

## **CITY COUNCIL MEETING – Monday, June 6, 2022**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:30 pm for Resolution 2022-20 Sale of 121 Main Street.

Lorraine Leclerc of 556 Western Avenue stated that she believes the sale is a great thing and said they should go for it. Ms. Leclerc stated that the City should back them up and take chances.

Mayor Grenier closed the Public Hearing at 7:32 pm.

Mayor Grenier opened the Public Hearing at 7:32 pm for OHRV Use on Route 110.

Deborah Fielder Fysh of 35 West Milan Road shared her concerns, and advised that she sees machines go by all the time on the section of the road that they are not currently supposed to travel on. Ms. Fielder Fysh stated that some come down from the Jericho Gateway Campground and some come from Jericho Lake Road. Ms. Fielder Fysh asked who would be patrolling and if there is a curfew. Community Development Director Pamela Laflamme advised that the curfew is 10 pm. City Manager Phillip Warren, Jr, advised that enforcement would fall on the police department and NH Fish and Game. Ms. Fielder-Fysh noted that nobody is ever stopped, even though some are out as late as 11pm or midnight. Ms. Fielder Fysh stated that she sees a lot of rentals go by illegally, and did not get any assistance when calling the rental company to inform them of the problem, however NH Fish and Game was helpful. Ms. Fielder Fysh stated that dirt bikes race down the hill, and she does not want to see anyone get hurt, as there are big trucks on the road as well. Ms. Fielder Fysh also shared concerns about the maintenance of the roadway in the winter, now that the City is taking it over. Ms. Fielder Fysh stated that it will be an adjustment in winter when motorists hit the area in which the state stops plowing and the city takes over.

Charles Fysh of 35 West Milan Road stated that he is in favor of opening the road to ATVs.

Ronald Therrien of 27 West Milan Road stated that he is in favor of opening the trail by his house.

James Long of 23 West Milan Road stated he is in favor of OHRV's and the speed limit change and asked when the speed limit signs will be changed. City Manager Warren advised that they will be changed on June 10, which is the effective date of the speed limit change.

Mayor Grenier closed the Public Hearing at 7:40 pm and advised that the OHRV committee will review the comments received. Mayor Grenier noted that the type of activity that Ms. Fielder Fysh reported endangers the use of OHRVs and that enforcement is a critical piece.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:40 pm.

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

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

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

Absent: Councilor Eastman

Also present: City Manager Phillip Warren, Jr, Community Development Director Pamela Laflamme, Finance Director Holly Larsen, City Clerk Shelli Fortin, Lt Donald Gendron, Lori Korzen, Micah Bachner, Amber Bachner, Charles Fysh, Deborah Fysh, James Long, Deborah Long, Ronald Therrien, Barbara Tetreault, Berlin Daily Sun, and other members of the public.

**c.** Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the May 16, 2022 Regular Meeting and Work Session, the Work Session of May 23, 2022, and the Budget Hearing of May 25, 2022. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1913 start date 05/17/2022 end date 06/06/2022 for a total cash disbursement of \$1,334,385.14. 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. Resolution 2022-20 Sale of 121 Main Street (tabled 5/16/2022)**

In the Year of Our Lord Two Thousand Twenty-Two

**A RESOLUTION** authorizing the City Attorney and City Manager to negotiate and the City Manager to enter into a purchase and sale agreement with AARON AND PAMELA THRONEBERRY PERKINS for 121 Main, Street, Map 119 Lot 51 for the sum of One Dollar (\$1.00)

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

WHEREAS the City of Berlin currently owns the property at 121 Main Street, Map 119; Lot 51;

WHEREAS, there is currently no tax base derived from the parcel at this time; and

WHEREAS, the property is located in the middle of downtown and has been vacant for many years and AARON AND PAMELA THRONEBERRY PERKINS has been a responsible developer in many communities; and

WHEREAS, AARON AND PAMELA THRONEBERRY PERKINS have agreed to substantially improve the property at 121 Main Street by renovating the building to meet all City Codes and ordinances; and

WHEREAS, the City Attorney and City Manager are authorized to negotiate and the City Manager is authorized to enter into a purchase and sale agreement on behalf of the City of Berlin for 121 Main Street, Map 119 Lot 51 as well as to do all things necessary to close this transaction and tender the appropriate Quitclaim Deed to 121 Main Street, Map 119 Lot; and

WHEREAS, the proposal tendered by AARON AND PAMELA THRONEBERRY PERKINS (indicating he is willing to purchase the parcel, "as is, where is" and to tender a complete release, indemnity and hold harmless agreement in favor of the City on any and all environmental issues concerning this property as well as on the state of the building) was found to meet the City's goals to improve the downtown and put properties back on the tax rolls.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Berlin, NH authorizes the City Attorney and City Manager to negotiate and enter into a purchase and sale agreement with AARON AND PAMELA THRONEBERRY PERKINS for 121 Main Street, Map 119 Lot 51 for One Dollar (\$1.00) and the release, indemnity and hold harmless agreement set forth above.

