

City Council Work Session February 12, 2018

Present were: Mayor Grenier, Councilors Otis, Rozek, Theberge, Gentili, Nelson, Higbee, Morgan Allain; Councilor Remillard was excused.

Others present: City Manager Jim Wheeler, City Clerk Elaine Riendeau, Community Development Director Pamela Laflamme, Police Chief Pete Morency, Assistant Chief Dan Buteau, Chamber of Commerce Director Paula Kinney, AVCoFC Board Director Bronson Frizell; Barbara Tetreault *Berlin Daily Sun*.

Mayor Grenier called the meeting to order at 6:30 p.m. He thanked Councilor Higbee for his part in the Friends of Nansen Ski Club event to celebrate Sarah Hendrickson's jump in the Pyeongchang Olympics. Councilor Higbee stated that work at the jump would not have happened without the support of the community.

Legal Team Fighting the National Opioid Epidemic

Chief Morency reported that he started his research by looking into the team that approached the Mayor to represent Berlin in a mass tort suit. The firm is looking at six communities in NH and they would not disclose which ones. They have yet to have a community sign on; however they appear to be very professional and they are willing to meet with the Council. They are just starting the process.

There is also a NY base firm with representatives in NH who are also very interested in representing Berlin. Their fee would be 20% of a settlement and 25% if the suit goes to court. They represent Manchester & Nashua. Chief Morency stated that his question has been, how do we know all the ancillary costs and what agencies could recover costs? The first company said they would send someone to help determine, and the second company has already done this work.

Chief Morencysaid that the Council could have both companies come in to interview. However in his research, he found that the firm from NY (Napoli Shkolnik) is ahead and he would recommend going with them. The City has suffered its damages. Councilor Rozek noted that the Police Chief will be the primary contact and it is important that he feel comfortable with the representing firm. Mayor Grenier asked to get a letter from the Police Commission stating their recommendation. He agreed that this will be in coordination with the City Manager and City Attorney.

Councilor Rozek moved to go with the firm Napoli Shkolnik to represent the City of Berlin for recovery of costs on the opioid epidemic, subject to a supporting recommendation from the Berlin Police Commission; Councilor Nelson seconded and the motion carried. Councilor Higbee thanked Chief Morency for his research.

Hawkers Peddlers Proposed Ordinance Changes

City Clerk Elaine Riendeau explained that the Committee met last week and made changes to the Hawker Peddler Ordinance. Councilor Higbee suggested a per day rate for peddlers of \$25. Councilor Rozek questioned whether a truck selling items from a parking lot can be regulated. Chief Morency noted that pornographic items or drug related items could be regulated; however we would need to be

careful not to obstruct the vendor's freedom of speech. Regulation would need to be monitored on a case by case basis. Mayor Grenier asked that the Chamber of Commerce comment and Mr. Frizzell stated that the ordinance should be such that a vendor causing problems could be stopped. Vendors complain about the fees. Ms. Kinney stated that she has two vendors who have said they were not participating.

Councilor Nelson stated that the events are completely weather dependent and there is the potential to lose money when you have to invest in inventory. She suggested a small fee for vendors who are coming to Chamber events. The Chamber could provide a list of those vendors that would be covered under the fee to the City Clerk. Councilor Rozek suggested setting up an event sponsor fee and that fee could be split among all vendors. Mayor Grenier suggested charging the Chamber a fee to meet the spirit of the city ordinance and any vendor could come in under the Chamber's license. The ordinance needs additional fine tuning.

Councilor Higbee noted that this is a great compromise. Councilor Otis said that the \$100 fee per year is not unreasonable. Mr. Wheeler summarized that the ordinance needs another fee category where there is a hosting group such as the Chamber. Councilor Nelson asked if there is a clause that would revoke a vendor license if they cause problems. After three violations, a vendor would lose their license. Ms. Kinney also confirmed that a vendor operating outside the festival needs written permission to be on property that is not his own. Mayor Grenier suggested having the subcommittee meet again to come up with category fees and get to a universal agreement among all parties.

Non-Public Session

Councilor Higbee moved with a second from Councilor Rozek to enter into non-public session per RSA 91-A:3 II (d) land matters. So moved, the motion carried unanimously by roll call.

Mr. Wheeler stated that the two lots, one on Cates Hill and on Jericho Road received two bids that were unresponsive due to not meeting the minimum bid. These are both buildable lots. Councilors conceded that the lots will be put out again the first of May.

Councilor Rozek moved to come out of nonpublic session; Councilor Higbee seconded and the motion carried unanimously.

Other – no items

Councilor Rozek moved to adjourn; Councilor Nelson seconded and the motion carried. The meeting ended at 7:22 p.m.

Respectfully Submitted,
Susan Tremblay
Administrative Assistant

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