

CITY COUNCIL MEETING – Monday, April 3, 2023

Public Hearing

Mayor Grenier opened the Public Hearing at 8:51 pm for Resolution 2023-04 Byrne JAG Grant, Resolution 2023-05 Substance Abuse PD, Resolution 2023-06 Highway Safety PD, Resolution 2023-07 Homeland Liaison Officer PD, Resolution 2023-08 NHF&G OHRV PD, Resolution 2023-09 Walmart Community PD, Resolution 2023-10 LEMHWA PD, and Resolution 2023-11 ARPA Salt Shed. There were no public comments. Mayor Grenier closed the Public Hearing at 8:53 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:53 pm.

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Grenier, Councilors Robert Theberge, Morency, Remillard, Roland Theberge, and Eastman

Absent: Councilors Morgan, Higbee, and Berthiaume

Also present: Director of Strategic Initiatives Pamela Laflamme, City Clerk Shelli Fortin, Chief Daniel Buteau, Dep. Chief Nathan Roy, and Lisa Connell, Berlin Daily Sun.

c. Councilor Roland Theberge moved, with a second by Councilor Morency, to accept the minutes of the March 20, 2023 Regular Meeting and Work Session, and the Budget Meeting of March 27, 2023. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1934 start date 03/20/2023 end date 04/03/2023 for a total cash disbursement of \$1,186,488.60. Councilor Roland Theberge moved with a second by Councilor Remillard to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion passed.

PUBLIC COMMENTS

There were no public comments.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

2. Resolution 2023-04 Byrne JAG Grant (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Justice for the Byrne JAG Grant for Fiscal Year 2024.

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

WHEREAS the Berlin Police department supports a state-wide drug policy; and

WHEREAS use and trafficking of illegal drugs remains problematic statewide, including the North Country; and

WHEREAS there are limited resources for the New Hampshire Drug Task Force and northern New Hampshire police departments to call upon for assistance, and

WHEREAS Byrne JAG grant funding is available for agency participation in the NH Drug Task Force; and

WHEREAS the Department's participation in the NH Drug Task Force has an impact on the trafficking of illegal drugs in the North Country, as well as the drug problem statewide, by assisting in halting the sources of supply into and out of the northern portion of the state,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Justice for the Byrne JAG Grant. Said funds will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-04 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-04 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-04 be passed. So moved, the motion passed.

3. Resolution 2023-05 Substance Abuse PD (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Safety for the ongoing LE Substance Abuse Reduction Initiative for Fiscal Year 2024.

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

WHEREAS the Berlin Police Department participates in the ongoing opioid grant program; and

WHEREAS opioid sales and abuse continue to cause overdoses, deaths, and a rise in serious crimes; and

WHEREAS Berlin is not immune to the opioid epidemic, and the Berlin Police Department has confirmed opioid trafficking in Berlin; and

WHEREAS the opioid epidemic has not only caused an increase in drug offenses but has affected an increase in property crimes and other non-drug related crimes which are taxing on the Police Department's and City's resources; and

WHEREAS the New Hampshire Department of Safety recognizes the severity of the opioid crisis and has grant funding available to support the continuation and expansion of successful partnership patrols and joint narcotics enforcement operations.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Safety for the ongoing Substance Abuse Reduction Initiative. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-05 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-05 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-05 be passed. So moved, the motion passed.

4. Resolution 2023-06 Highway Safety PD (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2024.

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

WHEREAS voluntary compliance of bicycle, scooter, and skateboard laws is a problem in Berlin, particularly in the downtown area; and

WHEREAS DWI offenses are problems in Berlin; and

WHEREAS speed and traffic light avoidance are problems which creates unnecessary risk for pedestrian traffic, and designated patrols are needed for enforcement; and

WHEREAS the New Hampshire primary child passenger safety law requires that all children up to the age of seven be restrained and properly secured in an approved child passenger safety seat, and everyone up to the age of 18 use a seat belt; and

