

TO: Berlin NH City Council – Second Request – Initial 08/22 Request was “Filed” by Council

FROM: J. Tompson

RE: Addition of Strafford Street to the Public Works Snow & Ice Control Policy as a Priority Street

DATE: 30 September 2022

On February 8, 2022, Berlin Mayor Paul Grenier made a personal phone call to newly hired Chief of Police Danial Buteau. The call was recorded by police as made by Mayor Paul Grenier directly to the Chief. The call was not made through the police station call center. Mayor Grenier was concerned about a pile of snow next to Ms. Tompson’s residence. No snow removal had occurred during 2022. The accumulation was from the entire snow season. An officer responded. No fine was imposed. Ms. Tompson re-shoveled the area after the officer left. Prior to 9am, the following morning, Berlin City Works re-cleared the road. Three days later, the officer returned and issued a \$50.00 fine. Trial ensued. Mayor Grenier voluntarily presented as the State’s witness. The fine was upheld by the Court. The Mayor’s egregious presentation and offensive conduct, off-record and on-record at trial, further illustrates the extreme abuse of power and authority exhibited by the Mayor. On July 15, 2022, a formal Petition for the Removal of Mayor Paul Grenier was filed with the Berlin NH City Council due to misconduct in office. Reportedly, Attorney Cordell Johnston investigated the mayoral misconduct on behalf of the city. To date, No Report has been issued. No public statement has been made by the Council related to the Petition. To date, No public Hearing has been scheduled on the matter as required by New Hampshire State Statute. Mayor Paul Grenier remains actively sitting on city boards as Mayor.

On February 9, 2022, Mark Lapointe sent Petitioner a Warning Letter stating, in part, “Please modify your clean-up procedures to be in compliance with the City Ordinance... The Ordinance contains penalties for non-compliance and we ask for your cooperation so that we do not have to invoke these penalties.”

On February 11, 2022, Petitioner hand-delivered a City of Berlin PW Work Order to the City Manager’s Office. The work order sought snow removal. The City did not respond. Snow removal did not occur.

On February 11, 2022, Petitioner was handed a \$50.00 fine, by police, for the 2/8/22 incident.

On February 18, 2022, Petitioner faxed to (603) 752-8586 a City of Berlin PW Work Order to the City Manager’s Office. The work order sought snow removal. The City did not respond. Snow removal did not occur.

On March 4, 2022, Petitioner faxed to (603) 752-8586 a City of Berlin PW Work Order to the City Manager’s Office. The work order sought snow removal. The City did not respond. Snow removal did not occur. Snow removal did not occur in 2022.

On the upper portion of Strafford Street, Snow removal did not occur in 2019. Snow removal did not occur in 2020. Snow removal occurred once, in 2021, at the end of the season. Snow removal did not occur in 2022. The City appears to wait for Spring and snow melt to occur.

Snow plows have plowed snow on, and against, Petitioner’s foundation wall both on Strafford Street and on Burgess Street without consent. Snow plows have blocked both Petitioner’s egresses with snow over the past three years, as the plow does not remove the snow to a pile, but passes through the street leaving excessive debris from prior plowed streets; which blocks both the stairwell and driveway completely. Improperly, home-owners are then responsible for clearing the street to access real property each time this

occurs. In February 2022, Petitioner removed snow on the street, blocking her driveway, and shoveled the snow to the left of her property on the street. City Works re-cleared the road and issued a warning. Police issued a fine.

Had snow not blocked the egress and/or the snow been removed by the City, the incident would not have occurred. Streets and sidewalks are owned and operated by the City. Home-owners should not be responsible for clearing snow on the street. Home-owners should be allowed continual access to real property. Egresses should remain cleared at all times.

Strafford Street is listed as "Priority 7 - Remaining Streets" on the existing Snow Removal Schedule. The sidewalks are not cleared, but used by the city to deposit snow on the upper portion of Strafford Street. There is no sidewalk access on the upper portion of Strafford Street. Egresses are repeatedly blocked by snow plows on the upper portion of Strafford Street. The aforementioned incident would not have occurred but for the City's refusal to remove snow left behind by the plows.

Home-owners should not be penalized for shoveling and clearing snow the city refuses to remove. Home-owners should not be penalized for clearing snow on the street owned and operated by the city. Home-owners should not be penalized for clearing snow on the street in order to enter and exit real property. Home-owners should not be penalized for cleaning-up snow, left on the street, by its city plow drivers. Home-owners should not have to clear the street, or sidewalk, as both are owned by the city, which means home-owners are not responsible for street snow clearing and/or sidewalk clearing. Snow removal should occur consistently throughout the City and not just on certain streets. Snow clearing should not block egresses. Snow removal should occur after each storm.

Petitioner seeks the addition of Strafford Street to be included in the Public Works Snow & Ice Control Policy Statement and Operating Procedures [Revised 2017-2018] for mandatory snow clearing, and mandatory snow removal, of both the sidewalks and street on Strafford Street in the City of Berlin as a priority street. Burgess Street, attached to Strafford, is listed as a priority Street and is scheduled to be regularly plowed and cleared of snow. Petitioner seeks City Council remove Petitioner's 08/25/22 Request, and all attachments, from the status as "Filed" for Council re-review in conjunction with this second request. Petitioner seeks a written response to the vote and each Council members' individual vote on the matter documented.

Petitioner seeks the recusal of Mayor Paul Grenier from all discussion, vote, and/or determination in this matter. Mayor Grenier's residential home's left side, driveway, and garage are located on Strafford Street. In July 2022, a Petition for the Removal of Mayor Paul Grenier was filed with the Berlin NH City Council due to misconduct in office. To date, the Petition for Removal Remains Pending.

ATTACHED TO PRIOR 08/25/2022 Request for Review:

- 02/11/22 Fax Log
- 02/11/22 PW Work Order
- 02/18/22 Fax Log
- 02/18/22 PW Work Order
- 03/04/22 Fax Log
- 03/04/22 PW Work Order

Signed this 30th day of September 2022.

Respectfully Submitted,


J. Tompson