

CITY COUNCIL MEETING – Monday, April 17, 2023

Public Hearing

Mayor Grenier opened the Public Hearing at 7:20 pm for Ordinance 2023-02 Zoning Manufactured Housing.

Director of Strategic Initiatives Pamela Laflamme gave a brief overview of the Ordinance, advising that the Planning Board has spent time working on this over the last year. This Ordinance will allow manufactured housing anywhere that single family homes are allowed, currently they are only allowed in manufactured housing parks or subdivisions. The manufactured homes will need to be up to code and on a permanent foundation.

There were no public comments. Mayor Grenier closed the Public Hearing at 7:23 pm.

Mayor Grenier opened the Public Hearing at 7:23 pm for Resolution 2023-12 K9 Match Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:24 pm.

Mayor Grenier opened the Public Hearing at 7:24 pm for Resolution 2023-13 Homeland 2021 Search & Rescue Equipment 2023 PD. There were no public comments. Mayor Grenier closed the Public Hearing at 7:24 pm.

Mayor Grenier opened the Public Hearing at 7:24 pm for Resolution 2023-14 Firehouse Subs PD. There were no public comments. Mayor Grenier closed the Public Hearing at 7:25 pm.

Mayor Grenier opened the Public Hearing at 7:25 pm for Resolution 2023-15 PSN PD. There were no public comments. Mayor Grenier closed the Public Hearing at 7:25 pm.

Mayor Grenier opened the Public Hearing at 7:25 pm for Resolution 2023-16 US Forest Service PD. There were no public comments. Mayor Grenier closed the Public Hearing at 7:26 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:26 pm.

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Grenier, Councilors Robert Theberge, Morency, Morgan, and Roland Theberge

Absent: Councilors Berthiaume, Remillard, Eastman, and Higbee

Also present: City Manager Phillip Warren, Jr., Director of Strategic Initiatives Pamela Laflamme, City Clerk Shelli Fortin, Chief Daniel Buteau, Lori Korzen, Rayleen Roy, and Lisa Connell, Berlin Daily Sun.

c. Councilor Roland Theberge moved, with a second by Councilor Morgan, to accept the minutes of the April 3, 2023 Regular Meeting and Work Session, and the Budget Meeting of April 10, 2023. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1935 start date 04/04/2023 end date 04/17/2023 for a total cash disbursement of \$929,287.18. Councilor Roland Theberge moved with a second by Councilor Morgan to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion passed.

PUBLIC COMMENTS

There were no public comments.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

2. Ordinance 2023-02 Zoning Manufactured Housing (tabled 4/3/2023)

In the year of our Lord Two Thousand Twenty-Three

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE XII. Manufactured Housing, Section 17-122, 1 and 2, Manufactured Housing Standards; ARTICLE VXXI. Definitions, Section 17-222, Specific Definitions;

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

Sec. 17-122. Manufactured Housing Standards

1. Manufactured housing is allowed within the City of Berlin ~~only in manufactured housing subdivisions and manufactured housing parks.~~ on any lot that allows single family dwellings.
2. All manufactured housing units sited in the City of Berlin must comply with ~~BOCA and current FHA manufactured home standards~~ current HUD Manufactured Home Construction and Safety Standards and shall be affixed to a permanent foundation or slab in accordance with NH installation standards.

Sec 17-222. Definitions

~~Manufactured Housing: Manufactured housing means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. All manufactured housing units sited in the City of Berlin must comply with BOCA and current FHA manufactured home standards and shall not include presite built housing as defined in this Ordinance.~~

Manufactured homes are homes built as dwelling units of at least 320 square feet in size with a permanent chassis to assure the initial and continued transportability of the home. All transportable sections of manufactured homes built in the U.S. after June 15, 1976 must contain a certification label (commonly referred to as a HUD Tag) on the home. The label is the manufacturer's certification that the home section is built in accordance with HUD's Manufactured Home Construction and Safety Standards (the Standards). The Standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety, and other aspects of the home. The Standards are published in the Code of Federal Regulations under 24 CFR Part 3280. (FROM HUD.GOV)

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

City Clerk Shelli Fortin noted a typing error, as it should be Article XXI, not VXXI in the first paragraph, which will be corrected.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Ordinance 2023-02 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Ordinance 2023-02 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Ordinance 2023-02 be passed. So moved, the motion passed.

3. Resolution 2023-12 K9 Match Grant PD (tabled 4/3/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the K9 Matching Grant Program.

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

WHEREAS, it is the mission of the Berlin Police Department to provide community-oriented law enforcement, designed to protect life, property and maintain order, while assuring fair and equal treatment for all and to continually enhance the training and expertise of each member of the police force, and

WHEREAS, the K9 Matching Grant Program provides funding to law enforcement agencies to enhance public safety by allowing the agency to purchase a Police Canine with only a 25% match, and

WHEREAS, the mission of the K9 Matching Grant Program is to assist local municipalities to off-set the cost of a K-9 Unit by providing funds for the purchase of a Police Canine, and

WHEREAS, during the last three years the Berlin Police Department K9 unit has assisted in numerous drug finds and arrests, which have had a direct impact on public safety by helping combat the ongoing opioid crisis.

