

CITY COUNCIL MEETING – Monday, April 18, 2022

Public Hearing

Mayor Grenier opened the Public Hearing at 7:42 pm for Resolution 2022-09 COSSAP Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:43 pm.

Mayor Grenier opened the Public Hearing at 7:43 pm for Resolution 2022-10 Byrne JAG Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:43 pm.

Mayor Grenier opened the Public Hearing at 7:43 pm for Resolution 2022-11 Substance Abuse Reduction Initiative Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:44 pm.

Mayor Grenier opened the Public Hearing at 7:44 pm for Resolution 2022-12 Highway Safety Grants. There were no public comments. Mayor Grenier closed the Public Hearing at 7:44 pm.

Mayor Grenier opened the Public Hearing at 7:44 pm for Resolution 2022-13 Homeland Security Liaison Officer Grant. Chief Buteau advised that they have been involved in this grant for a number of years, which improves the sharing of information between federal, state, and local agencies. There is one officer assigned to this role, who works mainly out of Berlin, and it is a part-time position. There were no other public comments. Mayor Grenier closed the Public Hearing at 7:46 pm.

Mayor Grenier opened the Public Hearing at 7:46 pm for Resolution 2022-14 NHFG OHRV Grant. There were no public comments. Mayor Grenier closed the Public Hearing at 7:46 pm.

Mayor Grenier opened the Public Hearing at 7:46 pm for Resolution 2022-15 PW Pavement Roller. There were no public comments. Mayor Grenier closed the Public Hearing at 7:47 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:47 p.m.

a. Pledge of Allegiance

b. Roll Call

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

Absent: Councilor Higbee

Also present: Interim City Manager Pamela Laflamme, Finance Director Holly Larsen, Library Director Ann Brungot, City Clerk Shelli Fortin, Police Chief Daniel Buteau, Steven Korzen, Lori Korzen, Joel Starkey, Stuart Light, Laurie Carrier, Connor Arseneault, Adam Hammill, Micah Bachner, Amber Bachner, and William Carroll, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the April 4, 2022 Regular Meeting and Work Session, and the work session of April 11, 2022.

Councilor Morency requested that in the April 4 work session minutes, wording be corrected from “happens to work with” to “worked with”.

So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1910 start date 04/05/2022 end date 04/18/2022 for a total cash disbursement of \$975,193.88. 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. Mayor Grenier asked if the Council’s questions concerning documentation from the last meeting’s report were answered to their satisfaction and they advised that they were.

PUBLIC COMMENTS

Stuart Light of 213 High Street addressed the Council. Mr. Light noted that they recently presented questions on how best to fix the roads in Berlin, and suggested that since Gorham's roads are in better condition, someone should contact them to see what they are doing and adopt the same policies. Mr. Light also reminded the Council that part of their job is to keep the Mayor in check, and that just because he calls for a non-public session does not mean the Council has to agree. Mr. Light noted that it adds more risk to the rumor mill to keep things shrouded in secrecy. Mr. Light stated that it is inappropriate to instruct other representatives, who work for the voters, on how to vote. They are fully able to speak for themselves. Mr. Light also noted that as agents and representatives of the public, who exist to act in their name, that unilaterally ending public comments was a step too far. Mr. Light suggested that if the Mayor can't handle negative comments, perhaps he should step down.

Joel Starkey of 1996 Hutchins Street stated that he does not mean any disrespect with his comments, and knows that the Council works hard. Mr. Starkey stated that he has lived here for seven years and grown to love the City very much. Mr. Starkey noted that after watching recent meetings online, he felt compelled to come. Mr. Starkey stated that he has been an officer in the military, and recently returned from a deployment overseas, and knows about leadership. Mr. Starkey quoted Lee Iacocca on leadership, and noted the Mayor's response to the young man and mothers who came to the Council meeting asking for help. Mr. Starkey stated that the Council is elected to work for the people, and that they should be shown more grace and mercy when seeking support for issues in the community.

Micah Bachner of 59 High Street requested more trash cans around the City.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

2. Resolution 2022-09 COSSAP Grant (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Justice for the Comprehensive Opioid, Stimulant, and Substance Abuse Program for Fiscal Year 2023.

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

WHEREAS, opioid sales and abuse continue to cause overdoses, deaths, and a rise in serious crimes; and

WHEREAS, Berlin is not immune to the opioid epidemic, and the Berlin Police Department has confirmed opioid trafficking in Berlin; and

WHEREAS, the opioid epidemic has not only caused an increase in drug offenses but has affected an increase in property crimes and other non-drug related crimes which are taxing on the Police Department's and City's resources; and

WHEREAS, the New Hampshire Department of Justice recognizes the severity of the opioid crisis and has grant funding available to plan, develop, & implement comprehensive efforts to identify, respond to, treat, and support those impacted by the opioid epidemic; and

WHEREAS, the opioid crisis is a public health emergency that threatens the well-being of individuals who abuse drugs and impacts the safety of communities. It further impacts first responders, the criminal justice system, child welfare and foster care, and the behavioral health systems.