Be it further resolved that the City Attorney and City Manager are authorized to do all things necessary to close on the purchase and sale agreement and to execute the associated Quitclaim Deed for 121 Main Street, Map 119 Lot 51.

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 from Councilor Higbee, to amend Resolution 2022-20 by removing “any of” from the second paragraph, changing “properties are” to “property is” in the third paragraph, removing “and the adjacent three vacant parcels” in the fourth paragraph, and changing “all four parcels” to “the parcel” and “these properties” to “this property” in the sixth paragraph. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-20 by short title as amended for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2022-20 by short title as amended for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2022-20 as amended be passed. So moved, the motion passed by roll call vote. Remillard – yes, Morgan – yes, Berthiaume – yes, Higbee – yes, Robert Theberge – yes, Roland Theberge- yes, Morency – yes, Grenier – yes

Mayor Grenier asked Community Development Director Pamela Laflamme to be sure that Aaron and Pamela Throneberry-Perkins know about the Downtown Tax Incentives.

## **NEW BUSINESS**

### **1. Resolution 2022-21 DPW Loader Lease Procurement Waiver (first read)**

Councilor Remillard moved, with a second by Councilor Morgan, to table the Resolution and schedule a public hearing for June 20, 2022. So moved, the motion carried.

### **2. Resolution 2022-22 NH DES ARPA White Mountain Paper Company (first read)**

Councilor Higbee moved, with a second by Councilor Berthiaume, to table the Resolution and schedule a public hearing for June 20, 2022. So moved, the motion carried.

### **3. Resolution 2022-23 NH DES Clean Water State Revolving Fund (first read)**

Councilor Roland Theberge moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for June 20, 2022. So moved, the motion carried.

### **4. Resolution 2022-24 Adopting 2023 Budget (first read)**

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for June 20, 2022. So moved, the motion carried.

### **5. Ordinance 2022-04 OHRV (first read)**

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Ordinance and schedule a public hearing for June 20, 2022. So moved, the motion carried.

Mayor Grenier requested that the City Clerk be sure it is posted on the website for the public to review.

### **6. City Manager's Report**

1. As requested at the last Council meeting, relative to utility assessments, Sansoucy Associates advises that he request for production of documents and information to the utilities just went this week through the City. They will need the utilities to answer these requests before they can begin the bulk of the valuation work. They will be providing the City with the utility values in time for the September 1, 2022 MS-1 deadlines, they

expect the utilities to respond by the end of June and they will need the month of July and most of August to complete valuations.

2. Attached is the property transfer list for April 2022.
3. Bid openings for Reflectorized Pavement Markings, Boiler Services and Electrical Services were held on 5/26/22.
4. Thank You letter to Berlin Firefighters – SCU Heritage Park.
5. Attached is the Fire Chief's May report, the Monthly Incident Report and the EMS call volume report.

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

## 7. Mayor's Report

### a. Requests from Family Resource Center

To Whom It May Concern,

I am writing this letter to kindly request use of the lawn space located next to Maureen's Boutique on Main Street. Last year our agency was granted permission to use the space to host a community baby shower. The Community Baby Shower is an annual event geared towards supporting expectant and new parents on their journey of parenthood. We offer a multitude of resources including diapers, wipes, used clothing, baby gear, connections to community resources and an opportunity to self-refer for home visiting services, all free of cost. We would like to host this even Saturday July 23 from 10:00-12:00. We will be respectful of the space ensuring we are carrying out anything we bring in.

Please feel free to contact me with any further questions.

Sincerely,

Briana Shannon  
Healthy Families America Program Manager  
The Family Resource Center  
123 Main Street

Councilor Remillard asked if part of the land they are requesting to use belongs to Maureen Patry and suggested that the FRC also contact her to advise of their plan.

Councilor Remillard moved, with a second from Councilor Higbee, to allow the Family Resource Center to use PSNH Park for the Community Baby Shower on July 23, 2022. So moved, the motion carried.

To Whom It May Concern,

I am writing this letter to kindly request use of the lawn space located next to Maureen's Boutique on Main Street. We are looking to host an event to celebrate fathers. We are hoping to host a Father's Day Appreciation event on the afternoon of Friday, June 17<sup>th</sup> from 4:00-7:00 pm. We will be offering a community wide cookout for all father-like figures and their children. In addition we will be offering raffles, peer-to-peer connections, and additional resources for those who attend. We will be respectful of the space ensuring we are carrying out anything we bring in.

The Family Resource Center strives to offer supportive services to all families in the North Country by way of resources and education. We have been a staple in the community for over 25 years. We hope you will consider approving this request.

Please feel free to contact me with any further questions.

