

## **CITY COUNCIL MEETING – Monday, November 20, 2023**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:51 pm for Resolution 2023-36 Discontinuance Moreau Street. There were no public comments. Mayor Grenier closed the Public Hearing at 7:51 pm.

Mayor Grenier opened the Public Hearing at 7:51 pm for Resolution 2023-37 USDA Forest Service WERC Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:52 pm.

Mayor Grenier opened the Public Hearing at 7:52 pm for Resolution 2023-38 Carryover Capital Appropriations. There were no public comments. Mayor Grenier closed the Public Hearing at 7:53 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:53 pm.

#### **a. Pledge of Allegiance**

#### **b. Roll Call**

Present: Mayor Grenier, Councilors Robert Theberge, Higbee, Berthiaume, Morency, Valerino, Eastman, and Roland Theberge.

Absent: Councilor Morgan

Also present: City Manager Phillip Warren, Jr, City Clerk Shelli Fortin, Mayor-Elect Robert Cone, Councilor-Elect Mia Qualls, Councilor-Elect Steven Korzen, Sarah Mafera, Benjamin Mafera, Chad Pemberton, John Boucher, Lena Boucher, other members of the public, and Lisa Connell, Berlin Daily Sun.

c. Councilor Roland Theberge moved, with a second by Councilor Higbee, to accept the minutes of the November 6, 2023 Regular Meeting and Work Session and the Work Session of November 13, 2023. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1949 with a start date of 11/07/2023 and an end date of 11/20/2023 for a total cash disbursement of \$1,207,181.73. Councilor Roland 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 passed.

### **PUBLIC COMMENTS**

There were no public comments.

### **UNFINISHED BUSINESS**

#### **1. Council Committee Reports**

There were no Council committee reports.

#### **2. Resolution 2023-36 Discontinuance Moreau Street (tabled 11/06/2023)**

In the Year of Our Lord Two Thousand Twenty-Three

**A RESOLUTION to** hereby relinquish any and all City interest in any portion of Moreau 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, an abutter to Moreau Street has contacted the City about concerns related to the use of Moreau Street;

and

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

Whereas, the Public Works Department sees no interest in retaining and maintaining Moreau Street as it is narrow and is difficult to care for during the winter months as the regular equipment for plowing cannot be used on this street; and

Whereas, NH RSA 231:43 allows a municipality to discontinue a street by vote releasing it from all public servitude.

Now Therefore Be It Resolved by the Mayor and Council of the City of Berlin that Moreau Street is hereby to be completely discontinued and the City of Berlin relinquishes any and all interest in Moreau Street in accordance with State law and case law pursuant to RSA 231:43. The City hereby acknowledges that it has no other rights or interests in said street and that ownership of the land contained therein remains fully with the landowners abutting such as their title may decree.

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

Councilor Berthiaume moved, with a second by Councilor Higbee, to remove this item from the table. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-36 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-36 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-36 be passed. So moved, the motion passed.

## **2. Resolution 2023-37 USDA Forest Service WERC Grant (tabled 11/06/2023)**

In the Year of Our Lord Two Thousand Twenty-Three

**A RESOLUTION** authorizing the acceptance of a grant from USDA, Forest Service, Wood Education & Resource Center, for the development and design of district heating in downtown Berlin in the amount of \$400,000.00.

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

Whereas, USDA, Forest Service staff support projects proposed for downtown including the heated snowmelt infrastructure and proposed district heating which incorporates forestry into the work that will be done downtown; and

Whereas, USDA, Forest Service staff recognize the need for additional funds for project design, development and management to coordinate all the work that will be implemented downtown; and

Whereas, there is no requirement for any match; and

Whereas, there will be a need to have additional support in addition to City staff to carry out these important projects and USDA, Forest Service can provide assistance for these activities.

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

That the City Manager is authorized to receive a grant from USDA, Forest Service, Wood Education & Resource Center, and the grant proceeds are hereby appropriated for the purpose of the grant, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application and grant award shall require prior approval of the City Council.

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

Councilor Higbee moved, with a second by Councilor Berthiaume, to remove this item from the table. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Resolution 2023-37 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Resolution 2023-37 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, that Resolution 2023-37 be passed. So moved, the motion passed.

