

## **PUBLIC HEARING – MONDAY, APRIL 16, 2018**

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:24 p.m. to hear comments on the following subject matters:

Ordinance 2018-01 Hawker and Peddler License Proposed Changes to Process & Fees

Resolution 2018-07 Accepting \$24,903 for Student Support and Academic Enrichment

Mayor Grenier asked for comments from the public. With no comments presented, Mayor Grenier closed the public hearing on the subject matters above at 7:27 p.m.

## **CITY COUNCIL MEETING – Monday, April 16, 2018**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:27 p.m. in the Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Morgan Allain, Rozek, Gentili, Nelson, Remillard and Theberge. Councilor Higbee was absent. Also present: Jim Wheeler, Sue Tremblay, Corinne Cascadden and Barbara Tetreault, Berlin Daily Sun

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the April 2<sup>nd</sup> Regular Meeting/Work Session, the March 28<sup>th</sup> Budget Work Session and the Work Session of April 9<sup>th</sup>. So moved, the motion carried.

### **Disbursements:**

Disbursement Summary Draft #1812 start date 04/03/2018 end date 04/16/2018 for a total cash disbursement of \$693,242.91. Councilor Nelson moved with a second by Councilor Morgan Allain to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

**PUBLIC COMMENTS** – There were none.

### **UNFINISHED BUSINESS**

1. Council Committee Reports – There were none.
2. Ordinance 2018-01 Hawker and Peddler License Proposed Changes to Process & Fees (tabled 4/02/2018)

**AN ORDINANCE** amending the CODE OF ORDINANCES, Chapter 9, LICENSING, ARTICLE V.

PEDDLERS, SOLICITORS, ITINERANT VENDORS, Sec. 9-152 through 9-161 proposing changes to licensing process and fees.

**Be it ordained by the City Council of the City of Berlin, as follows:**

That Sec. 9-152 through 9-161 are hereby amended as depicted below.

### **Sec. 9-152. License exceptions.**

The following shall be exempt from the licensing requirements of this article but shall comply with the requirements and restrictions of this article as listed below:

- (A) Any non-profit organization, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.
- (B) Any person selling, at or on his or her own property or residence, the product of his or her own labor, the labor of his or her family or the product of his or her own farm or the one he or she operates
- (C) Any person conducting the sales of personal household goods at or on his or her own property or residence.

(Ord. of 4-6-98) (Ord. of 4-16-18)

#### **Sec. 9-153. Definitions.**

The following definition shall be added:

*Hosting Entity/Organization.* An entity/organization that hosts an event within the City limits. These entity/organizations shall be an established nonprofit/charitable organization under Section 501 (c) of the Internal Revenue Code. Under this section, hosting entity/organizations shall be responsible in ensuring that all applicable vendors that participate in an event adhere to RSA 320: Hawkers and Peddlers. Any vendor that is covered under such license must be located within the official grounds/limits of the event.

(Ord. of 4-16-18)

#### **Sec. 9-154. Application process.**

The license required by this article shall be issued by the city clerk. The application for a peddler/vendor license shall include the following:

- (a) All individual license applications must be accompanied by a valid New Hampshire Hawkers/Peddlers or Itinerant Vendors License and/or board of health license when applicable.
- (b) ~~All persons and their agents, shall be required to apply for and receive a separate license.~~ A receipt for such local license fee, when paid, shall be endorsed by the city clerk, or designee, on the back of such state license, and a copy shall remain on file with the city clerk, or designee so long as such sale shall continue, or such goods be kept, offered or exposed for sale in such municipality.
- (c) The name, home and business address of the applicant, and the name and address of owner, if other than the applicant, of the vending business, stand or motor vehicle to be used in the operation of the vending business.
- (d) A description of the type of food, beverage or merchandise to be sold, ~~and in the case of products of farm or orchard, whether produced or grown by the applicant.~~
- (e) A description of the proposed location of the vending business, except that vendors from motor vehicles shall describe the general area.
- (f) Written consent of the property owner if the business activity is to be conducted on private property.
- (g) Make, model, and license number of any vehicle to be used by applicant or their agents in the conduct of his business will be included.
- (h) Identification. All applicants shall provide a driver's license or some other proof of identity as may be reasonably required.

