

CITY COUNCIL MEETING – Monday, August 15, 2022

Public Hearing

Mayor Grenier opened the Public Hearing at 7:36 pm for Resolution 2022-27 Feeding of Geese et al Prohibited Ordinance. There were no public comments. Mayor Grenier closed the Public Hearing at 7:37 pm.

Mayor Grenier opened the Public Hearing at 7:37 pm for Resolution 2022-28 Primex Cap Agreement. There were no public comments. Mayor Grenier closed the Public Hearing at 7:38 pm.

Mayor Grenier opened the Public Hearing at 7:38 pm for Resolution 2022-29 DPW Trailer Mounted Camera System Purchase. There were no public comments. Mayor Grenier closed the Public Hearing at 7:38 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:38 pm.

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Grenier, Councilors Morgan, Eastman, Higbee, Robert Theberge, Remillard, Berthiaume, and Morency

Absent: Councilor Roland Theberge

Also present: City Manager Phillip Warren, Jr, Community Development Director Pamela Laflamme, Chief Daniel Buteau, City Clerk Shelli Fortin, Lori Korzen, Steven Korzen, Jan Zicha, Richard King, and Paul Robitaille, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the August 1, 2022 Regular Meeting and Work Session. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1919 start date 08/02/2022 end date 08/15/2022 for a total cash disbursement of \$1,616,428.99. Councilor Berthiaume moved with a second by Councilor Higbee to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion passed.

PUBLIC COMMENTS

Richard King of 107 Jericho Road noted that the City must have received a lot of calls about the new valuations and asked if the City had any idea what the new tax rate would be. Mayor Grenier advised that the utilities are not completely done, and are part of the assessment process. Mayor Grenier noted that although the new values are a shock, people should stay calm, as the amount on the warrant to be raised by taxes did not go up. Mayor Grenier stated that the tax rate will be less, but we don't know how much less. Mayor Grenier noted that the new assessment was ordered by the state, as properties were undervalued.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

2. Resolution 2022-27 Feeding of Geese et al Prohibited Ordinance (tabled 8/1/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION amending the City of Berlin's Ordinances, by adding a new section titled Section 7-25. Feeding of Ducks, Geese and Wild Animals Prohibited.

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

Whereas, it has been identified that the feeding of wild animals on city property, specifically geese, has created a health and safety hazard to users of city property, and

Whereas, the feeding of said wild animals has proven to be detrimental to the animals feeding, nesting and migration actions, and

Whereas, the accumulation of waste from said animals constitutes a health and safety hazard,

NOW THEREFORE BE IT RESOLVED

That City Council of the City of Berlin hereby amends the City of Berlin's Ordinances, to add a new section to Chapter 7: Health

Section 7-25 Feeding of ducks, geese and wild animals prohibited.

- (1) No person shall while upon the property owned and or maintained by the city feed ducks, geese or any other form of wildlife.
- (2) Any person found violating this section shall be subject to a fine of not less than \$50.00 and not more than \$500.00.
- (3) The purpose of this chapter is to maintain the health and safety of this community's natural waters and parks.

This Resolution shall be in full force and effect upon passage.

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

Councilor Berthiaume moved, with a second by Councilor Higbee, to amend the Resolution to say, (2) Any person found violating this section shall be subject to a fine of not less than \$100.00 for the first offense, not less than \$250.00 for the second offense, and not more than \$500 for the third offense. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-27 as amended by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-27 as amended by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2022-27 as amended be passed. So moved, the motion passed.

3. Resolution 2022-28 Primex CAP Agreement (tabled 8/1/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION authorizing the City to participate in the Primex Contribution Assurance Program

WHEREAS, The City receives insurance coverage for workers compensation and property and liability coverage from Primex

WHEREAS, Primex offers an opportunity for members to participate in the Contribution Assurance Program which caps future year property and liability policy cost increases at 9% annually and workers compensation policy cost increases at 8% annually for fiscal years 2024, 2025 and 2026.

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

NOW THEREFORE BE IT RESOLVED by the City Council To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex³) to enter into its Property & Liability Contribution Assurance Program (CAP) as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex³ risk management pool membership during the term of both the Property & Liability and Workers Compensation Contribution Assurance Program (CAP). The coverage provided by Primex³ in each year of membership shall be as then set forth in the Coverage Documents of Primex³.

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

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

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-28 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-28 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-28 be passed. So moved, the motion passed.

4. Resolution 2022-29 DPW Trailer Mounted Camera System Purchase (tabled 8/1/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION authorizing the purchase of one trailer mounted camera inspection system for the Public Works Department.

