

## **CITY COUNCIL MEETING – Monday, September 19, 2022**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:31 pm for Resolution 2022-30 Stop and Yield Intersection at Grafton and Cheshire Street. There were no public comments. Mayor Grenier closed the Public Hearing at 7:32 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:32 pm.

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

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

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

Absent: Councilors Morgan and Robert Theberge

Also present: City Manager Phillip Warren, Jr, City Clerk Shelli Fortin, Lori Korzen, Jan Zicha, and Lisa Connell, Berlin Daily Sun.

**c.** Councilor Remillard moved, with a second by Councilor Roland Theberge, to accept the minutes of the September 6, 2022 Regular Meeting and Work Session. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1921 start date 09/07/2022 end date 09/19/2022 for a total cash disbursement of \$1,194,216.83. Councilor Roland 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**

There were no public comments.

### **UNFINISHED BUSINESS**

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

There were no Council committee reports.

#### **2. Resolution 2022-30 Stop and Yield Intersection at Grafton and Cheshire Street (tabled 9/6/2022)**

In the Year of Our Lord Two Thousand Twenty-Two

**A RESOLUTION** amending the City of Berlin's Ordinances, specifically Section 15-33 Stop Intersections and Section 15-34 – Yield Intersections, to include stop and yield intersections at Grafton and Cheshire Street

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

Whereas, the Traffic and Safety Committee received a request to add the aforementioned yield intersection and the committee endorsed such a change at its August 15, 2022 meeting

Whereas, pursuant to the City of Berlin's Code of Ordinances Sec. 15-33 Stop Intersections and Sec. 15-34 – Yield Intersections are amended by resolution.

#### **NOW THEREFORE BE IT RESOLVED**

That City Council of the City of Berlin hereby amends the City of Berlin's Ordinances, specifically Section 15-33 to include a stop intersection at Grafton and Cheshire Street, at the western corner of the intersection and Section 15-

34 – Yield Intersections, to include yield intersections at Grafton and Cheshire Streets at the eastern and northern corners of said intersection.

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 read Resolution 2022-30 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-30 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge asked if the Resolution should be tabled until the minutes from Traffic and Safety can be reviewed. Councilor Morency advised that the minutes were already reviewed and the Resolution is accurate.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2022-30 be passed. So moved, the motion passed.

## **NEW BUSINESS**

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

1. Attached is the Fire Chief's August report, the Monthly Incident Report and the EMS call volume report.
2. Riverwalk update-- Paving is being completed this week grading and seeding is in process. At the recent job meeting the schedule was discussed in length – the plan is to reach substantial completion within the next 2 weeks. Final completion will depend on receipt of long lead time items such as railings for the overlooks, lighting and other features. During the Wingzilla event people disregarded grades stakes and orange tape placed to prevent damage to newly graded areas. Better protection will be needed for the Riverfire event as these areas will contain newly seeded grass which could sustain permanent damage. For the future, a plan to address use of the grassed areas during special events needs to be established – these grassed areas are not designed to sustain motorized traffic and will sustain permanent damage if motorized vehicle access is allowed.
3. Staff is working on a plan to replace the DPW salt shed. The current salt shed has greatly exceeded its intended lifespan. More information will be forthcoming – this project is a priority to allow for better use of facilities by removing the need to store sand inside the public works facility and by constructing a structure that will allow for salt and sand deliveries inside, thereby removing the need for materials to be dumped partially outside and machine handled inside as is done today. From an environmental standpoint the existing structure is deficient due to its proximity to drainage and the need to unload material outside.
4. Piper Construction has recently completed a small but necessary repair to the Mason Street Bridge. This repair will allow for the design, bidding and completion of the remainder of the repairs starting next year without needing to either further weight restrict or close the bridge (right now the bridge has an E-2 designation, meaning that only "statutory" not "permitted" weights may proceed over the bridge).
5. Hearings related to the recent assessment and appraisal work have been completed and the results were transmitted to council members earlier this week. 193 hearings were held, either in person or remotely which equates to 4.24% of all parcels in the city. Out of those 192, adjustments were made to 136, no changes were required for 57 and further inspections were completed on 24 properties. Once utility values are received the MS-1 Form will be completed and submitted to the state, and the eventual next step will be to establish the tax rate based on the value information submitted. As a reminder, the increase in values does not increase or otherwise alter the amount to be raised by taxation – that amount was set by the budget process recently completed – simply put the city does not collect more funds than already authorized.

Mayor Grenier asked if Sansoucy and Associates will have the commercial and utility assessments done for the deadline for the one-month extension, City Manager Warren advised he will be speaking to them this week.

Councilor Berthiaume advised that the Chamber went to great lengths to protect the Riverwalk areas, and that the fence they put up had been taken down. City Manager Warren advised the fencing was removed due to wind.

Councilor Berthiaume stated that the Riverwalk project was supposed to plan for heavy duty earth to allow vehicles during these events. City Manager Warren advised that no extra protection was taken during construction, and it is just a grassed area. Councilor Berthiaume suggested that City Manager Warren be involved in the meeting with the Police Department and Chamber in reference to parking issues. Councilor Remillard advised that the property owner at 1050 Main Street has offered to allow parking during events, if the grass is cut and a liability waiver is provided.