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 ongoing Substance Abuse Reduction Initiative. 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. 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.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-09 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-09 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, that Resolution 2022-09 be passed. So moved, the motion passed.

3. Resolution 2022-10 Byrne JAG Grant (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

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 2023.

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 2023. 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 Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-10 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-10 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-10 be passed. So moved, the motion passed.

4. Resolution 2022-11 Substance Abuse Reduction Initiative Grant (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Safety for the ongoing Substance Abuse Reduction Initiative for Fiscal Year 2023.

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

WHEREAS, the Berlin Police Department participates in the ongoing opioid grant program; and

WHEREAS, opioid sales and abuse continue to cause overdoses, deaths, and a rise in serious crimes; and

WHEREAS, Berlin is not immune to the opioid epidemic, and the Berlin Police Department has confirmed opioid trafficking in Berlin; and

WHEREAS, the opioid epidemic has not only caused an increase in drug offenses but has affected an increase in property crimes and other non-drug related crimes which are taxing on the Police Department's and City's resources; and

WHEREAS, the New Hampshire Department of Safety recognizes the severity of the opioid crisis and has grant funding available to support the continuation and expansion of successful partnership patrols and joint narcotics enforcement operations.

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 ongoing Substance Abuse Reduction Initiative. 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. 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.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-11 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-11 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, that Resolution 2022-11 be passed. So moved, the motion passed.

5. Resolution 2022-12 Highway Safety Grants (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

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 2023.

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 2023. 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 Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-12 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-12 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-12 be passed. So moved, the motion passed.

6. Resolution 2022-13 Homeland Security Liaison Officer Grant (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

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 2023.

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 2023. 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.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-13 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Resolution 2022-13 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, that Resolution 2022-13 be passed. So moved, the motion passed.

7. Resolution 2022-14 NHFG OHRV Grant (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

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 2023.

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 2023. 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 Morgan, to remove this item from the table. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-14 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-14 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-14 be passed.

Councilor Theberge asked if HB1273 was passed by the Senate. Mayor Grenier stated that he believes the funding for this grant was included in the biennial budget. Councilor Eastman noted that the Resolution states that the City is authorized to accept the grant money.

So moved, the motion passed.

8. Resolution 2022-15 PW Pavement Roller (tabled 4/4/2022)

In the Year of Our Lord Two Thousand Twenty-Two

A RESOLUTION authorizing the purchase of a 2020 Wacker Pavement Roller from Milton Rents and a trailer and re-appropriating funds for payment in the amount of \$20,000.

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

WHEREAS, the Public Works Department is in need of a Pavement Roller and trailer for its summer paving operations; and

WHEREAS, it is in the best interest of the City and of the Public Works Department to fund the \$20,000 purchase; and

WHEREAS, there are Capital Funds available within the Public Works Capital Improvement budgets for the

payment of the new equipment; and

WHEREAS, in accordance with Section 21a. of Subpart A. of the City Charter, the Berlin City Council authorizes the re-appropriation of capital expenditures listed herein.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that funding for the purchase of a 2020 Wacker Pavement Roller from Milton Rents and a trailer is hereby authorized by re-appropriating \$20,000 from account 01-480-913-0025 Capital Improvement Carryover Funds – Public Works Sidewalk Tractor Lease to account 01-480-913-0027 Capital Improvement – Public Works Pavement Roller and Trailer.

Be it further resolved that the Interim City Manager is authorized to do all things necessary to execute the purchase of a 2020 Wacker Pavement Roller from Milton Rents and a trailer.

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

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

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-15 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-15 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-15 be passed. So moved, the motion passed by roll call vote. Robert Theberge- yes, Berthiaume – yes, Morency – yes, Remillard – yes, Morgan – yes, Eastman – yes, Roland Theberge – yes, Grenier - yes

NEW BUSINESS

9. Resolution 2022-16 Roderick Blackburn Fund Grant for Library

Councilor Berthiaume moved, with a second by Councilor Morgan, to table the Resolution and schedule a public hearing for May 2, 2022. So moved, the motion carried.

10. Resolution 2022-17 CLiF Revive Your Literacy Programming Grant

Councilor Remillard moved, with a second by Councilor Morgan, to table the Resolution and schedule a public hearing for May 2, 2022. So moved, the motion carried.

