

CITY COUNCIL MEETING – Monday, February 6, 2023

Public Hearing

Mayor Grenier opened the Public Hearing at 7:58 pm for Resolution 2023-01 Aerial Ladder and Pumper Lease Purchase. There were no public comments. Mayor Grenier closed the Public Hearing at 7:59 pm.

Mayor Grenier opened the Public Hearing at 7:59 pm for Resolution 2023-02 CPCNH Membership. There were no public comments. Mayor Grenier closed the Public Hearing at 8:00 pm.

Mayor Grenier opened the Public Hearing at 8:00 pm for Ordinance 2023-01 Building Inspection Fees. There were no public comments. Mayor Grenier closed the Public Hearing at 8:00 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:00 pm.

a. Pledge of Allegiance

b. Roll Call

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

Absent: Councilor Remillard

Also present: City Manager Phillip Warren, Jr, Director of Strategic Initiatives Pamela Laflamme, City Clerk Shelli Fortin, Police Chief Daniel Buteau, Deputy Chief Nathan Roy, Fire Chief James Watkins, Finance Director Holly Larsen, Lori Korzen, Randall Berube, and Lisa Connell, Berlin Daily Sun.

c. Councilor Berthiaume moved, with a second by Councilor Higbee, to accept the minutes of the January 17, 2023 Regular Meeting and Work Session. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1930 start date 01/25/2023 end date 02/06/2023 for a total cash disbursement of \$2,171,821.65. 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

Randall Berube, who owns the property at 300 Denmark Street, spoke concerning the blighted property at 302 Denmark Street. Mr. Berube stated the property was taken by the City in 2007. Mr. Berube shared concerns for safety, as there is an open foundation, fuel tank, tires, and construction debris on the property. Mr. Berube suggested that the property could be cleaned up and used as a turn around for the public works trucks at the end of the street. Mr. Berube noted that the condition of the property negatively affects property values in the neighborhood, and that he filed an abatement in 2020 based on this. Mr. Berube stated that he has filed a complaint with Code Enforcement about the property.

Mayor Grenier thanked Mr. Berube for sharing his concerns and referred him to the City Manager. City Manager Warren advised that he did look at the property after the complaint was filed with Code Enforcement. Mr. Warren advised that the plan is to ribbon off the property this winter and to have the Public Works department begin cleanup this summer.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

2. Resolution 2023-01 Aerial Ladder and Pumper Lease Purchase (tabled 1/17/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the purchase of a Pierce Enforcer 105'PAL Aerial Ladder and a Pierce Enforcer 1500 GPM 4x4 Pumper

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

Whereas, the Fire Department is in need of the aforementioned equipment since the current Ladder and Pumper have exceeded their intended use life cycle; and

Whereas, the City has solicited proposals for replacement of the aforementioned equipment, received and analyzed said proposals, identifying that the best option for the City is to procure the Pierce Enforcer Aerial Ladder and Pierce Pumper as described in the proposal, at a cost of \$1,399,652 for the Ladder and \$813,626 for the Pumper; and

Whereas, the Fire Department, through the City, is in receipt of an AFG Grant in the amount of \$620,000 for the purchase of the aforementioned Pumper; and

Whereas, the City has an \$80,000 match for the Pumper purchase in segregated funds – account 01-495-995-1107; and

Whereas, it is in the best interest of the City and of the Berlin Fire Department to fund the purchase by a combination of available funds, grant funds and a 10-year lease purchase; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that the purchase of the Pumper be funded as follows: AFG grant, 620,000; account 01-495-995-1107 - \$80,000 and the balance of \$113,626 will be included in the Aerial Ladder lease purchase amount of \$1,399,652, for a total to be financed equaling \$1,513,278.

Be it further resolved that the City Manager is authorized to do all things necessary to execute the lease purchase of the Pierce Enforcer 105'PAL and the Pierce Enforcer 1500 GPM 4x4 pumper.