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 K9 Matching Grant Program. Said funds granted to the City of Berlin will be used for the purpose of purchasing a Police Canine during Fiscal Year 2023 and 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-12 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-12 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Resolution 2023-12 be passed. So moved, the motion passed.

4. Resolution 2023-13 Homeland 2021 Search & Rescue Equipment PD (tabled 4/3/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the Berlin Police Commission to apply for and accept grant funds from the NH Department of Safety under the 2021, 2022, and 2023 Homeland Security Grant Program - LETPA Search and Rescue equipment and appropriating said funds to the Police Department for the purpose of the grant.

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

WHEREAS Coös County encompasses 1,794 square miles, is comprised of many small towns and communities, has a population of approximately 32,000 people, and is home to several critical infrastructures, e.g., schools, prison(s), and hospital; and

WHEREAS search and rescue equipment technology enhance screening, search, detection, threat assessment, and discontinuation of threat capabilities, which is essential in preventing threatened or actual acts of terrorism; and

WHEREAS search and rescue equipment would provide the department with the ability to actively and passively surveil and search a scene or incident in all conditions, which without this technology is not possible; and

WHEREAS the departments capability to perform the above necessary tasks, specifically, the important tasks

of navigation, surveillance, observation, and the identification of threat and not-threat subjects in low light conditions they are required to operate in routinely; and

WHEREAS the department is called upon to enter areas of danger; and

WHEREAS search and rescue equipment is designed to assist in all of the aforementioned situations as well as; and

WHEREAS said equipment would render the department safely and effectively mission ready and better equipped to assisting their partner communities and the State of New Hampshire; and

WHEREAS use of such specialized equipment increases the ability of the department to safely resolve situations without injury or loss of life and will enhance agency interoperability, especially in response to a large-scale event or disaster; and

WHEREAS: search and rescue equipment will help mitigate risk.

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 accept funds from the NH Department of Safety for the 2021, 2022, and 2023 Homeland Security Grant Program – LETPA Search and Rescue Equipment for the purchase of additional search and rescue equipment; to be appropriated to the Berlin Police Department FY 2023 - 2024 Budget for the purpose of effectuating said grant.

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-13 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-13 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Resolution 2023-13 be passed. So moved, the motion passed.

5. Resolution 2023-14 Firehouse Subs PD (tabled 4/3/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the Firehouse Subs Public Safety Foundation.

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

WHEREAS it is the mission of the Berlin Police Department to provide community-oriented law enforcement, designed to protect life, property and maintain order, while assuring fair and equal treatment for all and to continually enhance the training and expertise of each member of the police force; and

WHEREAS the Firehouse Subs Safety Foundation provides no match grant funding (up to \$50,000) for lifesaving equipment and needed resources to first responders and public safety organizations to be better prepared to save lives in the community we serve.

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 Firehouse Subs Public Safety Foundation. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2023 and 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-14 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-14 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Resolution 2023-14 be passed. So moved, the motion passed.

6. Resolution 2023-15 PSN PD (tabled 4/3/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the Bureau of Justice Assistance through the U.S. Department of Justice, for the Project Safe Neighborhoods (PSN) Grant.

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

WHEREAS it is the mission of the Berlin Police Department to provide community-oriented law enforcement, designed to protect life, property and maintain order, while assuring fair and equal treatment for all and to continually enhance the training and expertise of each member of the police force; and

WHEREAS the Project Safe Neighborhoods (PSN) program is a nationwide initiative that brings together federal, state, local and tribal law enforcement officials, prosecutors, community leaders, and other stakeholders to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them; and

WHEREAS the Berlin Police Department would like to pursue a collaborative effort with NH Probation and Parole, to help reduce violent crime in our community by assisting with increased supervision of chronic and prolific offenders, and pre-trial supervision and accountability; and

WHEREAS these grant funds are available with no required match.

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 Bureau of Justice Assistance through the U.S. Department of Justice, for the Project Safe Neighborhoods (PSN). Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-15 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-15 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Resolution 2023-15 be passed. So moved, the motion passed.

7. Resolution 2023-16 US Forest Service PD (tabled 4/3/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the U.S. Forest Service for the 2023 Berlin Cooperative Law Enforcement Agreement.

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

WHEREAS it is the mission of the Berlin Police Department to provide community-oriented law enforcement, designed to protect life, property and maintain order, while assuring fair and equal treatment for all and to continually enhance the training and expertise of each member of the police force; and

WHEREAS the White Mountain National Forest is patrolled by the U.S. Forest Service, and a section of the National Forest is within the jurisdiction of Berlin, NH; and

WHEREAS the U.S. Forest Service has limited resources, and provides funding to local departments to supplement patrols to these areas with no required match.

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 U.S. Forest Service for the 2023 Berlin Cooperative Law Enforcement Agreement. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2023 and 2024. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-16 by short title for a second time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, to read Resolution 2023-16 by short title for a third time. So moved, the motion carried.