11. City Manager's Report

1. Attached is the property transfer list for March 2022.
2. WPCF Boiler Replacement – Bid Award.
3. Oil and Propane bids went out April 14. The bid openings will be on April 28.
4. Brown School Grant Award.
5. Incoming City Manager Phil Warren was here Thursday for a second visit. He was able to meet with Superintendent King and visit Berlin Elementary School. He also was able to meet a few City Councilors. We set up his email and phone and started getting things ready for his arrival which is two weeks from today. Those of you who have not yet had the chance to meet him, we will work on setting that up for his first day.
6. Work is beginning on the house demolitions for the I&I Project. Abatement has begun on the properties that needed asbestos abatement. All-Ways Wrecking is still working on the exact schedule for which each property will be demolished, but it is looking like 825 Second Avenue will be happening soon as that is the

only property that needs to adhere to a timeline set by Natural Resources – it is near a nesting area of the Common Nighthawk so no work can be done on that property after May 15th. Eversource has finished all the official disconnects for each property as of last week.

7. Covid cases are on the rise for Coos County. This is informational only at this time and I am not suggesting that people do anything differently right now – except if you are feeling sick/under the weather, please either stay home or wear a mask. There are also lots of other illnesses going around the community right now, it is just good practice to be aware that your choices to go out and about while ill does indeed impact others.

Ms. Laflamme advised that on June 13, which is a work session, they are hoping to hold the Public Hearing for the Master Plan jointly with the Planning Board.

Councilor Remillard asked about the timeline for the properties to be demolished, and Ms. Laflamme advised that she would provide that to the Council as soon as she has it.

Councilor Remillard asked about Kelley Park and was advised it is the lot next to the Library that was donated by the Kelley family.

Councilor Berthiaume moved, with a second by Councilor Morency, to accept the Interim City Manager's Report and place it on file. So moved, the motion passed.

12. Mayor's Report

- a. Letter to Traffic Safety Committee re: Right on Red

Members of the Traffic Safety Committee, The City Council as a whole, and The Honorable Mayor Paul Greiner,

Currently, at the intersection of Pleasant street and Mason street there is a no right on red restriction while traveling south and east. While this restriction may have been needed when there were buildings impeding the view of incoming traffic, these obstacles are no longer present. I propose that the restrictions be lifted to allow for traffic to make a right on red after stop while traveling both south and east. I recommend that the lanes be changed as follows: while traveling south, the left lane is currently a left turn only lane and the right lane is right turns and straight. I believe that it would be most efficient to change the left lane into a left turn and straight lane and change the right lane into right turns only. The layout for traffic traveling east will have to remain the same due to their only being one lane. If you have any questions, comments or concerns feel free to email me back at this email or call me at 603-728-7135. Thank you for taking the time to consider this request.

Thank you,

Connor Arsenault

Councilor Morency moved, with a second from Councilor Berthiaume to forward the letter from Connor Arsenault to the Traffic and Safety Committee for review, and to send a note thanking Mr. Arsenault for his letter. So moved, the motion carried.

- b. Letter to Traffic Safety Committee re: Bridge Street

Dear Mr. Morency,

I am writing this letter as the co-owner of 246 Bridge Street (top of the hill) and wish to address a safety matter with the traffic committee.

As you are aware Bridge Street is a dead end street. I have noted in recent visits to my mothers' home that it has become the norm for fast moving (out of the neighborhood) vehicles with little concern for the residents on top of Bridge Street. There are only 3 occupied residences above the Rheims Street intersection. Upon reaching the dead end with no place to go, these vehicles quickly turn around and race back down the hill. I have had my own close encounters with these rude individuals.

When coming up the hill it is almost impossible to visually see an individual who may be crossing the street. My mother is approaching 91 years old and must cross the street to get to her garage. Due to a broken hip last year she cannot move quickly and also suffers from a balance issue. Attempting to move out of the path of a speeding vehicle has the real potential to cause great serious injury from either falling or getting hit by a vehicle.

I am requesting that the traffic committee consider posting safety signage warning traffic to “slow down”, “caution”, “elderly person”, whatever would be appropriate within the traffic guidelines. Now that winter weather is behind I can attest that there is definitely more unfamiliar traffic on Bridge St now that house lots are being cleared out. There is also an increase of trucks with ATVs more than likely scoping out access to the trails.

I sincerely hope that the traffic committee will take this concern seriously and post appropriate signage.