WHEREAS operation of OHRVs on public ways is a concern; and

WHEREAS distracted driving is a statewide problem requiring increased public awareness that distracted driving will not be tolerated; and

WHEREAS information is available to teach young, inexperienced drivers specific educational experiences that focus on the behavior of vehicles, their limits of operation, and the effectiveness of seat belt use in the operation and occupancy of a motor vehicle, as they do not realize the limitations of vehicles or the harmful impact that alcohol may have on their ability to safely operate a vehicle; and

WHEREAS the NH Highway Safety Agency funds local projects to promote designated enforcement and education.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and receive funds for Highway Safety Project Grants. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purposes of the grants during Fiscal Year 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-06 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-06 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-06 be passed. So moved, the motion passed.

5. Resolution 2023-07 Homeland Liaison Officer PD (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and accept funds from the NH Department of Safety for the State Homeland Security Grant Intelligence Liaison Officer (ILO) Program for Fiscal Year 2024.

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

WHEREAS the *National Strategy for Information Sharing* emphasizes the importance of fusion centers in facilitating the exchange of threat-related information between federal, state, and local governments; and

WHEREAS The Implementing the Recommendations of 9/11 Commission Act amended the Homeland Security Act of 2002 by adding Section 210A (State, Local, and Regional Fusion Center Initiative) requiring the Secretary of Homeland Security to share threat-related information with states through fusion centers; and

WHEREAS many states and major urban areas have established information fusion centers for the gathering, analysis, and dissemination of law enforcement, homeland security, public safety, and terrorism information; and

WHEREAS grant funds are available to continue the ILO program in support of the information sharing activities of the New Hampshire Information and Analysis Center (NHIAC) in order to gather and disseminate threat-related information while ensuring privacy and civil rights and civil liberties are respected and protected; and

WHEREAS continuation of the Intelligence Liaison Officer (ILO) program is a vital component of an information and intelligence sharing network, as ILOs serve as the primary conduits for gathering relevant, unevaluated information concerning homeland security threats as well as other specified precursor crimes; and

WHEREAS the NH Department of Safety will provide grant funds for the purpose of sustaining an ILO to improve and maintain the effective exchange of threat-related information between local agencies and the NHIAC in a manner that respects and protects privacy and civil rights and civil liberties.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and accept NH Department of Safety ILO Program funds. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-07 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-07 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-07 be passed. So moved, the motion passed.

6. Resolution 2023-08 NHF&G OHRV PD (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the New Hampshire Fish & Game Department, Law Enforcement Division, for OHRV patrols for Fiscal Year 2024.

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

WHEREAS, Berlin is the gateway to the Great North Woods where many NH and out-of-state residents come to enjoy outdoor activities such as OHRV riding; and

WHEREAS, an increase in the number of people operate OHRV's on the City streets to gain access to commerce and/or authorized trails; and

WHEREAS, an OHRV operator violating the law is virtually impossible to follow and apprehend with a cruiser; and

WHEREAS, the dangers of operating OHRV's can be mitigated by an increased officer presence on our trail systems; and

WHEREAS, the Berlin Police Department possesses OHRV's, and officers are certified in the use of these vehicles; and

WHEREAS, House Bill 1273 allows for the NH Fish & Game Department to contract with local law enforcement for OHRV details; and

WHEREAS, these grant funds are available to the City of Berlin, NH with no required match.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the New Hampshire Fish & Game Department, Law Enforcement Division. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2023 and 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-08 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-08 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-08 be passed. So moved, the motion passed.

7. Resolution 2023-09 Walmart Community PD (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three.

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the Walmart Community Grant Program.

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

WHEREAS, it is the mission of the Berlin Police Department to provide community-oriented law enforcement, designed to protect life, property and maintain order, while assuring fair and equal treatment for all and to continually enhance the training and expertise of each member of the police force, and

WHEREAS, the Walmart Community Grant Program provides match-free funding to law enforcement agencies to enhance public safety, and

WHEREAS, this grant program is open to applications on a quarterly basis to help fund various projects and equipment purchases.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the Walmart Community Grant Program. Said funds granted to the City of Berlin will be used for the purpose of purchasing public safety equipment during Fiscal Year 2023 and 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-09 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-09 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-09 be passed. So moved, the motion passed.