(Ord. of 4-6-98) (Ord. of 4-16-18)

## **Sec. 9-155. License fees.**

### Individual Licenses:

- (A) Annual License - One Hundred Dollars (\$100.00) per cart, stand or motor vehicle. This license will expire one year and one day after the date of issuance. If an additional cart, stand or motor vehicle is used for vending, an additional license is required.
- (B) Single Event License - A one (1) time use license shall be available for a fee of Twenty-Five Dollars (\$25.00). This license will be valid for the date requested only. If an additional cart, stand or motor vehicle is used for vending, an additional license is required.

### Hosting Entity/Organization Licenses:

Hosting entity/organization licenses will be obtained through the City Clerk's office. Licenses that are issued shall be issued to the respective hosting entity/organization. All applications shall include all anticipated event dates and locations. If, during the term of the license, the hosting entity/organization intends to add an event to the existing license which triggers an additional fee per the fee structure below, a revised application shall be submitted and the additional fee shall be due to the City Clerk. Licensing fees for multiple events under one hosting entity will be as follows:

- (A) For a one (1) time event per year per host, the fee will be One Hundred Dollars (\$100.00).
- (B) For one (2) to three (3) events per year per host, the fee will be Two Hundred Fifty Dollars (\$250.00).
- (C) For four (4) to six (6) events per year per host, the fee will be Five Hundred Dollars (\$500.00).
- (D) For seven (7) to ten (10) events per year per host, the fee will be Seven Hundred Fifty (\$750.00).

~~Under this section the license fee shall be one hundred dollars (\$100.00) per cart, stand or motor vehicle from which goods are sold. This license shall expire one year and one day after the date of issuance. Licenses are not transferrable and shall be issued only for a specific cart, stand or vehicle to be located at a specific location. An additional license shall be required for each additional cart, stand or vehicle or for any change in the location of the vending business.~~

(Ord. of 4-6-98) (Ord. of 4-16-18)

## **Sec. 9-159. Duty of solicitors.**

Liability insurance: To hold a valid license, a direct seller selling or offering for sale goods from a pushcart, stand, table, container or other stationary apparatus located on the public way must have in force at all times general liability insurance. As evidence of the applicant's ability to comply with this condition of the license, the applicant shall furnish to the city a certificate of insurance evidencing the existence of general liability insurance with the city named as an additional insured. Insurance coverage required under this paragraph shall be at a minimum a combined single limit of one hundred thousand dollars (\$100,000.00) per occurrence.

Proof of License: All valid licenses shall be posted or displayed in a conspicuous location for ease of inspection.

(Ord. of 4-6-98) (Ord. of 4-16-18)

## Sec. 9-160. Exemptions.

Intentionally left blank for future use.

~~The articles of this article shall apply to all vendors, hawkers, peddlers and transients doing business or conducting sales within the city except the following:~~

~~— (A) Any person selling, at or on his or her own property or residence, the product of his or her own labor, the labor of his or her family or the product of his or her own farm or the one he or she tills.~~

~~— (B) Any person conducting the sales of personal household goods at or on his or her own property or residence.~~

(Ord. of 4-6-98) (Ord. of 4-16-18)

## Sec. 9-161. Violations.

Any person, firm or corporation, violating any provisions of this article shall be fined ~~up to but not exceeding~~ one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. of 4-6-98) (Ord. of 4-16-18)

This Ordinance shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor Otis to remove the ordinance from the table at this time. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a third time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to pass the resolution as ordinance. So moved, the motion carried.

### 3. Resolution 2018-07 Accepting \$24,903 for Student Support and Academic Enrichment (tabled 4/02/2018)

**A RESOLUTION** accepting a grant award for Student Support and Academic Enrichment funded by the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, Title IV-A to the Berlin School District in the amount of \$24,903.00, to be expended over a two year period ending December 30, 2019.

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

Whereas, the grant shall be used to expand the high school robotics program and enhance the district's computer science and engineering course offerings; and

Whereas the amount of \$24,903.00 for Berlin High School will be used to purchase supplies and equipment to further develop robotics, computer science and engineering; and

Whereas the grant is designed to help schools enhance the robotics, computer science and engineering program by securing more advanced technical resources; and

Whereas the State of New Hampshire, the City of Berlin and the Berlin Public Schools seek to increase student interest and involvement in science, technology, engineering, and mathematics (STEM) by engaging students in hands-on sustainable and affordable curriculum-based robotics, computer science and engineering programs.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that a grant award in the amount of \$24,903.00 is accepted and hereby appropriated to the School Department for the purpose of the grant to be expended over a two year period ending December 30, 2019

This resolution shall be in full force and effect from and after passage.

