



# City of Berlin, NH

Assessors Office, 168 Main Street, Berlin, NH 03570  
(603) 752-5245

Berlin Board Of Assessors  
City Hall/168 Main Street  
Berlin, New Hampshire 03570

August 2, 2019

City of Berlin  
Mayor and Members of Council  
168 Main Street  
Berlin, New Hampshire 03570

Re: The Matter of Marc Lauze Letter of Complaint

Dear Honorable Mayor Grenier and Distinguished Members of Council:

The Berlin Board Of Assessors, herein referred to as the BOA held a meeting on August 2, 2019 at which time we discussed the aforementioned to include its historical and current time line of issues and or events.

Summarizing said events and or issues leading up to this juncture.

**A)** On or about June 18th 2019 BOA Chair is informed by City Manager of letter of complaint

**B)** On or about June 19, 2019 BOA Chair meets with City Manager and Mayor to discuss Letter of Complaint.

**B.I** City Manager lays out his plan for a third party review of the BOA employing a four to six abatement application sampling to be chosen for said review/investigation. Said sampling is BOA members/taxpayers.

**B.II** BOA Chair advised and recommends informing complainant of his rights to file with NH BTLA, a NH judicial branch of state government. Further, BOAS Chair vehemently disagrees with being judged on a small sampling. This is viewed as being unjust and unfair to the accused.

**B.III** It is generally agreed by the Parties present, that City Manager will recommend to Council at the then upcoming July 15th Mayor/Council and BOA Joint Meeting that the complainant Mr. Lauze be informed of his right under NH Statute(s) to file with NH BTLA.



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**C)** On or about July 15, 2019 Mayor/Council meeting City Manager returns to his initial proposal by recommending his "Third Party Review and or Investigation" at an estimated cost to tax payers of \$ 5,000.00 to \$ 6,000.00. During vote and in further discussion, the BOA Chair requested to be heard, was granted same and once again stated and referred Council Members to NH Statute 71-B Sections 5 and 16 which clearly states that in NH the NH BTLA is typically the enforcing judicial branch which is empowered to carry out all actions of such matters.

**D)** On or about July 26, 2019 the Chair of BOA was requested to attend a meeting scheduled for July 30, 2019 with attendee's being, City Manager Wheeler, Berlin's Mayor Grenier, Berlin's Coucilor Remillard and Berlin's City Attorney Boldt.

**D.I** Prompted by the invitation BOA Chair questioned the City Manager as to the scope, agenda and intent of said proposed meeting. City Manager answered in part, " purpose is to discuss taxpayer letter issue, discuss RSA 71B:16 as well as DRA's relationship and to come together on this process and why and where we go.

**D.II** At the same time, BOA Chair also reached out to City Attorney Boldt questioning him on who in this matter does he represent, what his intended function and capacity was in regards to same. City Attorney Boldt responded to my questions in part by stating " I serve as City Attorney advising the City Manager and the Council". Further, he went on " I can provide advice to Department Heads, such as the City Clerk, the Police Chief, etc. In this instance I only represent the City Manager and Council. I am not your attorney or that of the BOA". He went on to state he would listen and possibly ask a few questions.

**E)** On July 30, 2019 said 3:30 PM (1530 Hours) scheduled meeting did in fact take place. The BOA Chair did submit at time of meeting, a letter (via email/Assessing Clerk distribution) addressed to City Manager Wheeler, Berlin Mayor Grenier and Berlin's Councilor Remillard, with cc to Assessing Clerk Bryan Chevrie requesting he also distribute same to BOA Members. The content and context of said letter stated the BOA Chair would not be attending said meeting. The reasoning, the BOA and its Members are now placed in a position of defense,





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being reviewed, investigated and advocated against by any or all of the following, the NH DRA, City of Berlin, taxpayers of Berlin with potential other agencies and or entities such as MRI as proposed by City Manager Wheeler. Further, the BOA finds itself and its Members in a legal forum to include legal counsel for the State of NH and the City of Berlin without legal representation. The BOA find itself and its Members being judged on as yet unfounded complaints by public forum questioning and judging the BOA and BOA Members integrity, competence and objectivity.

**E.I** On July 23, 2019 the BOA convened and at that time was informed, NH DRA's Mr. Philip Bodwell had telephoned, stating he accompanied by recently appointed Director of NH DRA, James P. Gerry as well as Legal Counsel would be making a special journey to Berlin to review, investigate and other certain tax abatement applications and other claims related to Berlin BOA, its members.

**F)** Throughout the life of this matter a/k/a the course of events, a common theme or themes have becomes more and more apparent, these themes are:

**F.I)** That it is the intent of the City, by and through efforts of the City Manager to carry out a Third Party Review, Investigation and or other as it relates to Berlin BOA workings, its Members and or other also relating to 4 (Four) Taxpayers or Taxpayer Entities, more specifically, Goddard, Rozek, Eastman and Rozek.

**F.II)** The Berlin Board Of Assessors have become the focus of and have entered, unrepresented by legal counsel, a legal arena. **Berlin's Board Of Assessors are without equal and adequate legal representation** as we enter into a legal realm or legal contest without any working knowledge and protection from and of the legal process.

**BY WAY OF THIS NOTICE** The Berlin Board Of Assessors (BOA) as a city board being part of Berlin city government, hereby serves NOTICE that said Board will not and should not be expected to navigate such a legal forum or for that matter, any legal forum or arena without adequate and proper legal advice and representation. Said legal representation provided financially by the City of Berlin, specifically for the City of Berlin's BOA's representation as required by the Board, legal advisements to benefit as well as to protect the BOA to include its members..

In order for the **BOA to keep abreast of, respond to the various, rapidly approaching events, interviews, reviews, investigations and other**



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**applicable/pertinent questions, meetings, it is imperative that we the BOA have independent legal counsel representation as currently we are without same.**

We request immediate financial authority to contact, interview NH law firms to determine and select the law firm, more specifically which duly authorized, accepted by the NH Bar staff attorney has a focused practice of municipal law that would best serve the BOA's interests.

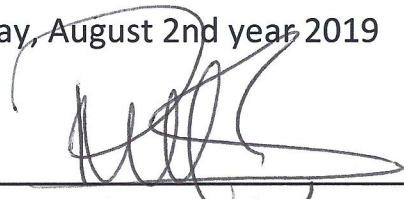
Should the current contracted City Attorney, Christopher Boldt elect to reconsider and somehow include the BOA in his city range of representation, making his legal services available to the Berlin Board Of Assessors, we would respectfully decline said offer.

THANK YOU for your valuable consideration in this very important legal matter.

Respectfully Submitted this day and date, Friday, August 2nd year 2019

Berlin Board of Assessors

Chair

  
Robert Goddard

Berlin Board of Assessors

Member

  
Mark Eastman

Berlin Board of Assessors

Member

  
Kem Rozek