

## **CITY COUNCIL MEETING – Monday, May 21, 2018**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:17 p.m. in the Council Chambers. As the meeting started early, the agenda will be followed with new business starting first. The pledge of allegiance to the flag preceded roll call. Present: Councilors Otis, Gentili, Nelson, Rozek, Higbee, Remillard and Theberge. Councilor Morgan Allain was absent. Also present: Jim Wheeler, Sue Tremblay, Pam Laflamme, John Lacasse, Pete Morency, Dan Buteau, Mike Caron, Stuart Light, Mark Ginnetty, Gaston Gingues and Barbara Tetreault, Berlin Daily Sun

### **Minutes, Previous Meeting**

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the May 7<sup>th</sup> Regular Meeting/Work Session and the Work Session of May 10<sup>th</sup>. So moved, the motion carried.

### **Disbursements:**

Disbursement Summary Draft #1815 start date 05/08/2018 end date 05/21/2018 for a total cash disbursement of \$804,345.79. Councilor Theberge moved with a second by Councilor Nelson 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.

### **NEW BUSINESS**

#### **1. Resolution 2018-15 School Grants (1<sup>st</sup> read)**

Councilor Nelson moved, with a second from Councilor Higbee, to table the resolution and schedule a public hearing for June 4, 2018. So moved, the motion carried.

#### **2. Resolution 2018-16 Appropriating \$35,000 to EMS Integration Study (1<sup>st</sup> read)**

Councilor Remillard moved with a second from Councilor Otis, to table the resolution and schedule a public hearing for June 4, 2018. So moved, the motion carried.

#### **3. Correspondence – Main Street Program Drive in the 50's**

Ms. Sylvia Poulin of the Main Street Program forwarded a request to the City Clerk (which was read into the record) for this year's Drive in the 50's Event, which is scheduled to take place on Thursday, June 7<sup>th</sup> from 5-8 pm.

Councilor Remillard moved with a second from Councilor Otis to approve the request of Sylvia Poulin on behalf of the Main Street Program for the request to host the Drive in the 50's Event on June 7<sup>th</sup> from 5-8 pm. So moved, the motion carried.

#### **4. City Manager's Report**

1. There will be an online/virtual meeting with Spohn Ranch on Wednesday May 23<sup>rd</sup> at 6pm to review preliminary skate park design ideas. Following this event, there will continue to be opportunities to provide input to the design.
2. As a reminder, the Public Hearing for the FY2019 Budget Proposal is this Wednesday night, May 23<sup>rd</sup> at 6:30 PM in the City Hall Auditorium.
3. We received bids for the City's Fuel Oil contract. Low bids from CN Brown came in 30% higher than last year with local delivery at \$2.449 and bulk delivery at \$2.349 per gallon.

4. The Berlin Main Street Program hosted the Downtown Day of Caring on Friday, May 18<sup>th</sup>. The volunteers raked, pruned, swept, mulched, weeded, and planted their way through multiple sites in the downtown area. Thanks to their hard work, the downtown looks great.
5. There were two tax deeded properties out for bid, 340 Church Street and 723 Third Avenue. We received no bids on either property. The other four that were authorized by the Council will be out for bid soon.
6. There is a bid out for a Welcome sign into the City that will be constructed on Glen Ave. in the area of Veteran's Park.
7. Attached is a letter to Governor Sununu that was sent on the Council's behalf encouraging the Governor to sign Senate Bill 577 into law.
8. By the end of this week we expect that the entire City will have go through the first round of spring sweeping. This has been accomplished by running two night shifts.
9. The Public Works Department has been working on the FEMA storm damage application. As with most Federal programs, there is an incredible amount of detail that needs to be entered into the FEMA portal by the July deadline. Work to complete storm damaged areas will resume within the next two weeks in the area of Grafton and Howland Streets by AB Construction.
10. Punch list work and other final work on the Rte. 16 project will begin within the next two weeks by Sargent Construction.

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

#### **5. Mayor's Report**

Mayor Grenier nominated Lane Strahan as an alternate member of the Planning Board for a three-year term to expire on April 30, 2021.