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

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

Councilor Higbee moved, with a second by Councilor Berthiaume, to amend Resolution 2023-01 by changing Public Works Department to Berlin Fire Department and the total amount to \$1,513,278. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Resolution 2023-01R1 as amended by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Resolution 2023-01R1 as amended by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, that Resolution 2023-01R1 as amended be passed. So moved, the motion passed by roll call vote. Robert Theberge – yes, Higbee-yes, Berthiaume – yes, Morency-yes, Morgan-yes, Eastman-yes, Roland Theberge-yes, Grenier-yes

3. Resolution 2023-02 CPCNH Membership (tabled 1/17/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the City's membership in the Community Power Coalition of New Hampshire

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

Whereas, the City finds it advantageous to participate in the aforementioned organization, the goal being to develop and implement a community aggregation plan.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH to authorize the City Manager to enter into the 'Joint Powers Agreement' of Community Power Coalition of New Hampshire, consistent with the provisions of NH RSA 53-A for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to said NH RSA 53-A, as well as related statutory authorities, subject to review and approval of legal counsel.

Be it further resolved that Jeffrey Quackenbush shall be appointed to serve as Berlin's primary representative and Director to said Coalition and that Henry Noel shall be the alternate representative.

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 2023-02 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-02 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-02 be passed. So moved, the motion passed.

4. Ordinance 2023-01 Building Inspection Fees (tabled 1/17/2023)

In the year of our Lord Two Thousand Twenty-Three

AN ORDINANCE amending the CODE OF ORDINANCES, Chapter 4, BUILDINGS AND BUILDING REGULATIONS, Sec 4-7 Fees

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

That Sec. 4-7. is hereby amended as depicted below.

Sec. 4-7. Fees

The minimum fees for building, electrical, plumbing, mechanical, demolition and other permits issued by the building inspector shall be as follows:

Residential 1&2 Family	Fee
Additions & Alterations	\$10.00
Garage/Carports	\$10.00
Siding	\$5.00
Storage Bldg	\$5.00
Fence	\$5.00
Sign	\$5.00
New Home	\$25.00
Elect/upgrade	\$10.00
Elect/new system	\$25.00
Plumbing/upgrade	\$10.00
Plumbing/new system	\$25.00

Multi-Family

Additions & Alterations	\$25.00
New Building	\$100.00
Elect/upgrade	\$25.00
Elect/new system	\$50.00
Plumbing/upgrade	\$25.00
Plumbing/new system	\$50.00

Com/Ind/Ins

Additions & Alterations	\$50.00
New Building	\$100.00
Elect/upgrade	\$50.00
Elect/new system	\$100.00
Plumbing/upgrade	\$50.00
Plumbing/new system	\$100.00

Other

Manufactured home	\$25.00
Demolition Permit	\$5.00

Residential 1&2 Family	
	Fee
Additions & Alterations	\$35
Garage/Carports	\$35
Siding/Roofing/Pool	\$20
Storage Bldg	\$20
Fence	\$25
Sign	\$25
New Home	\$100
Elect/upgrade	\$30
Elect/new system	\$50
Plumbing/upgrade	\$30
Plumbing/new system	\$50
Mechanical	\$30

Multi-Family	
Additions & Alterations	\$50
New Building	\$200
Elect/upgrade	\$50
Elect/new system	\$100
Plumbing/upgrade	\$50
Plumbing/new system	\$100
Mechanical	\$50

Com/Ind/Ins	
Additions & Alterations	\$75

New Building	\$200
Elect/upgrade	\$75
Elect/new system	\$150
Plumbing/upgrade	\$75
Plumbing/new system	\$150
Mechanical	\$75

Other	
Manufactured home	\$50
Demolition Permit	\$25

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

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

Councilor Higbee moved, with a second by Councilor Morgan, to amend Ordinance 2023-01 by changing the amount for Multi-Family Additions & Alterations to \$50. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Ordinance 2023-01R1 as amended by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Ordinance 2023-01R1 as amended by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, that Ordinance 2023-01R1 as amended be passed. So moved, the motion passed.