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

Whereas, the Public Works Department is in need of a trailer mounted camera inspection system and related equipment; and

Whereas, this purchase is necessary to properly inspect the sewer collection system and drainage system and to allow City staff to assess the condition of both systems: and

Whereas, there are Capital Funds available within the Public Works Capital Improvement budgets for the payment of the new equipment; and

Whereas it has been determined by the City Manager, Public Works and Pollution Control staff that it is advantageous for the City to acquire this specific system – that decision being made after extensive research and consultation; and

Whereas the specific system, with its various components is only offered by one vendor,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that,

The City Council, on the aforementioned recommendation from the City Manager does waive the purchasing and procurement requirements defined in Section 2-430 of the City Ordinances and authorizes the City Manager to take any and all actions needed to complete this acquisition.

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

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

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-29 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-29 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2022-29 be passed. So moved, the motion passed.

NEW BUSINESS

1. City Manager's Report

1. Attached is the Fire Chief's July report, the Monthly Incident Report and the EMS call volume report.
2. Also attached is the July 2022 Property Transfer list.
3. Work is progressing well on the Riverwalk project. A change order was executed to allow for removal of a gate and replacement with fencing and the addition of solar powered lighted bollards.
4. By all reports the ATV Jamboree went well and was well attended. An after-action meeting will be held at the staff level in the near future.
5. The I/I – building demolition project is concluding, all buildings have been demolished, lots loamed, seeded and fenced.
6. The city has filed for an extension of our MS-1 filing from the required date of September 1 to September 30 to allow for the utility values process to be completed.

Mayor Grenier asked City Manager Warren if he knew where the City is at with utility values and Mr. Warren advised he did not know.

Councilor Remillard moved, with a second by Councilor Higbee, to accept the City Manager's Report and place it on file. So moved, the motion passed.

2. Mayor's Report

a. Berlin Housing Authority Appointment

Dear Mayor and Berlin City Councilors:

This is to request that a recent vacancy be filled on the Berlin Housing Authority's board for a term to end in December 2022. This is the unexpired term of Charles Dodge who has since left the area for relocation.

In requesting this appointment, we offer for your consideration, Ms. Joan Pettingill. She qualified to assist the Housing Authority in its mission to create and preserve affordable housing. She is a consumer of our services and brings great insight to the table.

The Commissioners and I are looking forward to a lasting relationship with Ms. Pettingill as her knowledge of the resources in the area can only complement our objectives.

We request that you kindly begin the process of reappointment. Thank you for your attention to this matter.

Sincerely,

Mary-Jo Landry
Executive Director

Councilor Berthiaume moved, with a second from Councilor Morency, to approve the nomination of Joan Pettingill as a member of the Berlin Housing Authority Board with a term to end on December 31, 2022. So moved, the motion carried.

b. Cemetery Trustees Appointment

Dear Mayor Grenier and Council Members,

I am very interested in continuing as a Cemetery Trustee for another 3-year term. We have been working to improve conditions and records of the city's cemeteries. I believe we are making strides to improve condition of the cemeteries and preserving their history.

Thank you for your consideration and I look forward to continuing to working with you and the City Council.

Sincerely,

Kristia L. Davis

Councilor Remillard moved, with a second from Councilor Morgan, to approve the nomination of Kristia Davis as a Cemetery Trustee with a term to end on August 31, 2025. So moved, the motion carried.

c. Trustee of Trust Funds Appointment

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 6/30/2025.

Thank you for your consideration.

Sincerely,

Joe Dupuis

Councilor Remillard asked if Mr. Dupuis was a resident of Berlin and Mayor Grenier advised he is.

Councilor Remillard moved, with a second from Councilor Morency, to approve the nomination of Joseph Dupuis as a Trustee of Trust Funds with a term to end on June 30, 2025. So moved, the motion carried.

d. St. Kieran Community Center for the Arts Dinner on the Bridge

Dear Ms. Fortin,

On behalf of St. Kieran Community Center for the Arts, I would like to request the use of the Bridge Street pedestrian bridge to once again host our Annual Dinner on the Bridge event!

We would like to hold our event on Sunday the 18th of September. Like times past, we will need a block of time to set everything up (4 to 5 hours), another block of time for actual dinner (2-3 hours) and a third block for clean-up (3-4 hours). It would be great if we could close the bridge to all public pedestrian traffic during the actual dinner block, realizing that closing it for the entire time would make things difficult for those who depend on that path for multiple purposes.

We are also aware of the construction that is occurring for the River Walk project, and hope that with our event occurring on a Sunday, we will not interfere with the city's project.

With the addition of the new and exciting River Walk, we hope that our annual Dinner on the Bridge event will assist in promoting the charm and beauty of our wonderful city.

Thank you for your consideration of this request. I look forward to hearing from you and sharing information with our Board of Directors.

