

City Council Work Session February 5, 2024

Present were: Mayor Cone, Councilors Higbee, Qualls, Korzen, Theberge, Morgan, Berthiaume, Valerino and Morency.

Others present: City Manager Phillip L. Warren Jr., Dir. Of Strat. Initiatives and Asst. City Mgr. Pamela Laflamme, City Clerk Shelli Fortin, Finance Director Holly Larsen, Chief of Police Dan Buteau, Deputy Chief of Police Nathan Roy, AVEC members; Kathleen Kelley, Jeffrey Quackenbush and Henry Noel, Lisa Connell, Berlin Daily Sun and Members of the Public.

Mayor Cone opened the meeting at 6:30 p.m.

Interviews for Vacancy on Police Commission

Mayor Cone advised Mr. Buteau withdrew his application. There are three candidates being interviewed this evening.

Linda Pivin

Councilor Berthiaume asked Ms. Pivin to discuss her interest in this position. Ms. Pivin advised she has always had interest in the Police Commission. She is now retired but in her working capacity she worked closely with police departments in all of Coos County including State police and the Sheriff's office. She has a good understanding of what the police does. She's done investigating and appeared in court with the PD in her role of juvenile worker for 10 years. She's always maintained a good relationship with the PD.

Councilor Valerino asked Ms. Pivin if she wasn't selected today would she consider reapplying. Ms. Pivin stated she would reapply. Councilor Morency commented Ms. Pivin has an extensive background and asked her to discuss other committees she served on for the City. Ms. Pivin advised she served on the School Board for 12 years and in that capacity managed the biggest budget in the City of Berlin. She was also on several negotiations committees with the unions in the school system. She was also appointed in the past by the Mayor and Council to be on the cooperative school committee when Berlin Gorham schools were considering merging together.

Councilor Morency asked if her last encounter with the PD was positive or negative. She answered she never had a bad experience with the PD. She had a car accident back in December and the PD was very professional and helpful. Councilor Theberge asked Ms. Pivin if she knew the Police Commissioners. She responded that she does know them and has worked with Pierre Morin when he held his county attorney position. She also knows Marc Tremblay on a personal level as their sons were friends growing up. Councilor Higbee asked Ms. Pivin to share her work for the elections in the City of Berlin. Ms. Pivin responded she's a moderator for precinct number 2 and 3 and has been for the last 3 years. Councilor Korzen questioned Ms. Pivin as to what is her understanding of this role, what is expected and skills she would bring. Ms. Pivin responded she thinks the role of the Police Commission is to oversee the PD in regards to hiring, negotiations and help prepare the budget that gets presented to the City. Councilor Theberge asked Ms. Pivin if she thinks it's important for the PD to have a good relationship with the Fire Dept. Ms. Pivin responded she does think it's important as at times they need to respond to the same situations to ensure the community's safety.

Richard Marini Sr.

Mayor Cone thanked Mr. Marini for applying and asked him to discuss his background history with Council. Mr. Marini advised he's originally from MA and was on the Norfolk County Sheriff Dept. for 13 years as a correctional officer and deputy sheriff. He was also a police officer in the Town of Alton Bay, NH for approximately 1 year. He then went to Gorham, NH for approximately 13 years where he held the positions of police officer, patrol sergeant and promoted to detective sergeant. He then went to the liquor commission where he held an investigator position and retired in 2005. He continued working part-time for the liquor commission over the next few years. He left there in 2009 and worked for the Coos County Sheriff Dept. for approximately 6 years. He then did security for both district court and supreme court. He also worked for Waystack Frizzell Law firm doing some investigations and serving subpoenas.

Councilor Morency asked Mr. Marini what his understanding of what the Police Commission does. Mr. Marini responded that the Police Commission does some of the hiring and promotions and also works on the PD's budget. Councilor Valerino asked Mr. Marini if he wasn't selected today would he consider reapplying. Mr. Marini responded he probably would but he is getting up there in age. Councilor Theberge asked Mr. Marini if he knew the Police Commissioners. Mr. Marini responded he knows Mr. Tremblay and Mr. Morin and has a good relationship with them. Councilor Korzen asked Mr. Marini what skills he has that makes him a good fit for this position. He believes that Police Commissioners should have full knowledge of what police officers go through and what they do. He brings all that and feels a police officer should be sitting on the Police Commission as they understand what it entails.

Councilor Higbee asked Mr. Marini if he's ever been on other commissions, authorities or groups that oversee the work of bodies of people. Mr. Marini stated he was acting Chief of Police in the Town of Gorham while the Chief of Police was out on sick leave and had inputs into the budgets. Councilor Theberge asked Mr. Marini if he is familiar with the City Charter as it pertains to the Police Commission. Mr. Marini responded he is not. Councilor Valerino asked Mr. Marini if a citizen came to him with a complaint about a police officer how would he handle it as a Police Commissioner. Mr. Marini responded he would bring it forward to the Chief and the Commission to investigate. He commented all complaints going to the PD should be investigated, not just by the PD themselves, but also by an outside agency. Mayor Cone noted that Mr. Marini indicated on his application he was seeking to fill the term from March 2024 to September 2024. He asked Mr. Marini if he got selected, if he would consider serving longer. Mr. Marini responded he would stay if he was reappointed.