NEW BUSINESS

1. Resolution 2023-03 NHDES Stormwater Asset Management Program Grant (1st read)

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for February 21, 2023. So moved, the motion carried.

1a. Agreement between Berlin Police Department and AFSCME 3657

Councilor Berthiaume read the cost items into the record for the agreement between the Berlin Police Department and AFSCME 3657:

FY23 \$20,472.07 Effective March 1, 2023
FY24 \$ 1,663.39
FY25 \$22,009.54

Councilor Berthiaume moved, with a second by Councilor Higbee, to approve the cost items as presented.

Mayor Grenier advised that the current year includes a 4% increase, FY24 a 3% increase, and FY25 a 3% increase. There is a significant change to the health insurance plan, which provides savings. There has also been reduction in the municipal share of the Group 1 and Group 2 NHRS contributions, which is reflected in the cost items. Mayor Grenier noted that this has been a fair process and thanked Chief Buteau and Deputy Chief Roy for their hard work. Mayor Grenier noted the current political environment, with those on both sides of the political spectrum not respecting law enforcement. However, Mayor Grenier noted that those in the middle want the Police Department to be professional and professionally trained. Mayor Grenier stated that we are lucky here in Berlin to have the department we do, and that he is proud of the men and women who represent the City in high regard, and that the majority of citizens hold them in high regard.

Councilor Morency noted that the contract is consistent with what the City has done with other contracts this year.

So moved, the motion passed by roll call vote. Robert Theberge – yes, Higbee-yes, Berthiaume – yes, Morency-yes, Morgan-yes, Eastman-yes, Roland Theberge-yes, Grenier-yes

2. City Manager's Report

1. Attached is the December 2022 Property Transfer list.
2. As you are aware we have changed strategies as it relates to snow and ice control. No longer are we using a sand and salt mix for all ice control. Instead we are applying a strategy of dry salt and sand usage as temperatures dictate. The methodology is one that the state uses that was perfected in Minnesota. While salt expenditures are up, sand usage is much lower. The benefits include less sand being deposited in the drainage system, better quality deicing of roads and conservative but sufficient distribution of deicing materials. A copy of the methodology is attached.
3. The city is having difficulties hiring and retaining employees for public works – the difficulty is that commercial driver's license holders are in short supply. Strategies are being formulated to address this problem, both locally and statewide. Right now, the city is down 2 public works laborer / drivers and one mechanic.
4. The vacuum truck that the city purchased has had a failure of the vacuum apparatus again. This part has failed 3 times in the past. A plan is being formulated where the city will spec out and purchase a new, different vacuum apparatus for the existing truck and potentially trade in the existing body. A different vacuum technology exists, one that is more reliable and effective, thereby saving the city money in the long term, since outside contractor use will be diminished. The truck underneath the vacuum is in very good condition and has not come close to its end of use cycle.

Councilor Morgan moved, with a second by Councilor Morency, to accept the City Manager's Report and place it on file.

Councilor Higbee asked about the age of vacuum truck. City Manager Warren advised that it is five years old, and has a blower system which is not strong enough for some of the jobs they do, that they are hoping to replace with a positive pressure pump system. Councilor Morgan asked about the body of the truck, and City Manager Warren advised that they could put it out to bid. Mr. Warren noted that they currently put bids out locally, however there are websites specifically for municipal bidding and that would provide a larger audience if they cannot trade it in.

So moved, the motion passed.

3. Mayor's Report

a. Letter from NH Division of Parks and Recreation

Dear Mayor Grenier,

The Division of Parks and Recreation has completed the Campground Feasibility Study for the six parks we wrote to you about earlier this year. The study evaluated campground infrastructure, opportunities to add new infrastructure, expanding the number of campsites, upgrading support facilities for our existing visitors and to meet the demand for future camping experiences. The project webpage with updated information can be found at <https://www.nhstateparks.org/news-events/improving-state-parks/arpa-projects>.

