

CITY COUNCIL MEETING – Monday, December 7, 2020

Public Hearing

Mayor Grenier opened the Public Hearing at 7:54 pm for Resolution 2020-26 Self Contained Breathing Apparatus Manufacturer Standardization. There were no public comments. Mayor Grenier closed the Public Hearing at 7:54 pm.

Mayor Grenier opened the Public Hearing at 7:54 pm for Resolution 2020-28 CDBG Planning Grant for North Woods Learning Center.

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility projects, up to \$500,000 for housing projects, up to \$500,000 for emergency activities, and up to \$25,000 is available per planning study grant. All CDBG projects must primarily benefit low and moderate income persons. The public hearings will hear public comment on the following.

Community Development Block Grant Planning Grant funds to assist the North Woods Learning Center find and assess the viability of a new childcare facility by looking at both buildings and sites, looking at existing structures, potentially preparing both preliminary plans and projecting budgets and costs of building/or renovation suitable for childcare in Berlin. North Woods Learning Center serves primarily low and moderate income persons.

This project conforms with Berlin's Housing and Community Development Plan's Goal of: Continued Development of Medical Center and other Non-Profit Service Agencies- Assist Non-Profit service agencies in expansion, consolidation and relocation efforts.

Mayor Grenier asked for Public Comments. There were no public comments. Mayor Grenier closed the public hearing at 7:57 pm.

Mayor Grenier opened the Public Hearing at 7:57 pm for Residential Antidisplacement and Relocation Assistance Plan for the CDBG.

Although this project does not involve any displacement or relocation of persons (or businesses), if the City were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Mayor Grenier asked for Public Comments. There were no public comments. Mayor Grenier closed the public hearing at 7:58 pm.

Councilor Higbee moved, with a second from Councilor Theberge, to adopt the Residential Antidisplacement and Relocation Assistance Plan for the CDBG. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Councilor Higbee moved, with a second from Councilor Theberge, to approve the submittal of the North Woods Learning Center CDBG application and to authorize the City Manager to sign and submit the application, and upon approval of the CDBG application, authorize the City Manager to execute any documents which may be necessary to effectuate the CDBG contract and any amendments thereto. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:01 p.m. via Zoom, pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3.

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Grenier, Councilors Remillard, Otis, Eastman, Higbee, Rozek, and Theberge

Absent: Councilors Berthiaume and Morgan

Also present: James Wheeler, Pamela Laflamme, Susan Tremblay, Chief James Watkins, Ann Auger, Shelli Fortin, and Barbara Tetreault

c. Councilor Remillard moved, with a second by Councilor Higbee, to accept the minutes of the November 16, 2020 Regular Meeting and Work Session and November 23, 2020 Work Session. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Disbursements:

Disbursement Summary Draft #1876 start date 11/17/2020 end date 12/04/2020 for a total cash disbursement of \$1,663,455.42. Councilor Theberge moved with a second by Councilor Higbee to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

PUBLIC COMMENTS

There were no public comments.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council Committee Reports.

2. Resolution 2020-26 Self Contained Breathing Apparatus Manufacturer Standardization (tabled 11/16/2020)

In the Year of Our Lord Two Thousand and Twenty

A RESOLUTION formalizing the City's intent to standardize the procurement and use of Scott Self Contained Breathing Apparatus Air Packs for the purpose Emergency Response by Berlin Fire Department personnel.

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

Whereas, the City intends to standardize on Scott Self Contained Breathing Apparatus Air Packs for reasons including but not limited to:

The benefits of standardizing include the following:

- Berlin Fire Fighters are currently trained on Scott equipment
- There is a Scott service dispatch location within 100 miles of Berlin in South Portland, ME and another in Salem, NH.
- The Town of Gorham has standardized on Scott. The Gorham Fire Department is the City's primary mutual aid partner. As such, there is increased safety and efficiency with both departments utilizing equipment from the same manufacturer.