Thank you,

Della Cartier

Cc: Berlin City Council

Councilor Remillard moved, with a second from Councilor Morgan to forward the letter from Della Cartier to the Traffic and Safety Committee for consideration, and a communication be sent to Ms. Cartier acknowledging her letter. So moved, the motion carried.

c. Planning Board Appointments

Interim City Manager Pamela Laflamme advised that she will bring the requested appointments to the next meeting, as she has two members that are not renewing their term. Ms. Laflamme will need to move alternates to regular positions and will need to recruit two new members.

d. Letter from Theodore Bosen re: Short-Term Rentals

From Theodore Bosen
13 Bisson Road
Berlin, NH 03570
tlbosen@gmail.com

In *McCullough v. Maryland* (1819), Justice John Marshall delivered the often-repeated maxim, “An unlimited power to tax involves, necessarily, a power to destroy.” Likewise does the unlimited power to regulate.

There is a growing threat on the march to destroy small residential proprietors’ Short Term Rentals. That is because we are pinching the profits of corporate high rollers, because those of us in the STR business take customers away from powerful hotels and restaurants. We are the affordable housing component of the lodging business in New Hampshire. Our customers tend to be working families with kids who cannot afford a vacation where they have to stay in multiple hotel rooms and eat out at expensive restaurants every meal. We provide them with a home away from home where they can keep their families together in a few rooms for a fair price while grilling some hamburgers on the deck when they get hungry. Because of that, we have accounted for the current boom in New Hampshire tourism, but we have drawn the ire of those with whom we compete. Meanwhile, we are filling state and local tax coffers. According to testimony given before the House Committee on County and Municipal Government on April 7th, AIRBNB paid \$40 million last year in Rooms and Meals Tax collected from its New Hampshire members. Town by town, we tend to be among the highest paying property tax payers, because our properties are becoming more highly assessed. All-in-all, we are the goose that is laying the golden egg in New Hampshire’s current economy. So why doesn’t local government support SB 249? Because it would take away their power to BAN us!

Banning us is just what the high rollers want them to do, so they pitch the deceptive line to municipal officials that the bill would **“take away your right to regulate!”** Nothing pushes the button of a local official more than the threat that their power and turf is being usurped. Yet anyone who actually reads the language in the bill quickly realizes that it grants MORE regulatory power to local boards than exists in any other sector. It allows a locality to regulate an STR with respect to building, sanitary, and fire codes, and inspect them for compliance. It allows a permitting process that would require registration of an owner or local agent who could then be summonsed with civil process into any legal proceeding and held to account, and whose registration and right to operate could be revoked upon a

second violation of any law, including any bylaw relating to noise, traffic, trash, code violation, or nuisance. No other property owners of any kind in our state presently face such a stringent regulatory regime. But, in exchange for all that, the bill would actually permit, as a matter of right, any owner of a single or two-family residential property to establish an STR upon it, and therein lies the rub! Small property owners allowed to be free to choose how to use their own property is anathema to the powerful. They will pay for government protection from pedestrian enterprises that disrupt their cash stream to their big hotels and restaurants.

Virtually all the testimony by opponents at the April 7th hearing last week described horror stories of STR guests “parking too many cars on the street” or “making noise at late hours,” but these are the same problems often caused by long-term rentals that are not managed responsibly. All violate local laws, however, you don’t hear anyone calling for a ban on long-term rentals! Long-term rental owners are not threatening corporate elites. That’s why. SB 249 comprehensively cures all nuisance and code problems occurring in STRs with its unprecedented enabling of local regulatory power, arming boards with real teeth and the power to issue, as well as revoke, a permit, and it enables a locality to charge fees to cover the costs of permitting and monitoring. It simply takes away the power to ban.

Notably, the Mayor of Portsmouth came to the hearing to represent his corporate constituents, blaming STRs for the lack of affordable housing in his city, neglecting the fact that, while Portsmouth was layering its streets with gentrified gold for the last three decades, it never once cared to invest in affordable housing. Now it is paying for that neglect, finding no local working-class tenants to operate its preferred hospitality establishments. However, killing the cash cow while praying that STR investors will react by choosing to invest in affordable housing is a strategy that has never worked anywhere. Every urban setting in which affordable housing has been maintained while rising property values pushed out working class tenants, including Boston and New York, taxed those valuable properties to invest in low-cost housing and kept their long-term tenants in town.

There is no good or fair reason to retain the power to stop a small residential property owner from establishing an STR in a one or two-family zone unless you want to destroy his right to use that property as he sees fit. If that owner’s STR gets out of hand just twice, you can haul him and yank his permit. You can inspect the STR for code compliance upon inception, or even require permit renewal and reinspection every few years. There is no possibility that an irresponsible STR operator can survive that. Then you would have STRs where small property owners choose to have them, but only those who demonstrate they can be good neighbors.