Respectfully Submitted,

Amber Bachner, Executive Director

Councilor Higbee moved, with a second from Councilor Berthiaume, to approve the request from St. Kieran Community Center for the Arts for the annual Dinner on the Bridge as presented. So moved, the motion carried.

e. Updated BHS Homecoming Parade Request

Dear Mr. Warren and Ms. Fortin,

The Berlin High School Backers are writing to request permission to hold the annual BHS Homecoming Parade and Bonfire on Friday September 30, 2022, beginning at 5:00pm as part of the 2022 BHS Homecoming festivities.

Due to an issue with the current venue of Heritage Park, we are no longer able to have Homecoming there. We are requesting permission to utilize the old parade route as in many years past, except ending at Community Field and having the rest of the homecoming activities there, where there is already electrical access for the food vendors. The parade would begin at lower Main Street by Aubuchon's Hardware Store, proceed north up Main Street to the corner of Main and Mason Streets, turn right there and take a left onto Unity Street, where the parade would end by the old Eastern Depot/Ingy's Ice Cream building. We are hoping to be able to use that lot as a parking area for the tractor trailers to park. The bonfire would be held on the infield to the baseball field, on top of a large metal pallet.

We ask that the route be closed from 5:00pm to 8:00pm from the start of staging to the end of the parade. We understand if part of this route needs to remain open until 6:00 to accommodate local businesses. This would allow for parade participants to safely prepare for the parade, line up with the floats and proceed down Main Street. The actual parade would start at 7:00pm. The parade would end with the annual bonfire event at Community Field. We will need to contact the Berlin Police Department as far as traffic redirection and no parking signs to accommodate the parade.

Our second option would be the same route as above, except have the parade end at Tundreau Park and have the evening festivities there, except we do not believe there is electrical access there.

As part of the planning process we will be meeting with the city departments coordinating this event. Please feel free to let me know if I have forgotten anything, and please let us know of any restrictions due to Covid.

Thank you for your time and consideration of our request. We appreciate your continued support of the BHS Backers and the students of Berlin High School. Please let us know if you have any questions or concerns by calling me, Becky, at [603-723-9833](tel:603-723-9833) or by sending an e-mail to the Backers at berlinbackers@gmail.com.

We look forward to hearing from you.

Sincerely,
Rebecca Woodward, President
BHS Backer's
2021-2022

Mayor Grenier requested that this letter be included in the record of the minutes, however the item was voted on at the Work Session held this evening.

Mayor Grenier expressed his thanks to all of those who worked hard to put on the Journey to Jericho Jamboree event this year. Mayor Grenier stated they did a superior job and is proud of the fact that the community can come together to put on an event for those of all ages to enjoy this beautiful area. Mayor Grenier noted that these events are one of the reasons why property values are rising, and these workers have done more for our City than they will

ever know. Mayor Grenier also thanked Chief Buteau for the work of the officers of the police department, who handled themselves with pride and dignity.

Mayor Grenier also thanked Community Development Director Pamela Laflamme, former City Manager James Wheeler, and Dammon Frecker from Burgess BioPower for their work on the RAISE grant. Mayor Grenier noted that this a time for Berlin to celebrate, as they will be able to smile with pride at our downtown when this project is completed. Mayor Grenier noted that a public-private partnership worked well in Foxboro, MA, and can here as well, with people working together.

3. Public Comments

Richard King of 107 Jericho Road noted that Mayor Grenier has been building up the OHRV's, but the noise they create on Route 110 makes it difficult to hear the TV or talk to each other. Mr. King also stated that he cannot see the significance of the Riverwalk, as there is a sidewalk on the other side of the street and crosswalks. Mr. King stated that it is a waste of money. Mr. King noted that it is another sidewalk for BPW to maintain, and that being so close to the river the frost will move the concrete.

Lori Korzen of 788 Kent Street stated that she had 31 adults and children sleep over during the Journey to Jericho Jamboree, and they took the kids to Santa's Village, and it was awesome. Ms. Korzen was thankful that the event brought her family home.

4. Council Comments

Councilor Robert Theberge thanked Finance Director Holly Larsen for the insight he has gained and for her patience and guidance with him as a new member of the Committee on Accounts and Claims.

Councilor Berthiaume asked that a sign be made for the park by the river with the new fine structure for the feeding of wildlife. City Manager Warren advised it will be.

Councilor Berthiaume thanked the City as both a Councilor and a member of the Chamber of Commerce Board of Directors for everything they did to help with the Journey to Jericho Jamboree.

5. Adjournment

On a motion by Councilor Higbee, seconded by Councilor Berthiaume, the Council voted to adjourn the meeting at 8:13 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.