Councilor Nelson moved with a second by Councilor Morgan Allain to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to pass the resolution. So moved, the motion carried.

## **NEW BUSINESS**

### **4.     Resolution 2018-08 Accepting a donation of \$565 from Rotary for Dead River Park (1<sup>st</sup> read)**

Councilor Theberge moved, with a second from Councilor Morgan Allain, to table the resolution and schedule a public hearing for May 7, 2018. So moved, the motion carried.

### **5.     Resolution 2018-09 Appropriating \$150,000 for Hillside Avenue Bridge Project (1<sup>st</sup> read)**

Councilor Remillard moved with a second from Councilor Otis, to table the resolution and schedule a public hearing for May 7, 2018. So moved, the motion carried.

### **6.     City Manager's Report**

1. The property transaction between the BAA and Mr. Bob Chapman closed on April 6, 2018.
2. The workshop on "Effective Public Meetings and the Right to Know" was well attended by Board members and staff. I have attached a "Guide to NHMA Legal Services" that provides a good overview of the services available.
3. Elaine Riendeau registered 86 dogs in three hours at the Saturday April 7, RABIES CLINIC at the Recreation Center. We thank Elaine and Helen Poirier who gave up their afternoon for this service to dog owners.
4. Memolo General Contracting completed a repair of the Mason St. City Hall steps. There is cleaning work that remains to be done of these steps as well as repair and cleaning work on the Main St. steps.
5. If there is a law affecting municipal government that you think needs to be changed, or if you have an idea for how the functions of local government might be improved through legislation, there is an opportunity to make a change through NHMA's legislative policy process. The deadline to submit is April 20<sup>th</sup>.
6. Attached is an invitation from Corinne Cascadden to hear a presentation of the Grade Reorganization Study by the NH School Administrators Association to be held at the BHS Library on Thursday, April 19<sup>th</sup>, at 6:15 p.m.
7. The AVRDD is applying to the NHDES for a modification that would add landfill capacity at the Mt. Carberry Landfill. We were notified of a public hearing Tuesday, May 8<sup>th</sup>, 2018 at 6:00 p.m. at City Hall. The notice is attached.

8. The Public Works Department Report is attached.

Councilor Rozek moved with a second from Councilor Gentili to accept the City Manager's Report and place it on file. So moved, the motion carried.

7. Mayor's Report

a. Proclamation – Water Week

WHEREAS, The City of Berlin has owned a municipal water supply since July 01, 1925, known as the Berlin Water Works; and

WHEREAS, The Berlin Water Works will be entering its 93rd year of operations as a municipal water supplier to the City of Berlin; and

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, our health, safety, comfort and standard of living depend upon an abundant supply of high quality water; and

WHEREAS, each citizen is being called upon to protect our source supplies from pollution, practice water conservation, and become involved in water policy decision; and

WHEREAS, citizens are invited to visit the Ammonoosuc Water Treatment Facility located off Jericho Road (Route 110) during open house Monday, May 7th through Friday, May 11th between the hours of 9:00 AM and 2:00 PM to inspect and become aware of the water treatment process used to treat the water taken from the North Branch of the Upper Ammonoosuc River known as the Godfrey Dam Reservoir supply.

WHEREAS, The City of Berlin acknowledges the importance to recognize a National Drinking Water Week.

NOW, THEREFORE, be it resolved that I, Paul R. Grenier, by virtue of the authority vested in me as Mayor of the City of Berlin, New Hampshire, do hereby proclaim the week of May 6 to May 12, 2018 as NATIONAL DRINKING WATER WEEK and urge all citizens to recognize the need for water source protection, conservation, public involvement and become aware of the value, importance and fragility of our water resources.

NOW, THEREFORE, I have hereunto set my hand and the seal of the Great City of Berlin, New Hampshire on this 16th of April in the year of our Lord, 2018.

Councilor Rozek moved, with a second from Councilor Nelson, to accept the Mayor's Report and place it on file. So moved, the motion carried.

8. PUBLIC COMMENTS – There were none.

9. Council Comments – There were none.

10. Adjournment

At approximately 7:50 p.m. Councilor Rozek moved with a second by Councilor Gentili to recess the regular meeting until Mr. Sansoucy arrives, when the Council will move into non-meeting. So moved, the motion carried.

A True Record, Attest:

Elaine Riendeau  
City Clerk

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