Councilor Rozek moved with a second from Councilor Higbee to accept the nomination of Lane Strahan as an alternate member of the Planning Board for a three-year term to expire on April 30, 2021. So moved, the motion carried.

Mayor Grenier presented a nomination of Denise Bergeron as Library Trustee to fill the position left open from the passing of Paul "Poof" Tardiff. The term is set to expire in 2020.

Councilor Rozek moved with a second from Councilor Higbee to accept the nomination of Denise Bergeron as Library Trustee with the term set to expire in 2020. So moved, the motion carried.

#### **PUBLIC HEARING – MONDAY, MAY 21, 2018**

Mayor Grenier opened the duly scheduled and advertised Public Hearing at approximately 7:35 p.m. to hear comments on the following subject matters:

Resolution 2018-10 Bullet Proof Vests

Resolution 2018-11 Highway Safety Grants

Resolution 2018-12 Homeland Security Training

Resolution 2018-13 Rescinding Resolution Adopting Personnel Policy

Resolution 2018-14 Discontinuance of Union Street

Mayor Grenier asked for comments from the public on the above resolutions. With no comments presented, Mayor Grenier closed the public hearing on the subject matters above at 7:38 p.m.

## UNFINISHED BUSINESS

6. Council Committee Reports – There were none.
7. Resolution 2018-10 Bullet Proof Vests (tabled 5/07/2018)

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and accept \$6,800.00 (Six Thousand Eight Hundred Dollars) in grant funds from the U.S. Department of Justice, Office of Justice Program Bulletproof Vest Partnership and appropriating said funds to the Berlin Police Department for the purpose of effectuating the grant.

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

WHEREAS police officers respond to volatile situations on a daily basis; and

WHEREAS the purpose of bulletproof vests is to specifically safeguard the lives of law enforcement personnel during such situations; and

WHEREAS the safety of the officers is imperative to the effective delivery of police services; and

WHEREAS the Department of Justice recognizes the magnitude of law enforcement's every-day risk and has funding available for the purpose of acquiring bulletproof vests.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Justice, Office of Justice Programs Bulletproof Vest Partnership for the purpose of purchasing bulletproof vests. Further, the sum of \$6,800.00 (Six Thousand Eight Hundred Dollars) is hereby appropriated to the Berlin Police Department Fiscal Year 2018 Budget, in addition to all previously-appropriated funds.

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

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

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

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

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

8. Resolution 2018-11 Highway Safety Grants (tabled 5/07/2018)

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2019.

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

WHEREAS voluntary compliance of bicycle, scooter, and skateboard laws is a problem in Berlin, particularly in the downtown area; and

WHEREAS DWI offenses are problems in Berlin; and

WHEREAS speed and traffic light avoidance are problems which creates unnecessary risk for pedestrian traffic, and designated patrols are needed for enforcement; and

WHEREAS the New Hampshire primary child passenger safety law requires that all children up to the age of seven be restrained and properly secured in an approved child passenger safety seat, and everyone up to the age of 18 use a seat belt; and

WHEREAS operation of OHRVs on public ways is a concern; and

WHEREAS distracted driving during morning and evening commutes is a statewide problem requiring increased public awareness that distracted driving will not be tolerated; and

WHEREAS information is available to teach young, inexperienced drivers specific educational experiences that focus on the behavior of vehicles, their limits of operation, and the effectiveness of seat belt use in the operation and occupancy of a motor vehicle, as they do not realize the limitations of vehicles or the harmful impact that alcohol may have on their ability to safely operate a vehicle; and

WHEREAS the NH Highway Safety Agency funds local projects to promote such enforcement and education.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and receive funds for Highway Safety Project Grants. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purposes of the grants during Fiscal Year 2019.

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

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

Councilor Higbee moved with a second by Councilor Remillard to amend the resolution in the fourth paragraph the age for children should be seven years old versus four years old. So moved, the motion carried.

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

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

**9. Resolution 2018-12 Homeland Security Training (tabled 5/07/2018)**

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and accept \$3,387.00 (Three Thousand, Three Hundred Eighty-Seven Dollars) in grant funds from the NH Department of Safety for the purpose of effectuating Homeland Security training, and appropriating said funds to the Berlin Police Department Fiscal Year 2018 Budget for the purpose of effectuating the grant.