**4. Resolution 2023-38 Carryover Capital Appropriations (tabled 11/06/2023)**

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION carrying over Three Million Twenty-Six Thousand Eight Hundred Twenty Dollars (\$3,026,820) of Capital Appropriations from the Fiscal Year ending June 30, 2023 which are not yet expended to Fiscal Year 2024.

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

That the following capital appropriation funds be carried over as described below:

	<b>FY23 Carry Over Request to FY24</b>	
<b>From Account #</b>	<b>Purpose</b>	<b>Request</b>
	<b>Carryover Requests from FY23 Capital Improvement Funds</b>	
	<b>to Current Year FY24 Segregated Funds</b>	
01-461-461400-0036	CI-BES 9 NEW FIRE DOOR/ WALLS	\$ 100,000
01-461-461400-0040	CI-BMHS RESTROOM RENOVATION	\$ 40,260
01-480-480913-0021	CI - PW EM LANDFILL GAS MIGRATION PROF E	\$ 646
01-480-480913-0026	CI - RIVERWALK MATCH	\$ 20,000
01-480-480932-0014	CI - PD COMMUNICATIONS EQUIPMENT	\$ 2,232
01-480-480932-0020	CI - PD CATES HILL COMMUNICATION TOWER	\$ 25,000
01-480-480932-0037	CI - PD BODY WORN CAMERAS AND TASERS	\$ 218
01-480-480961-0004	CI - FD LEASE TO PURCHASE LADDER ONE	\$ 100,000
01-480-480962-0007	CI - PW RETAINING WALL REPAIR/REPLACEMENT	\$ 9,239
01-480-480962-0015	CI - PW HUTCHINS ST LIGHTING	\$ 16,000
01-480-480962-0016	CI - PW DRAIN LINE REPLACEMENT	\$ 50,000
01-480-480962-0017	CI - PW SALT SAND STORAGE SHED	\$ 12,000
01-480-480962-0022	CI - PW HERITAGE PARK ROOF	\$ 25,000
01-480-480962-0024	CI - PW PAVEMENT RESURFACING PROGRAM	\$ 20,000
01-480-480963-0050	CI - HERITAGE PARK	\$ 4,954
	<b>Total FY23 Capital Improvement Funds to Carryover</b>	<b>\$ 425,549</b>
	<b>Carryover Requests from Prior Year Segregated Capital Improvement Funds</b>	
	<b>to Current Year FY24 Segregated Funds</b>	
01-495-495403-0098	SF- VOTING MACHINES	\$ 12,500
01-495-495404-0026	SF - RIVERWALK MATCH	\$ 15,000
01-495-495416-0007	SF - IT CABLING PROJECT	\$ 25,000
01-495-495421-0001	SF FD REPLACEMENT ROOF	\$ 23,455
01-495-495430-0000	PW RETAINING WALL REPAIR	\$ 15,500
01-495-495430-0002	PW STREET & SIDEWALK RIVERWALK	\$ 59,856
01-495-495430-0003	PW DRAIN LINE REPLACEMENT	\$ 173,095
01-495-495430-0004	SF -PW HERITAGE PARK ROOF	\$ 50,000
01-495-495430-0027	SF-PW GARAGE WINDOWS	\$ 14,737
01-495-495431-0004	SF-PW EQUIPMENT REPLACEMENT	\$ 95,746
01-495-495462-0003	SF SCHOOL ROOF REPLACEMENT	\$ 12,238
01-495-495462-0028	SF SCHOOL FIRE ALARM UPGRADE	\$ 209,555
01-495-495462-0032	SF MARSTON NEW RETAINING WALL	\$ 197
01-495-495462-0033	SF BES/MARSTON FENCING	\$ 21,898
01-495-495462-0037	SF BMHS ELEVATOR JACK REPLACEMENT	\$ 216,000

