

## **CITY COUNCIL MEETING – Monday, January 3, 2022**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:30 pm for Ordinance 2022-01 Zoning Ordinance Lot Size and Frontage.

Nicole Chevarie of 477 Grafton Street spoke against the Ordinance. Ms. Chevarie stated that she would not want someone that close to her home, as a 100' x 100' lot is small enough. Ms. Chevarie stated that 50' x 100' lots may be in certain locations, but should not be allowed everywhere.

Richard King of 107 Jericho Road stated that 50' x 100' lots may be a good thing in certain locations to utilize more property, but they should be looked at on an individual basis. Mr. King noted that if the city was able to use more lots for houses to be built, then more tax revenue could be generated.

A letter from David Morin of 54 Whittemore Avenue was read into the record:

Mayor and members of the Berlin City Council. I speak, at this time, in opposition to the proposed change in lot size in RS and RT zones.

While I do not speak to the type of housing that is on a lot, or the size of a lot in areas that currently allow smaller lot sizes, as the Northwoods park, Riverside Housing development, or RR allowances for a Cooperative site development of such lots or even the Jericho Gateway Zone which Was specifically created with maximum flexibility for diverse development... I do speak specifically to the allowance of smaller lot size in RS or RT zones that have consistently evolved as 100 x 100 since the mid 90's.

The 99 zoning rewrite recognized significant changes in lifestyle and those changes continue and are amplified today. We have moved from a one car household to 1 car per household resident. Then there's the 4x4 or side by side, motorcycle, snowmobile, toy hauler and perhaps a RV or camper trailer...add a garage and accessory building any lot quickly becomes built out.

Whether a starter home, workforce housing or a retirement home we need to be mindful of current lifestyles and their impact it has on the character of an established neighborhoods, road and other city infrastructure.

We have but to look to some of our historic older neighborhoods in any part of this city that have 45', 50', or slightly larger lots to see some of the challenges smaller lot size can generate. More long term on street parking occurs irrespective of street width, snow removal placement in winter and runoff in warmer weather can challenge city services and infrastructure.

If the intent of this amendment is to make housing more affordable for an individual, is there such a huge difference between the cost of 50' frontage vs 100' frontage in these zones? If it's a deal breaker...then what else in the construction process is also a deal breaker? If this is to accommodate commercial developers in generating affordable housing, existing zoning allows for this a previously referenced.

While the change seems simple, this is really a complex issue of neighborhood blend, appropriate municipal infrastructure and services, current and future tax base. The elimination of an opportunity for an individual or neighborhood voice to be heard when changes are requested through the current zoning ordinance...and those changes may not turn out to be appropriate, but will become grandfathered once made and then cannot be reversed.

I leave you with these final thoughts...the current zoning ordinance is a good neighbor tool, allowing those most affected to be notified and heard by a zoning arbiter. Otherwise someone "accustom to" their current neighborhood configuration may get up one morning literally facing a new and up close neighbor without any choice or say in the matter.

Thank you,

David Morin

A letter from Tiffany Hale of 214 Collins Street was read into the record:

City Council:

Though unable to attend in person for the public hearing regarding zoning ordinance amendments on January 3 it is my hope that you'll take my letter into consideration. I have served on the ZBA for approximately 3 years so these ordinances are quite relevant to my field of interest.

Regarding Chapter 17,  
ZONING, ARTICLE VI. Uses, Section 17-63, 2, Minimum Lot Size and Frontage

I would like to express support for the new wording reducing minimum lot size from 10,000sf to 5,000sf and minimum frontage from 100ft to 50ft. The ZBA in fact heard a case quite recently requesting a variance to grant relief from the current minimum lot size and frontage requirements. Berlin is a lovely historic city and as such a number of zoning ordinances simply are not realistic when it comes to existing lots and structures, many of which even predate the ordinances applicable to them. The new language more accurately captures the reality of the city's existing layout.