Whereas, the City views the benefits of standardization on Scott to be in the best overall interest of the City; and

Whereas, the City, through the authorization provided in Resolution 2019-32, applied for and obtained a grant from FEMA which will pay 90% of the approximate \$154,900 purchase price.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that the procurement and use of Scott Self Contained Breathing Apparatus Air Packs for the purpose Emergency Response by Berlin Fire Department personnel is in the best interest of the City and is hereby standardized.

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

Councilor Remillard moved, with a second by Councilor Higbee, to remove this item from the table. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2020-26 by short title for a second time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2020-26 by short title for a third time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Higbee that Resolution 2020-26 be passed. So moved, the motion passed by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

3. Ordinance 2020-28 CDBG Planning Grant for North Woods Learning Center (tabled 11/16/2020)

In the Year of Our Lord Two Thousand Twenty

A RESOLUTION authorizing an application to the Community Development Block Grant Planning Grant Program for \$25,000.00 on behalf of the North Woods Learning Center for a Planning Grant to determine the location and any associated documentation for a new licensed childcare facility in Berlin.

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

Whereas, the North Woods Learning Center has been seeking a new location since their previous location closed in 2018; and

Whereas, the North Woods Learning has identified a need for additional childcare providers in the Berlin area; and

Whereas, a Planning Grant can assist in determining a new appropriate location and what would need to be done to make that location ready to function as a licensed childcare facility; and

Whereas, the City Council reaffirms the Housing and Community Development Plan last adopted by the City Council in April 2017; and

Whereas, the City Council adopts the Residential Anti-displacement and Relocation Assistance Plan; and

Whereas, Community Development Block Grant Feasibility Study funds are available to hire engineers and architects to determine the viability of the project; and

Whereas, upon approval, the City Manager is authorized to receive said grant and the grant proceeds are hereby appropriated for the purpose of the grant; and

Whereas, all grant proceeds shall be deposited with the City Treasurer and that any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That, the City Manager is authorized to apply to the Community Development Block Grant Planning Grant Program for \$25,000.00 on behalf of the North Woods Learning Center for a Planning Grant to determine the location and any associated documentation for a new licensed childcare facility in Berlin and upon approval of said application, the City Manager is authorized to execute any documents which may be necessary to effectuate the CDBG contract.

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

CITY OF BERLIN
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project undertaken by the municipality.

However, in the event of displacement as a result of a federally funded award, City of Berlin will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion the municipality will make public and submit to CDFA the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:
 2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.
- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

City of Berlin anticipates no displacement or relocation activities will be necessitated by this project. Should some unforeseen need arise, the County certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Councilor Higbee moved, with a second by Councilor Theberge, to remove this item from the table. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Councilor Higbee moved, with a second by Councilor Theberge, to read Resolution 2020-28 by short title for a second time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Councilor Higbee moved, with a second by Councilor Theberge, to read Resolution 2020-28 by short title for a third time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis –yes, Eastman – yes, Grenier - yes

Councilor Higbee moved, with a second by Councilor Theberge that Resolution 2020-28 be passed. So moved, the motion passed by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

NEW BUSINESS

4. City Manager's Report

1. The Mason St. Bridge project is being re-advertised and is due December 17, 2020. The project will need to be completed in September of 2021 to coincide with time frame where the river level is lowered for maintenance of the Central Rivers Hydro.
2. Cross Excavation has been awarded our two demolition projects associated with the Princess Theater and the Fire Department. They are assembling bonds and insurances and working on their environmental permits.
3. The Berlin Housing Authority (BHA) recently partnered with Eversource and the Tri-County Community Action Program (TCCAP) to complete a comprehensive energy efficiency improvement project at St. Regis House. The energy efficiency upgrades – which included work on the windows, lighting, and heating and cooling systems – will help the BHA save an estimated \$20,000 in annual energy costs.
4. The US Environmental Protection Agency continues its work on the Lavoie property at 640 Hillside Avenue. Soil samples collected from the excavated areas showed that PCB and lead concentrations have been significantly reduced. Attached is a report of their progress thus far.
5. We have a Request for Quotations out for Health Insurance Plans; responses are due December 30, 2020
6. The City will begin a new electricity contract with an electric rate of .06990 from 12/28/2020 to 11/24/2024. This is a savings from our current rate of .07090.
7. We have several jobs posted to the Job Search Portal which is a new tool that is aimed at facilitating connections between NH businesses and job seekers. Current open positions include: Public Works Director, Executive Assistant, Public Works Laborer and part time Welfare Department Clerk. More information on any of these positions can be found on the City's website.
8. The monthly Berlin Emergency Medical Services activity report is attached. Scott Lees, will be taking over as Operations Manager at Berlin EMS, and he will be providing these reports from now on.
9. The Berlin PD statistics as reported to the Police Commission at their December meeting are attached.
10. A Fire Department Incident Report is also attached.