01-495-495462-0038	SF ELEVATOR MODERNIZATION SAFETY CODE	\$ 78,000
01-495-495995-0102	SF - HERITAGE PARK	\$ 5,951
01-495-495995-0403	SF - P W GARAGE	\$ 10,299
01-495-495995-0708	SF - RECREATION EQUIPMENT PURCHASE	\$ 9,160
01-495-495995-0909	SF - PD CATES HILL COMMUNICATIONS	\$ 19,701
01-495-495995-0917	SF - PD/REC BUILDING BOILER	\$ 1,722
01-495-495995-1001	SF - CITY HALL REPAIRS	\$ 752
01-495-495995-1107	SF - FIRE DEPT ENGINE REPLACEMENT	\$ 80,000
01-495-495995-1206	SF - PW INFRARED EQUIPMENT	\$ 4,600
01-495-495995-1207	SF - COOS STREET AND JOHNSON BROOK REPAI	\$ 71,250
01-495-495995-1208	SF - EM LANDFILL GAS MIGRATION	\$ 64,507
01-495-495995-2503	SF - RETAINING WALL REPAIR/REPLACEMENT	\$ 31,430
01-495-495995-3502	SF - LIBRARY BUILDING IMPROVEMENTS	\$ 29,448
	<b>Total Prior Year Segregated Capital Funds to Carryover</b>	<b>\$ 1,351,597</b>
	<b>Total FY23 Capital Improvement Funds and Prior Year Segregated Funds</b>	<b>\$ 1,777,146</b>
	<b>Sewer Fund</b>	
60-480-480438-0026	CI-Replacement Cost Reserve	\$ 268,980
Justification		
<b>60-495-995-0101</b>	Sanitary Line Replacement	\$ -
Justification		
60-495-495995-0103	SF COST REPLACEMENT	\$ 980,694
Justification		
<b>60-495-995-0106</b>	Long Term CSO Plan	\$ -
	<b>Total FY23 Sewer Capital Improvement Funds to Carryover</b>	<b>\$ 268,980</b>
	<b>Total Prior Year Segregated Sewer Capital Funds to Carryover</b>	<b>\$ 980,694</b>
	<b>Total FY23 Capital Improvement Sewer Funds and Prior Year Segregated Funds</b>	<b>\$ 1,249,674</b>
	<b>Total Carryover Capital Improvement Sewer Funds Requested from FY 2023 (All Funds)</b>	<b>\$ 3,026,820</b>

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

Councilor Berthiaume moved, with a second by Councilor Higbee, to remove this item from the table. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-38 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-38 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-38 be passed. So moved, the motion passed.

## NEW BUSINESS

1. Resolution 2023-39 DOJ BVP (1<sup>st</sup> read)

Councilor Roland Theberge moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for December 4, 2023. So moved, the motion carried. Morency - recused

**2. Resolution 2023-40 Northern Border Alliance PD (1<sup>st</sup> read)**

Councilor Higbee moved, with a second by Councilor Berthiaume, to table the Resolution and schedule a public hearing for December 4, 2023. So moved, the motion carried. Morency - recused

**3. Resolution 2023-41 Unanticipated Highway Block Grant Funds (1<sup>st</sup> read)**

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for December 4, 2023. So moved, the motion carried.

**4. City Manager's Report**

1. Attached is the October 2023 Real Estate Transfer Report.
2. The salt shed has been completed. Deliveries of materials have begun. This will be a needed addition to our infrastructure.
3. Still waiting for the replacement parts for the traffic lights at Hutchins and East Mason. There is no ETA to offer at this time.
4. As a reminder, any obstructions in the public way, including sidewalks, need to be removed prior to snowfall. This includes basketball hoops, traffic cones (not owned by the City), camper trailers located on the street and on the sidewalk.

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

Councilor Roland Theberge asked about the lights at Hutchins and East Mason Street and when they would be fixed. City Manager Warren explained that they are waiting on parts. The repair company believes that it was the controller, however there may be other parts that also need replacement. Mr. Warren advised that it does not make sense to pay to replace the entire unit now, as when they do the downtown project all of the lights could be connected together.

So moved, the motion passed.

**5. Mayor's Report**

There was no Mayor's Report.

**6. Public Comments**

There were no public comments.

**7. Council Comments**

Councilor Robert Theberge apologized for not paying attention at the beginning of the meeting, but stated that Mayor Grenier was disrespectful by banging the gavel loudly.

**8. Adjournment**

On a motion by Councilor Higbee, seconded by Councilor Berthiaume, the Council voted to adjourn the meeting at 8:16 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.