

CITY COUNCIL MEETING – Wednesday April 7, 2021

Public Hearing

Mayor Grenier opened the Public Hearing at 7:07 pm for Resolution 2021-06 DOJ Byrne JAG Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:07 pm.

Mayor Grenier opened the Public Hearing at 7:07 pm for Resolution 2021-07 NH Fish & Game OHRV Patrols. There were no public comments. Mayor Grenier closed the Public Hearing at 7:08 pm.

Mayor Grenier opened the Public Hearing at 7:08 pm for Resolution 2021-08 Highway Safety Grants. There were no public comments. Mayor Grenier closed the Public Hearing at 7:09 pm.

Mayor Grenier opened the Public Hearing at 7:09 pm for Resolution 2021-09 Homeland Security Liaison Officer. There were no public comments. Mayor Grenier closed the Public Hearing at 7:09 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:10 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, Morgan, Eastman, Berthiaume, and Theberge

Absent: Councilors Higbee and Rozek

Also present: James Wheeler, Pamela Laflamme, Deputy Chief Daniel Buteau, Holly Larsen, Shelli Fortin, Jan Zicha, JD Girard, and Barbara Tetreault, Berlin Daily Sun

c. Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the March 15, 2021 Regular Meeting and Work Session and March 17, 2021, March 22, 2021, and March 24, 2021 Work Sessions. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Disbursements:

Disbursement Summary Draft #1884 start date 03/16/2021 end date 04/05/2021 for a total cash disbursement of \$1,244,144.99. Councilor Theberge moved with a second by Councilor Otis 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. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – 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 2021-06 DOJ Byrne JAG Grant (tabled 3/15/2021)

In the Year of Our Lord Two Thousand Twenty-One

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Justice for the Byrne JAG Grant for Fiscal Year 2022.

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

WHEREAS the Berlin Police department supports a state-wide drug policy; and

WHEREAS use and trafficking of illegal drugs remains problematic statewide, including the North Country; and

WHEREAS there are limited resources for the New Hampshire Drug Task Force and northern New Hampshire police departments to call upon for assistance, and

WHEREAS Byrne JAG grant funding is available for agency participation in the NH Drug Task Force; and

WHEREAS the Department's participation in the NH Drug Task Force has an impact on the trafficking of illegal drugs in the North Country, as well as the drug problem statewide, by assisting in halting the sources of supply into and out of the northern portion of the state,

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 for the Byrne JAG Grant. Said funds will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2022.

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

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2021-06 by short title for a second time. So moved, the motion carried by roll call vote. Berthiaume- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2021-06 by short title for a third time. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Otis that Resolution 2021-06 be passed. So moved, the motion passed by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

3. Resolution 2021-07 NH Fish & Game OHRV Patrols (tabled 3/15/2021)

In the Year of Our Lord Two Thousand Twenty-One

A RESOLUTION authorizing the Berlin Police Commission to apply for and accept grant funds from the New Hampshire Fish & Game Department, Law Enforcement Division, for OHRV patrols for Fiscal Year 2022.

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

WHEREAS Berlin is the gateway to the Great North Woods where many NH and out-of-state residents come to enjoy outdoor activities such as OHRV riding; and

WHEREAS Berlin has designated trails which access local establishments, and more trails will be added through the development of the OHRV park; and

WHEREAS young people often use these trails for illegal drinking; and

WHEREAS an increased number of people operate OHRVs on City streets to gain access to designated and/or unauthorized trails; and

WHEREAS an OHRV operator violating the law is virtually impossible to follow and apprehend with a cruiser; and

WHEREAS the Berlin Police Department possesses OHRVs, and officers are certified in the use of these vehicles; and

WHEREAS House Bill 1273 allows for the NH Fish & Game Department to contract with local law enforcement for OHRV details,

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 accept funds for OHRV law enforcement patrol details for Fiscal Year 2022.

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

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2021-07 by short title for a second time. So moved, the motion carried by roll call vote. Berthiaume- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2021-07 by short title for a third time. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Berthiaume moved, with a second by Councilor Morgan that Resolution 2021-07 be passed. So moved, the motion passed by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

4. Resolution 2021-08 Highway Safety Grants (tabled 3/15/2021)

In the Year of Our Lord Two Thousand Twenty-One

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 2022.