Sincerely,

Briana Shannon  
Healthy Families America Program Manager  
The Family Resource Center  
123 Main Street

Councilor Remillard moved, with a second from Councilor Higbee, to allow the Family Resource Center to use PSNH Park for the Father's Day Appreciation event on June 17, 2022. So moved, the motion carried.

b. Letter from Joanna Russell re: Credit Card Payments

Mayor Paul Grenier and City Manager Phil Warren and City Council,

Please consider charging an administrative fee for debit and credit cards. Example: \$3.50 plastic fee.

Thank you for taking this into consideration; being able to "get with the times" to modernize and expedite city functions and business is not only good for the city but also beneficial to its workers and citizens.

Please bring debit and credit card access to all pay windows at City Hall.

Thank you.

Joanna Russell  
128 Prospect St  
Berlin, NH 03570

City Manager Phillip Warren, Jr spoke to the request and stated it is not as simple as a \$3.50 plastic fee. Credit and debit cards are currently accepted via the website, through a third-party vendor, and the customer is charged an additional 2.35% as a merchant fee. City Manager Warren advised that to accept credit and debit cards at the windows, the City would have to be a merchant, would have to charge the additional fee, and there would be the additional start up cost of equipment. City Manager Warren advised he would not recommend it.

Councilor Berthiaume moved, with a second from Councilor Higbee, to deny the request to accept credit and debit cards at the windows at City Hall, and to send a letter to Ms. Russell thanking her for her communication and explaining why it is not feasible at this time. So moved, the motion carried.

c. Letter from Tanner Cote Requesting Use of Glen Avenue Park for Concert

Hello,

I wasn't sure who to ask or if permission was needed in the first place to hold a concert on public property in Berlin so I figured this would be the best spot to ask.

My name is Tanner Cote and I was wondering if my band, GT, could perform some music at the gazebo in Veteran's Park across from the Berlin Marketplace on the evening of Sunday, July 3rd. I remember bands playing there when I was growing up and I think it would be a great location and opportunity to bring people together that weekend if they are interested.

We would not need to be formally paid as we can just put out a tip jar if we wanted, and I know there are working electrical outlets that can power our setup built-in to the gazebo.

We feel very strongly that music is a great way to bring people together and it could help lift the spirits of Berlin residents in addition to giving them an event closer to home that they can attend. We would play the Star-Spangled banner to commemorate the event and our set is all family friendly music. And finally, it would also be a new/comeback event that many people, like myself, would love to see as an interesting break from the norm.

Thank you for your time,

Tanner Cote.

Mayor Grenier advised he wholeheartedly supports this request, but would ask that the area that has been provided for the Veterans Memorials be roped off for the event. Councilor Remillard asked what time it would occur, and it was decided that it would need to be done by 10pm. Councilor Roland Theberge expressed concern about the number of people that the area could hold, and Councilor Berthiaume stated that the concerts put on at Heritage Park do not get the numbers that would be a concern. Councilor Berthiaume stated that parking would be the biggest problem.

Councilor Higbee moved, with a second by Councilor Berthiaume, to approve the request from Tanner Cote to hold a concert at the park on Glen Avenue on July 3, with a curfew of 10pm, and the area for the Veterans memorials to be roped off. So moved, the motion carried.

d. Letter from Kristi O'Shea re: Portland and Lincoln Street Intersection

Good Afternoon Mayor and Council,

I am inquiring about adding a stop or yield sign on either side of Lincoln Ave. that intersects with Portland St. in Berlin NH. Currently, there is no stop or yield signs at the intersection of Portland and Lincoln. Most recently, a vehicle was traveling on Lincoln Ave. and I was on Portland St. headed towards Hillside Ave. when the vehicle on Lincoln Ave. did not stop and almost t-boned my vehicle. Without a stop or yield sign on both sides of Lincoln Ave. that intersect with Portland St., there could be a serious accident. Please see the photo below to show no stop or yield sign present.

Thank you,

Kristi O'Shea

Councilor Berthiaume moved, with a second from Councilor Higbee, to remand the letter from Kristi O'Shea to the Traffic and Safety Committee and to send a communication to Ms. O'Shea advising of same. So moved, the motion carried.

**8. Public Comments**

Lori Korzen of 788 Kent Street stated that it was an awesome night, with the community events and concerts that were suggested and approved.

**9. Council Comments**

Councilor Berthiaume suggested adding the OHRV Resolution to the agenda so that they can discuss the OHRV curfew, as surrounding communities have ½ hour after sunset instead of 10 pm and it is confusing to the community and to law enforcement. Councilor Berthiaume also mentioned OHRV's that are coming down Jericho Road from a parcel of land being used by a rental company. Community Development Director Pamela Laflamme stated that it may be land owned by Summer Fun, which is Northeast Rentals in Gorham. Ms. Laflamme will look into this. It was also suggested that the makeup of the OHRV committee be adjusted.

Councilor Robert Theberge stated that he recently had a meeting with Capone Iron concerning the defeat of the bill that would have leveled the playing field for bidding on contracts between NH and Canada.

**10. Adjournment**

On a motion by Councilor Higbee, seconded by Councilor Roland Theberge, the Council voted to adjourn the meeting at 8:31 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.