The cost estimating conducted for each of the six potential campground expansion projects determined that the costs of the proposed enhancements exceeded the available funds. Three of the six campgrounds were selected for further study, striking a balance between investing throughout the state while ensuring that the level of investment for any individual campground is sufficient to have significant impact to the recreational opportunities provided in the state park system. This impact is a function of not only the number of additional campsites being offered to the public, but also the quality of the camping experience being provided.

The two campgrounds that are selected for expansion are Jericho Mountain State Park and Pawtuckaway State Park. These expansion projects will offer outdoor recreation opportunities that are not well represented at their campground or within the State Park System.

The plans we are proposing at Jericho Mountain State Park include;

- The addition of a new camping area that is designed to accommodate contemporary recreational vehicles, with a total of 19 premium campsites that include water, electric, and sewer connections.
- A dump station to service recreational vehicles at the existing campsites that don't have sewer hookups.
- A total of six infill campsites within the existing campground area that will provide additional camping opportunities.
- Adding electrical service to the existing cabins.

If you would like additional information or to speak with us please contact, Johanna Lyons, State Park Planning and Development Specialist at 603-271-3935 or Johanna.Lyons@dncr.nh.gov.

Sincerely,

Brian J. Wilson
Director

b. Letter from Kathy and John Trumbull re: Fireworks

Dear Mr. Grenier, Warren, and City Council Representatives;

We have had an ongoing problem with repeat offenders' use of fireworks within very close proximity to our home on First Avenue. Over the past years we have made numerous calls to police to report these incidents, providing photos, addresses, license plates of vehicles with rocket launchers in the flatbed, etc. To the best of our knowledge, there have been no fines or warnings issued, or even a visit to inform repeat offenders that fireworks are in violation of the zoning regulations within the City. When reported, dispatch has merely stated that they would inform an officer, with no follow-up report on what action was taken. On New Year's Eve when dispatch was re-called to report that the fireworks were still ongoing and asked what action was taken, we were told that a police vehicle was dispatched and was unable to locate the violation. This is likely because the close neighbor at 373 First Avenue, this New Year's Eve, lit off several fireworks, then waited about 45 minutes, then lit off several more, repeating numerous times over the course of the evening. It is unlikely that a drive-by in a police cruiser ten to twenty minutes after an incident would be able to witness the use of fireworks with this strategy. It hasn't worked over the past 5-6 years, so clearly a different approach is needed.

Several years ago, a close neighbor on Western Avenue just below our house lit off fireworks that exploded directly in front of our picture window, which amazingly did not shatter. Burned debris was found in our yard the following day. These incidents cause extreme trauma to our dogs, and other neighbors' dogs who have complained as well. Our dogs have jumped into the bathtub to hide, curled up in closets, and crawled under a bed, unable to get out without us both lifting the entire bed. Surely it must also be traumatic for veterans and persons with PTSD hearing explosions within close range.

This past July 4th was yet another terrible night with a "fireworks party" with guests in a black pickup truck transporting a rocket launcher to 373 First Avenue, the home of Jason Thomas. Police were called multiple times, photos sent, with no mitigation or police assistance. After walking partially up the driveway to this neighbor to ask them to stop, young children were witnessed operating the fireworks and launched one that nearly hit me in the head. The response from Jason Thomas was not of concern, but to yell at me for trespassing. Neighbors from every direction were screaming at them to stop, yet no police intervened. This chaos in our neighborhood would not be happening if our ordinances were enforced. The next day I sent an email to Paul Grenier along with the police chief, Andy Buteau, asking for messages to go out to the community, which was done.