Regarding Code of Ordinances of the City of Berlin, Chapter 17,  
ZONING, ARTICLE V. Uses, Section 17-52, Permitted Uses

I wish to again express my support for expanding permitted uses to include childcare centers in rural residential zones. Not only would this open up the possibility of seeing more of this much needed service in the area, as a parent myself I consider a rural residential area an ideal location for childcare. This is a solid common sense amendment which I urge the Council to approve.

Regarding Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE  
XV Signs, Section 17-164, Signs Allowed by Permit Only

As we know visibility is a key element in business marketing and success. I am in support of expanding the signage allowable to up to 2 off premise signs based upon frontage size. I feel the new language is entirely reasonable allowing for expanded signage.

Thank you for taking the time to review these zoning proposals.

Respectfully,  
Tiffany Hale

Mayor Grenier closed the Public Hearing at 7:38 pm.

Mayor Grenier opened the Public Hearing at 7:38 pm for Ordinance 2022-02 Zoning Ordinance Amendment Permitted Use Addition to Rural Residential Zone.

Richard King of 107 Jericho Road asked for the ordinance to be read again and Mayor Grenier read the ordinance.

There were no further comments.

Mayor Grenier closed the Public Hearing at 7:40 pm.

Mayor Grenier opened the Public Hearing at 7:40 pm for Ordinance 2022-03 Zoning Ordinance Signage Amendment.

Interim City Manager Pamela Laflamme clarified that the ordinance allows up to two off-premise signs, which will not count against the business. This will make it more flexible and is only in the business general and industrial business zones.

Richard King of 107 Jericho Road stated that when trying to start a business, sometimes it is hard to see just one sign when driving by. Mr. King stated that although it should not be lit up like Christmas, allowing additional signs will allow them to bring attention to the business. Mr. King noted that the City should be business friendly as they pay taxes.

Mayor Grenier closed the Public Hearing at 7:43 pm.

Mayor Grenier opened the Public Hearing at 7:43 pm for Resolution 2022-01 Radio Reprogramming Grant.

Stuart Light of 213 High Street advised that the language of the resolution accepts grant money for the purposes of reprogramming which is a no brainer. Mr. Light stated that in Manchester, they encrypted their radio communications, which was an outrage to citizens. Mr. Light advised that if it is simply a frequency shift, then proceed, however he is worried about encrypting the police band to citizens.

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, Eastman, Higbee, Morgan, Theberge, and Berthiaume

Absent: Councilors Otis and Rozek

Also present: Interim City Manager Pamela Laflamme, City Clerk Shelli Fortin, Deputy Chief Daniel Buteau, Peter Morency, Micah Bachner, Amber Bachner, Stuart Light, Lori Korzen, Steven Korzen, Robert Theberge, Spencer Fortier, Ralph Collins, Kathy Trumbull, John Trumbull, Richard King, Nicole Chevarie, other members of the public, and William Carroll, Berlin Daily Sun.

**c.** Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the December 20, 2021 Regular Meeting and Work Session. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1903 start date 12/21/2021 end date 01/03/2022 for a total cash disbursement of \$1,069,292.35. Councilor Theberge 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 spoke about the different rules on how City property gets sold. Mr. King noted that the City has tax-deeded property that has not been sold, and the longer the City waits, the more it deteriorates. Mr. King stated that he has nothing against those citizens who live in HUD properties. Mr. King noted that the City could sell the multi-family buildings that it has for \$1, which could be fixed and rented out. Mr. King stated that the property should be listed with a real estate agent to get the most for them, including Brown School which should be listed on the commercial real estate market.

Spencer Fortier of 390 Church Street gave advice to the City Council and Mayor to allow a commercial real estate brokerage to test the sale of Brown School on the open market. Mr. Fortier stated that the City Manager is not a real estate broker, and a professional should be allowed to try. Mr. Fortier requested that the City give it 60 days, and if nothing changes, then to give it away. Mr. Fortier also noted that they are giving the building away for \$1 when the property is assessed at \$1.2 million. Mr. Fortier stated that it has never been tested on the open-market and they should put it up for bid and see what they can get.

