recognize August 7<sup>th</sup>, annually, as Purple Heart Day, and urge the people and organizations of Berlin to display the American Flag as well as other public expressions of recognition of our Purple Heart recipients.

Proclaimed this 21<sup>st</sup> day of September, 2021 by the City Council of Berlin.

Councilor Rozek moved, with a second by Councilor Otis, to accept the Proclamation as an Act of the City of Berlin and declare August 7 as Purple Heart Day. So moved, the motion carried.

b. Coos County Medical Freedom Fighters Parade Request

Councilor Rozek moved, with a second from Councilor Theberge, to approve the request of the Coos County Medical Freedom Fighters for the Parade on October 2, 2021. So moved, the motion carried.

c. Letter from Richard and Paulette Langlois

Mr. Mayor,

Rich Langlois, 129 Howard St, 752-3118. We need some help with a situation. In 2019 a neighbor up the street installed an overflow, approx. 4" PVC pipe that discharges not only water but also a sizeable amount of sand directly into the street. Said sand stops and accumulates adjacent to our property and in front of our driveway. It overflowed and killed a portion of our lawn, approx. 100 sq. ft. last summer. This activity is clearly prohibited by City Ordinance Section 13-4, Obstruction on Public Ways.

I went to the Public Works Garage on 10/14/2020. Explained the situation. A couple days later I was informed "nothing they can do" and that I should call and deal directly with the City Manager.

I called the City Manager on 10/20/20 explained the situation to him. He stated he'd let me know. To this date I never heard a word. Before he leaves in December my wife and I are determined to resolve this one way or another and find out why nobody from the City will talk to us.

In order to avoid a repeat of last summer this spring and summer, after a rainfall, I go out and physically sweep and shovel the sand into the middle of Howard Street. This is an unacceptable situation.

Therefore we are asking that you personally come up and see for yourself, and get a more detailed explanation as to what is really happening here.

Thank you Paul for listening. Hope you can help us.

Richard M. Langlois

Paulette J. Langlois

Mayor Grenier advised that he did visit the property and spoke to Mr. and Mrs. Langlois. Mayor Grenier advised that he will speak to the City Manager to see how this can be resolved. Councilor Rozek advised that the City Manager did contact the property owner and asked that it be corrected, and nothing has been done. The Mayor and City Manager will follow-up with the nursing home and report back to the Traffic Safety Committee.

Councilor Rozek moved, with a second by Councilor Remillard, that an acknowledgement be sent to Mr. and Mrs. Langlois stating that their letter has been forwarded to the Traffic Safety Committee and that the City Manager and Mayor would be looking into the issue and reporting back to the Committee. So moved, the motion carried.

d. Re-appointment to Police Commission – Gerard Nault

Dear Mr. Mayor,

I understand that my term as a member of the Police Commission expires on August 31, 2021. Please accept this letter as a confirmation of my interest to continue to serve the City of Berlin on the Police Commission. As you know, I have been serving since 2008.

I have been a resident here in Berlin since 1976 and have served a number of other community -based organizations during that time. If appointed for another term, I will do my very best to serve all constituents. I very much appreciate the support of you and the Council.

Thank you for your consideration.

Respectfully,

Gerard R. Nault  
80 Nansen Street  
Berlin, NH 03570

Councilor Theberge moved, with a second from Councilor Rozek, to accept the Mayor's nomination of Gerard Nault as a Police Commissioner with a term to expire August 31, 2024. So moved, the motion carried.

## **6. PUBLIC COMMENTS**

Robert Theberge of 30 Oxford Street in Berlin noted again that when Ordinances are amended, the entire ordinance should be in front of the Council, with strikeouts to compare and contrast. Mr. Theberge also noted that Sections 2-1, 2-2, and 2-4 do stand.

Kathy Trumbull of 348 First Avenue in Berlin stated that she believes a clarification of the proposed Ordinance is needed, as it is not clear.

## **7. Council Comments**

There were no Council comments.

## **8. Adjournment**

On a motion by Councilor Rozek, seconded by Councilor Theberge, the Council voted to adjourn the meeting at 8:32 pm. 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.