However, if SB 249 does not pass in some form, when the hotels and big restaurants you want to attract here finally arrive, they will use their leverage with whoever they can get on the boards and the council to strip STR owners of all their ability to utilize their property in this way. In many places in the state, municipalities are limiting their numbers, their seasons, and their location, using the bogus argument that there is something inherently bad about them. I am proof that is not so. In six years of operating an STR, the city has never had a complaint filed against it and no neighbor has ever expressed a negative comment. I also have the highest rating in the region from each service publishes reviews. There are others like me. Why should our ability to grow our small business be compromised because of a few that don’t care? SB 249 allows you to make the city safe for us while getting rid of the bad apples. Without it, a future board will be co-opted by the high rollers to wipe us out.

Berlin is growing because of us and will continue to thrive if we have a path forward. The Senate, and our senator who sponsored the bill, voted for it to protect us. But you sent Rep. Theberge to speak against the bill on your behalf. They House will now say, if Berlin, who really needs STRs as they are the only accommodations in town, doesn’t even want us, then why should we?

Lastly, the Planning Board thoroughly examined the issue here in Berlin, as well as all the bylaws restricting STRs across the state. As the minutes below demonstrate*, our ONLY recommendation to you was for what SB 249 now allows, the right to register a local person to hold accountable and the right to fine him, or to revoke his permit.

Therefore, I beseech the Council, before it is too late, to ask our state reps to support this bill and protect this growing small enterprise among us that creates tax revenues and jobs in this city. I assure you that, without this protection, they will eventually destroy us and kill the heart of the tourist economy with us. Of this I have no doubt. They are already doing it elsewhere.

*April 6, 2022 Minutes

Continued discussion regarding Short Term Rentals and Regulations Ms. Laflamme is continuing to work on developing regulation for short term rentals. It is clear that any staffing for an enforcement process is limited. The current City Ordinance 10.5 – 36, Public Nuisance Activity, was looked at to see if it could help with developing short term rental regulations but it does not mention anything about different types of property owners. Also looked at was

City Ordinance 17-29 Accessory Dwelling Units. It was suggested that we need to first look at what the issues are that we need to regulate, such as noise, trash, and parking. It will need to be decided how to deal with repeat offenders, whether through a fine or closure of the short term rental. Chair McCue spoke about doing a Conditional Use Permit vs a Special Exception. Since a conditional use permit is granted to an individual and has no ties to the property, it's a better way to go. The different zones should also be looked at as to whether a short term rental would be allowed in certain zones or all. A committee consisting of Ms. Remillard, Ms. Langlois, and Mr. Bosen will be working on issues surrounding Short Term Rentals.

*May 4, 2022

Continued discussion regarding Short Term Rentals and Regulations Ms. Laflamme informed the board that after some ideas and questions were passed around with the members of the Short Term Rentals Committee, it appears this may not really be a Planning Board or Zoning issue. Some of the ideas discussed within the Short Term Rentals Committee were having the property owners registered by providing contact information with the Fire Department and Police Department and having informational documents concerning trash, parking and noise that the owner would share with their renters. Also talked about was the complaint process and possibly adding fines for first, second and third offenses. After some discussion among the board as to where we go from here, it was decided that Ms. Laflamme will submit a memo to the City Council or possibly to the Traffic and Safety Committee with the board's recommendations. Mr. McCue asked for a copy to be circulated to the Planning Board.

Mayor Grenier asked the City Clerk to put the letter into the record and post it on the website. Councilor Berthiaume asked if the Council was going to discuss the issue again and Mayor Grenier advised that from what he understands, the bill will not be recommended to pass. The Council did send a letter in opposition.

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

13. Public Comments

Connor Arsenault of 291 Norway Street advised Councilor Morency that he is open to amendments to his request for the right on red. Mr. Arsenault acknowledged that some concerns have been brought up about the left lane being used for traffic going straight, due to the parking spots by Walgreens. Mr. Arsenault also thanked Interim City Manager Pamela Laflamme for her service filling in while the City hired a new manager.

Joel Starkey of 1996 Hutchins Street suggested that a red arrow on the traffic light be used instead of a sign for intersections where you cannot make a right on red, as the signs are hard to see.

14. Council Comments

Councilor Berthiaume thanked Ms. Laflamme for her service as the interim manager over the last several months.

Councilor Berthiaume advised that she also has concerns about Bridge Street, and advised she would put them in writing for the Traffic and Safety Committee.

15. Adjournment

On a motion by Councilor Morgan, seconded by Councilor Roland Theberge, the Council voted to adjourn the meeting at 8:41 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.