Lori Korzen of 788 Kent Street stated that she would like to re-iterate what Mr. Fortier said. Ms. Korzen asked that they Council not give the building away for \$1 without testing the water. Ms. Korzen noted that any money received could be used for the public schools or the roads. Ms. Korzen referred to a conflict of interest by a Council member and Mayor Grenier asked that this be stricken from the record. (However is included in the minutes on advice of legal counsel.) Mayor Grenier advised that this has been researched and the relationship that is held is not an issue according to the law.

Kathy Trumbull of 348 First Avenue asked about the administrative rules concerning the sale of property in the City Charter. Ms. Trumbull stated that the information she has been provided concern the sale of land and tax-deeded properties, but does not address this building. Mayor Grenier will get back to Ms. Trumbull with an answer.

Spencer Fortier spoke again about the conflict of interest and stated it may not be against the law but is still impropriety, and still a conflict of interest in his opinion.

## **UNFINISHED BUSINESS**

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

There were no Council committee reports.

### **2. Ordinance 2022-01R1 Zoning Ordinance Lot Size and Frontage (tabled 12/20/2021)**

In the year of our Lord Two Thousand Twenty-Two

**AN ORDINANCE** amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE VI. Uses, Section 17-63, 2, Minimum Lot Size and Frontage; ARTICLE VII. Uses, Section 17-73, 2, Minimum Lot Size and Frontage;

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

Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE VI. Uses, Section 17-63, Minimum Lot Size and Frontage; ARTICLE VII. Uses, Section 17-63, Minimum Lot Size and Frontage; ARTICLE VIII. Uses, Section 17-73 Minimum Lot Size and Frontage are hereby amended by to read as follows (double underline = new language):

1. Lot Size, 5,000 square feet
2. Frontage: 50 feet on an accepted, existing, or approved city street.

This Ordinance 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 amend Ordinance 2022-01 by revising ARTICLE VIII. Uses, Section 17-63 Minimum Lot Size and Frontage to Section 17-73. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Ordinance 2022-01R1 as amended by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Ordinance 2022-01R1 as amended by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Ordinance 2022-01R1 as amended be passed.

Councilor Berthiaume asked how many lots in the City would be affected. Interim City Manager Pamela Laflamme advised that although she had this information for the discussion last week, she did not have it with her tonight. Ms. Laflamme advised that 50' x 100' lots are predominant in the City, and this would just be in residential single family and residential 2-family, not residential general.

Mayor Grenier advised that he is opposed to the Ordinance as it currently reads. Mayor Grenier advised that he took a ride around town to look at some of the densely populated areas, such and the lower east side, upper east side, and the avenues. Mayor Grenier believes that the way the Ordinance is written is vague, and although there are areas where there are already 50' x 100' lots, and there are areas where if there was a home previously on a lot this size that it would be appropriate, there are some that are not well placed. Mayor Grenier stated that he believes it would be detriment to some neighborhoods and more research should be done by the Planning Board. Mayor

Grenier noted that he does not want to reverse the work they have done to de-densify neighborhoods over the past many years.

Councilor Eastman stated that he was in favor of it.

So moved, the motion passed by roll call vote. Higbee- yes, Berthiaume-no, Remillard-yes, Morgan-yes, Eastman-yes, Theberge-yes, Grenier-no

**3.** Ordinance 2022-02 Zoning Ordinance Amendment Permitted Use Addition to Rural Residential Zone (tabled 12/20/2021)

In the year of our Lord Two Thousand Twenty-Two

**AN ORDINANCE** amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE V. Uses, Section 17-52, Permitted Uses

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

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, ZONING, ARTICLE V. Uses, Section 17-52, Permitted Uses is hereby amended by to read as follows (double underline = new language):

Article V

Rural Residential Zone (RR)

Sec. 17-52.

Permitted Uses

New Number 8 – Group child care center – Class A and B

*(All other numbers in this section shift one number forward after new number 8)*

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 read Ordinance 2022-02 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Ordinance 2022-02 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, that Ordinance 2022-02 be passed.