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 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 designated 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 2022. 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 Theberge moved, with a second by Councilor Morgan, to remove this item from the table. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

Councilor Theberge moved, with a second by Councilor Morgan, to read Resolution 2021-08 by short title for a second time. So moved, the motion carried by roll call vote. Berthiaume- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Theberge moved, with a second by Councilor Morgan, to read Resolution 2021-08 by short title for a third time. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Theberge moved, with a second by Councilor Morgan that Resolution 2021-08 be passed. So moved, the motion passed by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

5. Resolution 2021-09 Homeland Security Liaison Officer (tabled 3/15/2021)

In the Year of Our Lord Two Thousand Twenty-One

A RESOLUTION authorizing the Berlin Police Commission to apply for and accept funds from the NH Department of Safety for the State Homeland Security Grant Intelligence Liaison Officer (ILO) Program for Fiscal Year 2022.

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

WHEREAS the *National Strategy for Information Sharing* emphasizes the importance of fusion centers in facilitating the exchange of threat-related information between federal, state, and local governments; and

WHEREAS The Implementing the Recommendations of 9/11 Commission Act amended the Homeland Security Act of 2002 by adding Section 210A (State, Local, and Regional Fusion Center Initiative) requiring

the Secretary of Homeland Security to share threat-related information with states through fusion centers; and

WHEREAS many states and major urban areas have established information fusion centers for the gathering, analysis, and dissemination of law enforcement, homeland security, public safety, and terrorism information; and

WHEREAS grant funds are available to continue the ILO program in support of the information sharing activities of the New Hampshire Information and Analysis Center (NHIAC) in order to gather and disseminate threat-related information while ensuring privacy and civil rights and civil liberties are respected and protected; and

WHEREAS continuation of the Intelligence Liaison Officer (ILO) program is a vital component of an information and intelligence sharing network, as ILOs serve as the primary conduits for gathering relevant, unevaluated information concerning homeland security threats as well as other specified precursor crimes; and

WHEREAS the NH Department of Safety will provide grant funds for the purpose of sustaining an ILO to improve and maintain the effective exchange of threat-related information between local agencies and the NHIAC in a manner that respects and protects privacy and civil rights and civil liberties,

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 NH Department of Safety ILO Program funds. 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 2022. 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 Remillard moved, with a second by Councilor Berthiaume, to remove this item from the table. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

Councilor Remillard moved, with a second by Councilor Berthiaume, to read Resolution 2021-09 by short title for a second time. So moved, the motion carried by roll call vote. Berthiaume- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Berthiaume, to read Resolution 2021-09 by short title for a third time. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2021-09 be passed. So moved, the motion passed by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

NEW BUSINESS

6. City Manager's Report

1. The EPA is planning to return to the Lavoie Site on Cates Hill on Monday 4/15 and begin moving material offsite on 4/20. They anticipate that it will take about 5 weeks for us to complete the remaining work.
2. State of NH executive council approved a Clean Water State Revolving Fund loan agreement with the City of Berlin, in an amount not to exceed \$500,000 to finance the Infiltration & Inflow Reduction – Building Demolition Project.

3. Private property transfers for the month of February are attached.
4. The PD statistics as reported to the police commission at their March meeting attached.
5. The 2020 AVRDD Budget Report is attached.
6. Per City Ordinance Sec. 15-81, City's parking ban is lifted as of 4/1/21. During the month of April, the Police Chief is authorized to prohibit parking on City streets between the hours of midnight and 7:00 AM if required for snow plowing and removal operations.
7. Primex has indicated that the City has coverage which can be applied to BOA legal expenses. The coverage is capped at \$30,000. The check for this coverage was received at City Hall today.

Councilor Remillard 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. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

7. Mayor's Report

a. Berlin Water Commission Appointment – Michael Caron

Dear Honorable Mayor:

My term of office for Water Board Commissioner expires as of May 1, 2021.

I am willing to continue to serve as a Board Member. Would you please consider reappointing me as a Water Board Commissioner, with a new term of office expiring on May 1, 2025.

Respectfully submitted,

Michael Caron

b. ZBA Appointment – Gregg Marrer

Mayor Grenier and the City Council,

The Zoning Board of Adjustment has one appointment that will expire in the month of April and that member wishes to seek another three year term with the board.

- Gregg Marrer – Three-year term to run from May 2021 until April 30, 2024, regular board member.

Mr. Marrer started as an alternate and moved up to the position of a regular board member and currently serves as the Clerk for the Zoning Board. Thank you for your consideration.

Sincerely,

Pamela Laflamme
Community Development Director

Councilor Theberge moved, with a second from Councilor Morgan, to approve the Mayor's nominations of Michael Caron as a Water Board Commissioner with a term to expire May 1, 2025, and Gregg Marrer as a regular member of the Planning Board with a term to expire April 30, 2024. So moved, the motion carried by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

8. PUBLIC COMMENTS

There were no public comments.

9. Council Comments

There were no Council comments.

10. Adjournment

On a motion by Councilor Theberge, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 7:34 pm. So moved, the motion carried unanimously by roll call vote. Berthiaume – yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – 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.