Richard King

Mayor Cone thanked Mr. King for applying and asked him to discuss his background history with Council. Mr. King advised he graduated from Berlin High in 1979. He did two years of automotive training at the Community College and worked in the automotive field for about two years after. He worked for the local paper mill for eighteen years. When the paper mill closed he opened his own maintenance business called Majestic Maintenance. He operated this business for 25 years. He retired his business 2 years ago and started working for Berlin Housing. He retired from Berlin Housing this past Fall. Now that he's retired and has some spare time on his hands, he feels it's a good opportunity to try to give back to the City. He also worked for the Berlin Fire Dept. as a call firefighter, he was a first responder and a hazmat technician.

Councilor Morency asked Mr. King if his last encounter with the PD was positive or negative. Mr. King responded it was positive. He had forgotten to turn on his headlights on his car and the police officer asked him to turn them on. Councilor Morency asked Mr. King if he's served on other boards. Mr. King responded he did not. Councilor Valerino asked Mr. King if he wasn't selected today would he consider

reapplying. Mr. King said yes, he would as he is looking for something to get involved in. Councilor Theberge asked Mr. King if he is familiar with any of the Police Commissioners. Mr. King responded he knows past Commissioners and Mr. Morin. Councilor Theberge asked Mr. King if he is familiar with the City Charter as it pertains to the Police Commission. Mr. King responded he is not. Councilor Korzen questioned Mr. King as to what is his understanding of this role and what skills he would bring. Mr. King advised it is his understanding that the Police Commission makes legal and budget decisions. He's gained this experience being a business owner for 25 years.

Councilor Morency listed details of what is expected from the Police Commission. He discussed the roles and responsibilities of a police commissioner. Mayor and Council discussed the interviews briefly and all agreed to move forward with a decision.

Mayor Cone called for a show of hands for Ms. Linda Pivin.

Councilors Berthiaume, Morgan, Higbee, Theberge, Valerino, Morency, Korzen, Qualls and Mayor Cone raised their hands.

Councilor Berthiaume move to appoint Linda Pivin to the Police Commission with a term expiring September 2024. Councilor Higbee seconded and the motion carried by all in favor.

Assessing Items:

Tax Warrants

Mr. Warren presented the tax warrant for Steven J & Patricia L Buckovitch (Map 113 Lot 36) for land use change tax in the amount of \$3,750. Councilor Higbee moved, with a second by Councilor Valerino to accept the tax warrant as presented. So moved, the motion carried by all in favor.

Abatement Recommendations

Mr. Warren discussed the following abatement recommendations received from Ms. Monica Hurley of Corcoran Consulting Associates;

1. **400 Hillsboro Street (Map 130 Lot 206)**, Corcoran Consulting Associates recommends approving the abatement for the 2023 tax year and reduce the assessment from \$196,500 to \$195,700 due to a shed on the property owned by the City of Berlin. The owner is also seeking abatements for years 2015 through 2022. Mr. Warren advised it is up to Council to abate prior years and he is expecting this will be presented in the near future. Councilor Berthiaume asked that the shed be identified when the 2015 through 2022 abatement requests come forward. Councilor Theberge moved to approve the property abatement as presented. Councilor Morgan seconded and the motion carried by all in favor.
2. **290 Howard Street (Map 138 Lot 32)**, Corcoran Consulting Associates recommends approving the abatement application for the 2021 tax year and reduce the assessment by \$27,030. Mr. Warren advised this is based on a settlement recommendation with the BTLA. Councilor Berthiaume moved to approve the property abatement as presented. Councilor Theberge seconded and the motion carried by all in favor.
3. **9 Industrial Park Road (Map 140 Lot 16)**, Corcoran Consulting Associates recommends approving the abatement application for the 2022 and 2023 tax years and reduce the assessment from \$457,300 to \$389,000. Mr. Warren advised this is also based on a settlement recommendation with the BTLA. Councilor Valerino moved to approve the property abatement as presented. Councilor Theberge seconded and the motion carried by all in favor.