Councilor Berthiaume asked if this amendment was prompted by a business and Interim Manager Pamela Laflamme advised that it was an inquiry, but in a review of why it was not currently allowed the Planning Board could not figure out why. It is currently allowed in single family and 2-family, but not rural residential. So this amendment is being requested by the Planning Board, not the business that inquired.

So moved, the motion passed by roll call vote. Higbee-yes, Berthiaume-yes, Remillard-yes, Morgan-yes, Eastman-yes, Theberge-yes, Grenier-yes

**4.** Ordinance 2022-03 Zoning Ordinance Signage Amendment (tabled 12/20/2021)

In the year of our Lord Two Thousand Twenty-Two

**AN ORDINANCE** amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XV Signs, Section 17-164, Signs Allowed by Permit Only, 4. Signs in Business General Zone and 5. Signs in Industrial/Business Zone

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

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, ZONING, ARTICLE XV Signs, Section 17-164, Signs Allowed by Permit Only, 4. Signs in Business General Zone and 5. Signs in Industrial/Business Zone Uses is hereby amended by to read as follows (double underline = new language, ~~striketrough~~ text is being deleted):

Article XV, Signs, Sec. 17-164 Signs Allowed by Permit Only.

4. Signs in Business General

a. The maximum total sign area per lot is one hundred fifty (150) square feet. This represents the amount of signage allowable for one lot ~~which will also include one off premise sign. The area of the off premise sign shall be included in the total square footage available for any parcel.~~ Any freestanding signs erected shall be set back a minimum of ten feet (10') from any property line and shall be no higher than twenty-five feet. (Ord. 5/21/07)

e. For every 100 feet of frontage, one off premise sign will be allowed up to a maximum of two off premise signs. These signs can be freestanding or attached to a onsite structure. The signs may be single or double sided. The signs will be no more than two hundred (200) square feet per façade for a total of four hundred (400) square feet total per sign. The signs must also meet the freestanding signage rules set in section a.

5. Signs in Industrial/Business

a. The maximum total sign area per lot is one hundred fifty (150) square feet. This represents the amount of signage allowable for one lot ~~which will also include one off premise sign. The area of the off premise sign shall be included in the total square footage available for any parcel.~~ Any freestanding signs erected shall be set back a minimum of ten feet (10') from any property line and shall be no higher than twenty-five feet. (Ord. 5/21/07)

c. For every 100 feet of frontage, one off premise sign will be allowed up to a maximum of two off premise signs. These signs can be freestanding or attached to a onsite structure. The signs may be single or double sided. The signs will be no more than two hundred (200) square feet per façade for a total of four hundred (400) square feet total per sign. The signs must also meet the freestanding signage rules set in section a.

This Ordinance 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 Ordinance 2022-03 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Ordinance 2022-03 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Ordinance 2022-03 be passed. So moved, the motion passed by roll call vote. Higbee-yes, Berthiaume-yes, Remillard-yes, Morgan-yes, Eastman-yes, Theberge-yes, Grenier-yes

**5. Resolution 2022-01 Radio Reprogramming Grant (tabled 12/20/2021)**

In the Year of Our Lord Two Thousand Twenty-Two

**A RESOLUTION** authorizing the Berlin Police Commission to accept reimbursement in the amount of Three Thousand Three Hundred Dollars and no cents (\$3,300.00) in grant funds from the State of New Hampshire under a federal 2019 Homeland Security Grant for Land Mobile Radio Reprogramming.

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

WHEREAS interoperable radio communications in law enforcement are critical to the safety of officers and the public they serve; and

WHEREAS the Berlin Police Department receives support from and provides support to various local, state and federal agencies; and

WHEREAS the Berlin Police Department must operate critical radio communications on said agencies' radio channels during said support; and

WHEREAS the State of New Hampshire maintains a radio frequency list that was created for agencies to conduct interoperable radio communications with each other; and

WHEREAS the Berlin Police Department requires period radio re-programming to stay current with other agencies' radio frequency changes and the State of New Hampshire's radio frequency list; and

WHEREAS the State of New Hampshire has grant funding available by means of reimbursement to perform the radio reprogramming,

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to accept reimbursement funds in the amount of \$3,300.00 from the State of New Hampshire for the purpose of reprogramming all Land Mobile Radios in their inventory.