City Manager Wheeler also informed the Mayor and Council that the solid waste district has agreed to reimburse the City \$50,000 for the repaving of Hutchins Street.

Councilor Rozek moved, with a second from Councilor Theberge, to accept the City Manager's Report and place it on file. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

5. Mayor's Report

a. Letter from Randal Chouinard re: Plowing

Dear Mayor Grenier,

My name is Randal Chouinard and I live at 487 Rockingham Street. I am writing to hopefully change the plowing/sanding route. My grandchildren live across the street from me. I bring them to the bus stop daily. The current route has the plow/sand truck turning left onto Rockingham Street and avoiding the hill. I was hoping to have the trucks back up the hill from the intersection so that other residents and myself can safely go down the hill in the morning. This hill is very steep and can be dangerous in bad weather.

Thank you for your attention to this matter.

Randal Chouinard

Mayor Grenier advised that he spoke with Mr. Chouinard and has forwarded the letter to City Manager Wheeler, who will address the issue.

Councilor Remillard moved, with a second from Councilor Higbee to place the letter and file, allow the City Manager to handle the issue with the Public Works Department, and send a letter to Mr. Chouinard acknowledging his correspondence. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

b. Planning Board Appointments

i. Anthony Valliere

Mayor Grenier and City Council,

With the recent resignation of Naomi Levesque this month from the Planning Board, the Board would like to recommend the nomination of Anthony Valliere who is currently an alternate member to fill Ms. Levesque's unexpired term.

- Anthony Valliere – A term to run from now until April 2022 as a regular board member to fill the unexpired term of Naomi Levesque.

Sincerely,

Pamela E. Laflamme
Community Development Director

Councilor Remillard moved, with a second from Councilor Rozek, to approve the nomination of Anthony Valliere as a regular member of the Planning Board to fill the unexpired term to expire April 30, 2022. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

ii. Theodore Bosen

Dear Mayor Grenier,

Please consider me for appointment as an alternate on the City of Berlin Planning Board.

I am a resident of Berlin, having moved here from Plymouth, Massachusetts in 2014, purchasing the former Paul Bisson Dairy Farm. Since becoming a resident, I have sought to involve myself in the life and betterment of Berlin. Presently, I am an active member of a Berlin church where I host its annual Saint Nicholas Festival and co-host its Greek Festival, and I am an active member of the Androscoggin Valley Chamber of Commerce and the Androscoggin Valley ATV Club, on behalf of which I participate on the Jericho ATV Festival Committee.

My background includes 35 years as a practicing attorney in Massachusetts where I still hold an active license. My education, in addition to my B.A. and J.D., includes an M.B.A. with concentrations in Health Care Management and Public Administration. Throughout my career as a general practice attorney, I advised small businesses and non-profits, including some health care organizations, and appeared before municipal boards on their behalf.

As an active volunteer in my former hometown, I served as a member of its elected Town Meeting, as its representative on a County Commission, on its Open Space Committee, Master Planning Committee, and successively as a member of the North Plymouth Steering Committee and the Cedarville Steering Committee, each an adjunct to the Plymouth Planning Board. In Plymouth, a town of over 50,000 residents and 100 square miles, there are five local villages, each with its own steering committee. Every application for a permit in Plymouth must first come before the local steering committee, which does the initial investigation and files a report with the Planning Board.