4. **87 Willard Street (Map 119 Lot 146)**, Corcoran Consulting Associates recommends approving the abatement application for the 2022 and 2023 tax years and reduce the assessment from \$340,700 to \$325,000. Mr. Warren advised this is also based on a settlement recommendation with the BTLA. Councilor Theberge moved to approve the property abatement as presented. Councilor Morgan seconded and the motion carried by all in favor.
5. **183 East Milan Road (Map 404 Lot 47)**, Corcoran Consulting Associates recommends approving the administrative abatement and reduce the land use change tax previously warranted at \$95,910 to \$52,690. Mr. Warren advised this is for the North Country Growers and is based on their land use change tax that was recently approved by Council. Councilor Berthiaume moved to approve the property abatement as presented. Councilor Higbee seconded and the motion carried by all in favor.
6. **181 Collins Street (Map 120 Lot 222)**, Corcoran Consulting Associates recommends approving the abatement for the 2023 tax year and reduce the assessment from \$111,100 to \$73,200. Councilor Higbee moved to approve the property abatement as presented. Councilor Berthiaume seconded and the motion carried by all in favor.
7. **60 Cedar Street (Map 120 Lot 431)**, Corcoran Consulting Associates recommends approving the abatement for the 2023 tax year and reduce the assessment from \$116,100 to \$96,500. Councilor Morency moved to approve the property abatement as presented. Councilor Theberge seconded and the motion carried by all in favor.
8. **250 Madison Avenue (Map 120 Lot 115)**, Corcoran Consulting Associates recommends approving the abatement for the 2023 tax year and reduce the assessment from \$220,200 to \$148,800. Councilor Higbee moved to approve the property abatement as presented. Councilor Valerino seconded and the motion carried by all in favor.

Council Rules and Policies

Mayor Cone advised the existing rules were included in the agenda packet and he doesn't see any need for changes. Councilor Theberge questioned who is the senior Councilor in regards to Section III as they would preside in the absence of the Mayor. It was determined it was Councilor Berthiaume. No changes were made to the Council Rules and Policies.

Council Committee Assignments Discussion

Mayor Cone commented that since there are senior council members, he would like to give them opportunity to change committees if they wish to. Mayor and Council discussed and agreed to the following committee assignments which will be voted on during regular meeting this evening;

BERLIN AIRPORT AUTHORITY: Mayor Robert Cone, Chair; Councilors Morency, Morgan, Valerino and Higbee.

COMMITTEE ON ACCOUNTS & CLAIMS: Mayor Robert Cone, Chair; Councilors Morency, Korzen, Theberge and Qualls.

COMMITTEE ON TRAFFIC SAFETY & TRANSPORTATION: Councilors Morency, Valerino, Qualls, Berthiaume and Korzen (Alternate).

COMMITTEE ON ELECTIONS: Councilors Theberge, Morgan, Higbee and Berthiaume.

COMMITTEE ON EMERGENCY ACTION (one appointment): Councilor Higbee

BUDGET COMMITTEE: Entire Council

SEWER APPEALS COMMITTEE: Entire Council with power to act.

PLANNING BOARD MEMBER: Councilor Morgan, Ex-Officio.

BIDPA Member: Councilor Berthiaume, Ex Officio; Councilor Higbee, Council Appointment.

AVEC – Discussion

Jeffrey Quackenbush and Kathleen Kelley, members of the Androscoggin Valley Energy Committee, briefed the Council on the next steps to be taken to participate in a community power program. Options for participation were presented and the preferred option is to work with Community Power Coalition of NH. A public hearing is being held in the near future on this matter. Mr. Quackenbush offered the necessary steps – Council approval of the Community Power Plan and approval of the final purchase agreement with CPCNH. He also offered that it would be helpful if the Council considered forming a Local Energy Committee – The Council discussed and upon recommendation from the City Manager a request for interested volunteers will be placed in the local newspaper.

Notice to Municipalities – White Mountain Chalet Caterers

Mr. Warren advised White Mountain Chalet Inc., dba White Mountain Chalet Caterers, Ruthanne Murray, Owner, located at 161 East Milan Road, applied to the State of NH Liquor Commission for a Caterers On-Site license. Councilor Higbee moved to send a letter to the NH Liquor Commission supporting White Mountain Chalet Caterers' application for a Caterers On-Site license. Councilor Berthiaume seconded and the motion carried with all in favor.

Notice to Municipalities – Berlin Mills Variety

Mr. Warren advised Varniraj LLC/dba Berlin Mills Variety, Kaushal Patel, located at 1725 Riverside Drive, applied to the State of NH Liquor Commission for a Combination Bev/Wine/Tobacco liquor license. Councilor Valerino moved to send a letter to the NH Liquor Commission supporting advised Varniraj LLC/dba Berlin Mills Variety, Kaushal Patel's application for a Combination Bev/Wine/Tobacco liquor license. Councilor Higbee seconded and the motion carried with all in favor.

At 7:55 p.m., there being no further business in Work Session, Mayor Cone recessed before moving on to the Regular Meeting.

Respectfully Submitted,
Danielle Rioux
Executive Assistant

*Minutes are unofficial until they have been accepted by the City Council by motion.