8. Resolution 2023-10 LEMHWA PD (tabled 3/6/2023)

Mayor Grenier advised that the Police Department has decided not to apply for this grant, as the funds are restricted and could not be used as planned.

9. Resolution 2023-11 ARPA Salt Shed (tabled 3/6/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the acceptance of American Rescue Plan Act (ARPA) funds from the Coos County Delegation in the amount of \$200,000.00 to be use for the design and construction of a salt shed for the Public Works Department and, upon approval, appropriated to Fund 30 for use by the City of Berlin as described herein

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

Whereas, the Coos County Delegation has allocated funds to Coos County town for eligible projects; and

Whereas, investment in City infrastructure is an eligible use of funding; and

Whereas, the City has been discussing the need for a new salt shed structure for many years; and

Whereas, construction of this new structure will alleviate many existing issues related to the current storage configuration.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that funding from American Rescue Plan Act is accepted from the Coos County Delegation in the amount of \$200,000.00 for the purpose of the design and construction of salt shed for the Public Works Department and upon approval to be appropriated to Fund 30 for use by the City of Berlin.

Be it further resolved that the City of Berlin accepts the terms of the grant and grant agreement as presented and that the City Manager is authorized to do all things necessary to effectuate the grant.

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

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

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-11 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to read Resolution 2023-11 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Roland Theberge, that Resolution 2023-11 be passed. So moved, the motion passed.

Mayor Grenier thanked Councilor Robert Theberge for his leadership in helping to support this grant from the Coos County Delegation.

NEW BUSINESS

1. Ordinance 2023-02 Zoning Manufactured Housing (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Ordinance and schedule a public hearing for April 17, 2023. So moved, the motion carried.

2. Resolution 2023-12 K9 Match Grant PD (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Resolution and schedule a public hearing for April 17, 2023. So moved, the motion carried.

3. Resolution 2023-13 Homeland 2021 Search & Rescue Equipment 2023 PD (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Resolution and schedule a public hearing for April 17, 2023. So moved, the motion carried.

4. Resolution 2023-14 Firehouse Subs (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Resolution and schedule a public hearing for April 17, 2023. So moved, the motion carried.

5. Resolution 2023-15 PSN PD (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Resolution and schedule a public hearing for April 17, 2023. So moved, the motion carried.

6. Resolution 2023-16 US Forest Service PD (1st read)

Councilor Roland Theberge moved, with a second by Councilor Remillard, to table the Resolution and schedule a public hearing for April 17, 2023. So moved, the motion carried.

7. City Manager's Report

There was no City Manager's Report.

8. Mayor's Report

a. Berlin Water Commission Appointment Commission – S. Brungot

Dear Honorable Mayor,

My term of office for Water Board Commissioner expires as of May 1, 2023.

I am willing to continue to serve as a Board Member. Would you please consider reappointing me as a Water Board Commissioner, with a new term of office expiring on May 1, 2027.

Respectfully submitted,

Sean Brungot

Councilor Roland Theberge moved, with a second by Councilor Remillard, to approve the nomination of Sean Brungot as a member of the Berlin Water Commission with a term to expire April 30, 2027. So moved, the motion passed.

9. Public Comments

There were no public comments.

10. Council Comments

Councilor Morency noted that he is amazed at the outside agencies and what they provide for our city, and what is done behind the scenes. Mayor Grenier agreed, noting that if they were not there the responsibility would fall on the welfare budget. Mayor Grenier noted that the work they do far exceeds the amount the city is requested to contribute.

11. Adjournment

On a motion by Councilor Roland Theberge, seconded by Councilor Remillard, the Council voted to adjourn the meeting at 9:23 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.