Councilor Roland Theberge moved, with a second by Councilor Morgan, that Resolution 2023-16 be passed.

Councilor Roland Theberge asked how much this grant was for, and Chief Buteau advised that he just found out yesterday that it would be \$6,000. Councilor Theberge asked that the amount be included in the Resolutions when possible.

Councilor Robert Theberge asked how this money would be used, and Chief Buteau advised it would be for patrols on US Forest lands, such as the Kilkenny area.

So moved, the motion passed.

NEW BUSINESS

1. City Manager's Report

1. Attached is the March 2023 Property Transfer list.
2. Attached is the Fire Chief's March report, the Monthly Incident Report and the EMS call volume report.
3. Street sweeping has commenced – a crew will be out nightly to complete sweeping.
4. Based on the information presented at a prior meeting this office will be putting together a bid solicitation for the various tasks listed on the "Pavement Preservation" for years 1 and 2. At present we have the funds for year 1 and the funds for year 2 are in the 2024 budget. If for some reason this budget is not accepted then

we will only complete year 1 streets. At the completion of this we will have updated 7.02 miles of road (18 streets).

5. As part of the roadway project we are updating how roads are patched and maintained. When roadway opening permits are issued the requestor will be advised of the requirements. These include proper backfill materials, site preparation, saw cutting the patch and grinding the pavement opening to ensure proper bonding of the patch to existing pavement.
6. The city's joint labor management (safety) committee met this past week to discuss present and emerging safety matters. This committee, staffed by members from labor and management, analyzes workplace injuries, reviews building and facility conditions and discusses general workplace safety issues.
7. The Federal prison community task force met this week – discussion items included the City receiving assistance from inmates, as has been done in the past. It appears that we should hear soon as to the ability of them to provide one inmate. If the eligible population increases then we may have additional help.

City Manager Warren added that he has never seen so many grant applications in his tenure as Manager for other communities as he has in Berlin, and commended the department heads, and Director of Strategic Initiatives Pamela Laflamme, for their work in applying for grants for the City.

Councilor Robert Theberge moved, with a second by Councilor Morency, to accept the City Manager's Report and place it on file.

Councilor Theberge asked who decides which streets are paved first, and City Manager advised it was listed in the Pavement Preservation plan that was presented to the Council. North Country Council looked at the condition of the streets and made the plan based on their grade and geographical location. City Manager Warren advised that the plan will be published on the Public Works page of the City's website, so that the public knows where we are in the process.

Councilor Robert Theberge asked about the inmate and how many hours they would be available to work. City Manager Warren advised they are still in the process of analyzing this, and do not have any specifics yet. The inmate would be supervised by City staff. Mayor Grenier advised that Lt. Zachary Howry was also in attendance at the meeting and advised that community service may be able to be brought before the judge for violations in place of fines, and these people would also be able to assist with work around the community.

So moved, the motion passed.

1a. Sale of Property

Mayor Grenier advised that the City received an offer from Maurice and Natalie Croteau to purchase a 50' x 100' lot on Trudel Street, Map 132 Lot 47, for \$300. City Manager Warren advised that he recommends selling the parcel, as it is a lot the City has owned since the early 1900's, and this will add it to the tax roll and will create a larger parcel that may be improved in the future.

Councilor Morgan moved, with a second by councilor Roland Theberge, to sell the lot on Trudel Street, Map 132 Lot 47, to Maurice and Natalie Croteau for \$300. So moved, the motion passed.

2. Mayor's Report

Mayor Grenier advised that he attended the Chamber of Commerce annual dinner, which was sold out and went very well. Mayor Grenier also advised that North Country Growers has closed on their loan with Service Credit Union and the first greenhouse is scheduled to be built this summer.

Councilor Morgan moved, with a second by Councilor Robert Theberge, to accept the Mayor's Report and place it on file. So moved, the motion passed.

3. Public Comments

Rayleen Roy of 427 Champlain Street spoke to the Council concerning the loud music from a neighbor on Champlain Street. Ms. Roy stated that they play extremely loud music and she does not want to spend another summer listening to it. Ms. Roy stated that she has called the Police Department but nothing gets done. Ms. Roy stated that the neighbor also has geese, chickens, and ducks.

City Manager Warren advised Ms. Roy that both the code violation for the birds and the noise would be looked into. Mr. Warren noted that the police do have to witness the noise firsthand in order for them to prosecute. Councilor Morgan asked if the neighbor was a property owner or a tenant, and Mr. Warren advised it would be addressed with the property owner. Councilor Morency stated that this is why wraparound services are so important, and if these people want our attention we will give it to them.

4. Council Comments

Councilor Morency noted that with the housing shortage, the new Ordinance will allow an affordable option for additional housing. Mayor Grenier agreed, adding that when he spoke to a representative from the prison they advised they would be able to hire people for open positions if there was housing available.

5. Adjournment

On a motion by Councilor Roland Theberge, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 8:09 pm. So moved, the motion carried.

A True Record, Attest:

Shelli Fortin
City Clerk

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