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 2022-01 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-01 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-01 be passed. So moved, the motion passed.

## **NEW BUSINESS**

### **6. Resolution 2022-02 Sale of Brown School to TKB Properties (first reading)**

Councilor Remillard moved, with a second by Councilor Otis, to table the Resolution and schedule a public hearing for January 17, 2022. So moved, the motion carried. Eastman-opposed

### **7. Resolution 2022-03 Brown School Community Development Block Grant (first reading)**

Councilor Berthaiume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for January 17, 2022. So moved, the motion carried. Eastman-opposed

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

1. The budget process is underway with draft department budgets for Fiscal Year 2023 due to Finance Director on January 20<sup>th</sup>.
2. Rodney Bartlett from MRI came up to visit Public Works and our facilities last Tuesday. We are working out a schedule for him that will have him here at least once a week and available remotely. He will be here a bit more for the next few weeks as he is taking several projects off my plate including getting the Riverwalk project ready for bidding later this month and will help oversee the RFQ process for the Route 110 Water & Sewer Extension design project.
3. Capital Improvement Program draft for FY23 is nearly complete, we are working to finish the Public Works section with a goal of getting it in front of the Planning Board tomorrow night and then to Council next week.

4. Berlin Water Works is interested in the six-acre parcel surplus parcel along Route 110. We will work to transfer the property to them over the next few weeks. Other tax deeded properties set to go out to bid will be done shortly, we have had to work out Saturday showings for the properties as we are unable to do evening showings this time of the year with no electricity at the properties and wanted to get through the holidays as they were both on weekends this past year.
5. Attached is the Fire Chief's December report and the Monthly Incident Report.

Councilor Berthiaume moved, with a second from Councilor Higbee, to accept the Interim City Manager's Report and place it on file. So moved, the motion carried.

**9. Mayor's Report**

a. Letter from Kathy and John Trumbull re: Brown School

Dear Mrs. LaFlamme and City Council Representatives;

We are writing concerning the disposition of the Brown School and the proposed decision to sell it to a developer for \$1.00 to be repurposed into low-income housing units.

The taxpayers of Berlin have spent hundreds of thousands over the years maintaining and updating this school, which currently meets code requirements to operate as a school. It was stated that the reason it is being handled in this manner is to bring it onto the tax roll. As people who believe in careful spending, we would love to see our taxes decrease. However, there is a much larger issue not being considered. One might call it "penny wise and pound foolish". Our community character and social benefit of providing options in education is far more significant than providing additional low-income housing. Whether a private or charter school, or post-secondary school opened in the former Brown School, the benefits to the community would be immeasurable. Perhaps it might function as an incubator for new businesses and pop-up stores, or dormitory housing for White Mountain College. Perhaps a college may be looking for a location. Wouldn't that benefit our city? Hasn't our Master Plan update identified a need to retain young citizens? Families may choose to locate to Berlin to enroll their children. More families mean more support for every local business—including stores and restaurants. There could potentially be added value to homes as a result of more families relocating here. The presence of a school, or new business we have not yet conceived of, socially joins the people of the community together, enriching lives-- young and old.

The period of time since this building ceased operation has been mostly during the Covid pandemic, a troubling time when many scaled back normal activities and focused on survival, wearing masks, worrying about who in their family was at risk, sick or worse. We lost many as well. To expect people to come forward with proposals for the Brown School's repurposing during this time is unrealistic, as evidenced by the few who actually did so.

Many citizens agree that Berlin does not need additional low-income housing; there are vacancies currently existing in these facilities now. This will be the fourth school building in recent history repurposed into low-income housing, one as recent as the Bartlett School, also conveyed for \$1.00 to New England Family Housing. It is our opinion that the people of Berlin should have some input into this process, as it appears this decision is being managed (or manipulated) by a select few who are not in touch with the will of the citizens. Who determined what the highest and best use is for this building?