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

#### **1a. Settlement Agreement**

Mayor Grenier advised that Janssen Pharmaceuticals has agreed to a settlement in the Opioid lawsuit with the State of NH.

Councilor Berthiaume moved, with a second by Councilor Morency, to accept the settlement proposal as presented.

Councilor Morency advised that the settlement is for \$39,605,000 to the State of NH, after fees 85% will be available for grants and the other 15% will be split between the communities who filed the lawsuit. It will be used for treatment, enforcement, and education, to help with the damage done by the overselling of opioids in the community.

Councilor Remillard added that the City Manager should also be authorized to sign any necessary documents.

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

Mayor Grenier thanked Councilor Morency for his leadership with this lawsuit. Councilor Morency worked to make it clear that rural areas have been unequally affected by this issue, as they do not have the same resources that bigger areas have. Councilor Morency advised that there have been 17 deaths this year due to drug overdoses.

#### **2. Mayor's Report**

##### **a. Letter from Jan Zicha re: Passenger Rail Service**

Dear Paul Grenier,

I am writing to you to follow up on the statements reflecting the "Night Train from Montreal to Boston Project", and restoration of passenger rail operation in general, which were made during the City Council Meeting on September 6 in the context of a report on the Night Train advocacy group's meeting in Coaticook, Canada, on September 1, 2022. The report was presented by the council member Peter Higbee, and followed by my comments.

The decade-long efforts to establish an overnight passenger rail service from Montreal to Boston by Francois Rebello of Montreal and his group have progressed, and the project found a thirty million dollars funding for further development. While the direct transportation significance of the night train stopping at night hours along its route may be marginal, the night train project is applauded for its effort to open the door to restoration of passenger railway operations in this region in general.

All representatives of communities located along the proposed corridor present at the meeting stated their strong support for the Night Train project. However, their questions concerning the train schedule were taking the issue a step further, and indicated even a greater and broader interest in the reintroduction of daytime passenger railway services.

I believe this favorable situation should be utilized, and this interest addressed directly by an application process for Amtrak services on the proposed corridor. While the actual passenger operations may not ensue anytime soon, the process will be started, and the issue would form a favorable political climate to development and economic growth along future stations.

I can offer assistance as a consultant specialized in high-speed rail and rapid transit to Berlin City. As a first step, I can collect information that the city government would need to decide whether to initiate the AMTRAK service

application process or not. In order to add a proper weight to my effort, I am applying for an authorization from the City Government to do so.

Sincerely yours,

Jan Zicha, PE, eng., M. ASCE

Mayor Grenier advised there are no appropriated funds to pay for this service, but if Mr. Zicha was willing to take this on as a service to the community, the Council would support his efforts.

Mr. Zicha spoke about the project, and advised that he would be willing to, with the City's authorization.

Councilor Higbee moved, with a second from Councilor Berthiaume, to allow Jan Zicha to work as a representative of the City, with close collaboration with the City Manager, on the passenger rail project. So moved, the motion carried.

Mayor Grenier advised the Council that he and City Hall have received complaints about the general appearance of some areas of the community, mainly unregistered motor vehicles on properties. Mayor Grenier advised that state law only allows for one unregistered vehicle on any property, and the City Ordinance matches the state law. Mayor Grenier advised that he met with the City Manager today to begin the process of getting owners to clean up their yards. Mayor Grenier advised that he has asked the City Manager to sit down with Code Enforcement, the Police Chief, and the Fire Chief to clean up these areas. Councilor Remillard noted that there is a property on the avenues that the neighbors have been dealing with for over a year, and it is not fair to them. City Manager Warren advised that they will have to choose about a dozen properties to start with, and advised the Council that some may result in litigation. Mayor Grenier advised that the current condition of some areas is unacceptable. Councilor Berthiaume asked if Public Works has been involved at all, as they sometimes pick up items that should not be going into the back of a garbage truck. City Manager Warren advised that this will be integrated into the project, and that education of offenders, neighbors, and staff is important. Councilor Morency noted that sometimes absentee landlords are hard to find, and they may not know what is going on. Councilor Morency also suggested that the Council may need to make adjustments to ordinances to address this issue.

Councilor Remillard moved, with a second by Councilor Higbee, to accept the Mayor's oral and written report as presented. So moved, the motion carried.

#### **4. Public Comments**

Lori Korzen of 788 Kent Street noted that there is a lady in town named Carol Tolles that has been picking up garbage off the streets, and she has collected over 200 bags. Ms. Korzen noted that Ms. Tolles is out rain or shine and is making a difference in the community. City Manager Warren advised that he did stop to speak with her on Hutchins Street recently. Mayor Grenier noted that community service is contagious and improves quality of life. Councilor Remillard noted that people used to take pride in their property and we need to regain that.

#### **5. Council Comments**

There were no Council comments.

#### **6. Adjournment**

On a motion by Councilor Higbee, seconded by Councilor Roland Theberge, the Council voted to adjourn the meeting at 8:16 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.