I have attended a few meeting of both the Planning Board and Zoning Board of Appeals here in Berlin in my capacity as a concerned citizen, not as an applicant. If appointed, I would hope to draw upon my education and experience to assist as a resource person in supplying the board with accurate information and appropriate citations on the governing state laws and local ordinances. I do not believe it is the role of the Planning Board, except when specifically requested by the City Manager or Planning Director, to influence policy or to opine on personal preferences regarding applications coming before it. That is the role of the policymakers, not those job it is to implement and apply that policy in good faith. I also believe it is paramount that the board protect the rights of all citizens affected to be notified and to be heard, and wherever possible within the constraints of the applicable law, to be given full consideration.

As I suspect you are aware, I am an opinionated and politically involved person. That will not change, and if that is an impediment, you should decline to nominate me. However, my opinions and politics, as those of others, do not belong anywhere in the process of hearing and deliberating on applications brought forward by citizens and developers. Applicants, stakeholders, and affected citizens have a fundamental right to a fair hearing by members of the board, as well as to a neutral and impartial decision in each case, governed only by the policy objectives handed down to the board as formulated with the best interests of Berlin in mind. If appointed, that will be my only objective, and within that framework, I expect to bring an open mind to the table.

Thank you for your consideration. I would consider it an honor to serve my new city.

Sincerely,

Theodore L Bosen

ii. Jennifer Lazzaro

Dear Mayor and City Council,

I'm writing this letter because I became aware that there's an alternate Planning Board seat available and I'm very interested in the position.

I have been watching both the City Council and Planning Board meetings for almost a year and I have them fascinating and I've learned so much about how you run the city. I look forward to working with you in the future. Thank you so much for this opportunity.

Sincerely

Jennifer Lazzaro

Councilor Rozek moved, with a second from Councilor Higbee, to approve the nomination of Theodore Bosen as an alternate member of the Planning Board with a term to expire April 30, 2022, and of Jennifer Lazarro as an alternate member of the Planning Board with a term to expire April 30, 2023.

Councilor Higbee mentioned that he knows both through correspondence and believes both would do a fine job.

So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

b. Berlin Housing Authority Appointment

Dear Mayor Grenier and City Councilors:

This is to request that a recent vacancy be filled on the Berlin Housing Authority's board for a term to end in December of 2020.

In requesting the renewal of this appointment, we offer for your consideration, Mr. Paul Croteau. He is eminently qualified to assist the Housing Authority in its mission to create and preserve affordable housing. He has been an active member in the community for many years.

The Commissioners and I have enjoyed a lasting relationship with Mr. Croteau as his knowledge of the resources in the area can only compliment our objectives. Please note that Mr. Croteau's son is a landlord and we have checked with HUD Regional and our own attorney to be certain there is no conflict of interest.

We request that you kindly begin the process of reappointment. Thank you for your attention to this matter.

Sincerely,

Mary-Jo Landry
Executive Director

Councilor Remillard moved, with a second from Councilor Rozek, to approve the nomination of Paul Croteau as a member of the Berlin Housing Authority with a term to expire December 30, 2023. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Councilor Rozek moved, with a second from Councilor Higbee, to accept the Mayor's Report and place it on file. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

6. PUBLIC COMMENTS

There were no public comments.

7. Council Comments

Councilor Eastman noted the article on the front page of the paper last week about the 2 proposed campgrounds and MOMS buying 1,600 acres of land in Jericho Gateway. Eastman stated that there are huge financial commitments in this area and the wanted to commend the Council, City Manager, and Mayor for working together to facilitate new projects coming in and moving forward.

Councilor Higbee noted that the space bar on a computer will toggle mute on Zoom meetings.

Mayor Grenier advised the Council that next week's meeting may be lengthy, as the VFW is coming with final plans for Veteran's Park and the State and the CDFA are coming to give the Council an understanding of how Tax Increment Financing (TIF) Districts work.

8. Adjournment

On a motion by Councilor Rozek, seconded by Councilor Higbee, the Council voted to adjourn the meeting at 8:30 pm. So moved, the motion carried unanimously by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis– yes, Eastman – yes, Grenier – yes

A True Record, Attest:

Shelli Fortin
City Clerk

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