We respectfully request that this process be extended out at least 90 days or longer, in order to allow any and all interested parties, organizations, schools, etc. to conduct market studies, building inspection, feasibility studies, and/or needs assessment and present proposals to either purchase or lease this building. Alternatively, the property could be listed with a commercial real estate broker to expand advertising beyond the region. Why limit the scope of possibilities from the start when our city may succeed in attracting a business we all would welcome and ultimately enjoy its presence?

Sincerely, Kathy & John Trumbull

b. Letter from Theodore Bosen re: Brown School

Berlin City Council



Re: Response to the December 22d Letter of the Trumbulls

Dear Mayor and Council Members:

The Trumbulls make several erroneous assumptions in their letter. Among them is that Berlin is not in need of affordable housing. As the current census and economic data being reviewed by the Master Plan Committee clearly indicate, the rise in median rent in Berlin far outpaces the median household income, even with the current higher wage trend, such that the typical tenant family is paying nearly 40% of its income on housing expense, an unsustainable situation. Young families have been forced out of Berlin because of it. The Brown School sale to NEFH will provide 10 units at below market rate, allowing ten young families to live and thrive here. Moreover, keeping more young families in town is essential to attracting businesses that require a labor force. They are not looking to hire the elderly.

The property tax burden on the average citizen, most of whom are retired on fixed incomes, has been unbearable in recent years because of a dwindling tax base and a rising education budget due to inadequate state contributions to our schools. There is no more pressing issue than tax relief for most residents. The Brown School sale to NEFH will also provide an additional 10 units at market rent in a high-end neighborhood with a river view and quick access to the Riverwalk. These are likely to be the most highly prized rental units in the city, upgrading the assessed value of our housing stock and creating a promising tax flow for the indefinite future.

Conversely, the Wildcat, LLC proposal competes with local small business and landlords by offering to provide short term rental housing and an event center, while sending profits out of town, and doing so without the likelihood of the grant that NEFH will obtain, so that they will be less likely to construct a quality development.

No evidence can be found that businesses and home buyers are looking to invest in a community that weakens its public school system by electing to invite in a charter school that is entitled to bleed public funds from its coffers pursuant to the new School Choice Law. Most charter schools are non-profits and pay no taxes. The city will be hard pressed to justify requiring revenue contributions from a non-profit charter school while it does not require the same of other non-profit institutions. Conversely, ample studies prove that the quality of a public school system is the leading factor in creating an economic climate for industry to attract and retain valued employees, sustaining higher assessed property values across the board.

Lastly, there was no lack of marketing for the Brown School. It had two rounds of exposure to likely investors. The Trumbulls are mistaken in their belief that a commercial realtor would bring in a better bid. Municipal buildings, as a rule, are not suitable for commercial development without massive expenditures. Commercial entities are not generally in the market to buy them. Developers interested in such public structures do not look for their opportunities in the commercial real estate section.

Altogether, failing to seize the opportunity at hand to extend the tax base while providing housing for young families will, I believe, invite the worst kind of development possible while creating a fiscal disaster made likely by the new School Choice Law from which Berlin might not recover.

Respectfully submitted,

*Theodore Bosen*

Mayor Grenier advised that in two weeks, we will be swearing in two new Council members, Peter Morency and Robert Theberge. Mayor Grenier advised that he was honored to attend the retirement gathering last week for Chief Morency. Mayor Grenier advised that the City is well represented by the law enforcement professionals in our community. Mayor Grenier stated that he is proud and grateful for the police force we have, and grateful for the service Chief Morency gave not only our community but also the NH Drug Task Force.

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

## **10. Public Comments**

Ralph Collins of 104 Seventh Street stated that there were a lot of things mentioned, and there are a lot of people in his age group that are in retirement or getting close to retirement. Mr. Collins stated that he can see the handwriting on the wall that taxes will go up, and he will be forced to sell his house and move. Mr. Collins would like to see development of industry to attract people here. Mr. Collins noted that he used to serve on the Planning Board and did what he could in the past. Mr. Collins stated that things have changed as the years have gone by and that they seem to be stuck making poor decisions. Mr. Collins advised that until the trend moves in a different direction, the only thing they will be looking forward to is moving.