On July 4th, 2021, I knocked on the door of this same home, politely attempted to explain the trauma our dogs were experiencing, and Jason Thomas slammed the door in my face.

It is time the City of Berlin and the Berlin Police take this issue seriously, draft an effective plan, and take steps to resolve it. We all should want our community and neighborhoods to be peaceful and safe. This lack of enforcing our ordinances is pitting neighbor against neighbor, causing chaotic house-to-house shouting, which occurred in my neighborhood. Here are a few suggestions:

1. Increase fines for use of fireworks use within close proximity of houses;

2. Increase police officers on duty for holidays and conduct stationary patrols (versus drive-by's);
3. Police physically visit homes reported/suspected of fireworks use, provide a copy of zoning regulation prohibiting fireworks within City limits, and inform residents of future fines for violation;
4. Disseminate a widespread public message to the residents regarding the prohibition of fireworks use within the City of Berlin; and
5. Provide public fireworks on holidays typical for celebrations at a safe venue, a large parking lot, or a specified location not in close proximity to homes and inform the public widely about the event(s).

We would appreciate a response to our request and thank you for your efforts and consideration.

Sincerely,

Kathy & John Trumbull

Mayor Grenier asked Chief Buteau to contact the Trumbulls and to hopefully develop a plan forward.

Chief Buteau spoke in response to the letter. Chief Buteau first noted the police department's response to the tragedy that occurred on Friday in our community, noting that the officers responded selflessly to render aid, showed compassion for the witnesses, and took the suspect into custody. Chief Buteau commended their dedication to duty, and noted the assistance provided from other agencies, including NHSP, the Coos County Sheriff's Department, Gorham Police Department, and others. Chief Buteau stated that these agencies worked closely together to ensure a thorough investigation so that justice may be served. Chief Buteau then addressed the complaints in the letter, stating that on August 27 when a complaint was made, officers responded and issued two citations. Chief Buteau advised that he has offered to speak with Mrs. Trumbull on several occasions and the offer still stands. Chief Buteau noted that they take all calls for service seriously and the department is committed to the City and its citizens.

Councilor Berthiaume asked if the Council should take a look at the ordinance and review it to see if any revisions are needed. City Manager Warren stated that in looking at the ordinance, it is similar to other communities. Mr. Warren noted from the enforcement standpoint, it is a problem as there is a finite number of officers and it is not easy. Mr. Warren stated that they can inform the community that fireworks are prohibited. Mr. Warren stated that the police department can try to focus on problem areas, but often their attention is diverted to higher priority calls, and they have a responsibility to serve the whole city with the resources they have.

c. Letter from FRC re: Community Baby Shower

To Whom It May Concern,

I am writing this letter to kindly request use of the lawn space located next to Maureen's boutique on Main Street on Saturday July 15, 2023.

The Family Resource Center is proudly offering our 5th annual Community Baby Shower to the town of Berlin. Over the past five years we have helped connect numerous families with needed items such as diapers, wipes, used clothing, baby gear, books, and other resources during this event. Thanks to your generosity of allowing us to use the space, we were able to support over 70 families at last year's event. This year we are hoping to support an equal amount, if not more families.

We hope you will consider this request, and if you have any questions, please don't hesitate to contact me.

Sincerely,

Briana Shannon
Program Manager-Healthy Families America
The Family Resource Center

Councilor Morency moved, with a second by Councilor Higbee, to approve the request from the Family Resource Center to use the park on Main Street for their Community Baby Shower on July 15, 2023. So moved, the motion passed.

Councilor Higbee moved, with a second by Councilor Morgan, to accept the Mayor's Report, place the letters received on file, and send a letter to the Trumbulls. So moved, the motion passed.

4. Public Comments

There were no public comments.

5. Council Comments

Councilor Eastman advised that he has been out walking and stated that the new salt strategy is working and is noticeable.

6. Adjournment

On a motion by Councilor Higbee, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 9:00 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.