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

WHEREAS the safety of Berlin's citizens is imperative; and

WHEREAS terrorist activity remains a viable threat; and

WHEREAS the State of New Hampshire, Department of Homeland Security recognizes this threat and is taking measures in preparation of meeting such threats; and

WHEREAS the Department of Homeland Security has Law Enforcement Terrorism Prevention Activities Special Operations Team (LETPA-SOT) program funds available to conduct training exercises designed to test planning, communications, and interoperability for events necessitating a multi-jurisdictional response; and

WHEREAS participation in said exercises enhance response capabilities as well as highlight areas that need improvement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Safety for the purpose of effectuating said LETPA-SOT Homeland Security training. Further, the sum of \$3,387.00 (Three Thousand, Three Hundred Eighty-Seven Dollars) is hereby appropriated to the Berlin Police Department Fiscal Year 2018 Budget, in addition to all previously-appropriated funds.

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

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

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

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

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

**10.     Resolution 2018-13 Rescinding Resolution Adopting Personnel Policy (tabled 5/07/2018)**

**A RESOLUTION** rescinding the City Council Resolution adopting the Personnel Policy of September 18, 1995

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

Whereas, the City Council acknowledges that the Personnel Policy adopted in 1995 needs to be periodically reviewed and updated; and

Whereas, the City Council will adopt the 1995 Personnel Policy by motion, keeping the Policy in place following the passage of this Resolution; and

Whereas, this action will allow the City Manager to programmatically review and update individual policies which shall be approved by the Council prior to implementation.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Personnel Policy adopted September 18, 1995 is hereby rescinded in favor of a policy that will be adopted in full and in part by motion of the City Council.

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

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

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

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

**11.     Resolution 2018-14 Discontinuance of Union Street (tabled 5/07/2018)**

**A RESOLUTION** to hereby relinquish any and all City interest in any portion of Union Street shown on the attached map to the abutters in accordance with State law and case law pursuant to RSA 231:43

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

Whereas, the abutter to Union Street would like to acquire the property which is currently used primarily as a walkway to expand his business; and

Whereas, the Mayor and Council see no public interest in the continued use of Union Street as a city street as it is not necessary for public travel in this area, and

Whereas, after consultation with NHDOT regarding the discontinuance of Union Street it was determined the City could sell the property but will turn over 80% of the sale price to NHDOT to apply that money to a Federal Title 23 eligible account; and

Whereas, an appraisal was conducted to determine the price of the property and it was determined that the property

was worth \$4350.00 and NHDOT has concurred with the appraisal value; and

Whereas, the abutter, M.H. CARON REALTY, INC, who is the owner of the four parcels abutting Union Street has agreed to pay the City the appraised price of \$4350.00 in exchange for a Quitclaim Deed from the City for the property; and

Whereas, the City has agreed to tender to said abutters or the designated one of them such Quitclaim Deed for the property.

Now Therefore Be It Resolved by the Mayor and Council of the City of Berlin that Union Street is hereby to be completely discontinued and the City of Berlin relinquishes any and all interest in Union Street in accordance with State law and case law pursuant to RSA 231:43. It is further resolved that the City Manager is hereby authorized, with the assistance of the City Attorney, to prepare and execute such Quitclaim Deed and all necessary paperwork, including the distribution of the 80% of the sales price to NHDOT.

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

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

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

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

Councilor Nelson moved with a second by Councilor Higbee to pass the resolution. Roll call was taken and with all votes in the affirmative, the motion carried.

## **12. PUBLIC COMMENTS**

Stuart Light, 634 Burgess Street asked what the City is going to do with the other 400 properties it owns. Mr. Wheeler stated there is a plan for putting vacant lots out to bid. As far as buildings go, single and two family properties that can be renovated are put back out for sale. The tendency for multifamily buildings is not to put out. There is no money to tear down for now so we keep those properties out of circulation. We are holding until we can identify demolition funds.

## **13. Council Comments – There were none.**

## **14. Adjournment**

At approximately 7:54 p.m. Councilor Rozek moved with a second by Councilor Theberge to adjourn the regular 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.