Lori Korzen of 788 Kent Street apologized for her comment earlier. Ms. Korzen stated that for every person here speaking tonight, there are 15-20 others who are not coming. Ms. Korzen stated she is not here because she lost the election, but because she loves Berlin and feels this is a bad decision. Ms. Korzen noted that she has been reviewing the meeting minutes and noticed that in December of 2019, both Councilor Berthiaume and Mayor Grenier stated that if the City wants to move to the next phase, they need to take a step away from subsidized housing. Ms. Korzen stated that she is speaking for more than just herself, and believes it is a bad deal. Ms. Korzen stated that they may not want to see a Charter School, but they can get more than \$1 for the Brown School. Ms. Korzen again noted she believes there is a conflict of interest. Ms. Korzen stated that there is vacant low-income housing currently available.

Richard King of 107 Jericho Road also stated he is representing more than just himself at the meeting. Mr. King stated that he wanted to emphasize that he has nothing against people in low-income housing. Mr. King noted that the Brown School building could be used to higher income apartments for traveling nurses and doctors, or possibly as dorms for a college. Mr. King stated it has a nice river view, and could attract people willing to pay higher rates. Mr. King noted that he has a list of apartment buildings that were tax-deeded. He again stated that these could be sold to someone who could rehab them to provide more housing.

Spencer Fortier of 390 Church Street advised that Brown School is not a tax-deeded property, but a property built and maintained by the taxpayers. Mr. Fortier noted that the taxpayers deserve to see a portion of that back. Mr. Fortier noted that the City currently owns 77 properties. Interim Manager Pamela Laflamme advised that not all of the 77 are suitable for development, as some are too small, have steep slopes, or are used for drainage or snow removal. Ms. Laflamme stated that the ones that are the right size and are suitable were brought to the Council to review. Mr. Fortier stated that he has spoken to another investor who would be willing to pay more than \$1 and again requested that the property be marketed by a trained brokerage.

Kathy Trumbull of 348 First Avenue spoke to the disrespectful comments that have been made on social media concerning Charter schools. Ms. Trumbull stated that Charter schools are public schools and would not hurt the community. Ms. Trumbull noted that many people coming to the area are told not to buy a home in Berlin due to the school system, and they purchase property in Gorham, Shelburne, Milan, Randolph, or Dummer. Ms. Trumbull stated it would be nice to have an alternative choice for school, such as a Charter school or a Catholic school. Ms. Trumbull stated that she personally knew a family who stayed in an apartment in Berlin who had a wonderful experience with their children in the Berlin school system, and that they were sad to leave when they purchased a home in Gorham. Ms. Trumbull noted that the community could be greatly enhanced by a Charter school. Ms. Trumbull noted that by setting the sale of Brown School up as an RFP, Charter schools will have the opportunity to buy the school for \$1.

Richard King of 107 Jericho Road stated that he received information that the City still owes \$21,000 for windows at Brown School. Mayor Grenier advised that this information is inaccurate, the City does not owe anything.

## **12. Council Comments**

Councilor Higbee thanked the ZBA, the Planning Board, the Mayor and Council, and the people who served for two years on the Brown School Committee. Councilor Higbee noted that these people volunteered their time, discussing and researching what should be done with the Brown School building. Councilor Higbee stated that now people have shown up at the end of the process because they do not like the decision that was made and want it changed. Councilor Higbee stated that they are saying it is not the will of the people, however it was the will of the people who were sitting on these committees, who want to see this building go to these developers. Councilor Higbee noted that you will not get people to serve on committees like this if they are going to be second-guessed once a decision is made.

Members of the public stood to respond and Mayor Grenier advised that the Public Comment portion of the meeting was done.

**13. Adjournment**

On a motion by Councilor Remillard, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 8:50 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.