

CITY COUNCIL MEETING – Monday, October 17, 2022

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:46 pm.

a. Pledge of Allegiance

b. Roll Call

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

Absent: None

Also present: City Manager Phillip Warren, Jr, City Clerk Shelli Fortin, Library Director Ann Brungot, Katie Barth, Lori Korzen, and Lisa Connell, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the October 3, 2022 Regular Meeting and Work Session. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1923 start date 10/04/2022 end date 10/17/2022 for a total cash disbursement of \$997,467.68. 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

Lori Korzen of 788 Kent Street proposed the idea of a Storybook Trail, similar to what is at the 100-Acre Wood in Intervale. Ms. Korzen advised that she has spoken with the Berlin Public Library, who are very interested, and asked that the Council provide a piece of land, such as Tondreau Park, for the trail. Ms. Korzen stated that the story pages could even be laminated and tied to a tree with ribbon. This is a great way to get kids out and active, and foster a love of reading. Mayor Grenier asked Ms. Korzen to get in touch with the City Manager about the proposal.

UNFINISHED BUSINESS

1. Council Committee Reports

There were no Council committee reports.

NEW BUSINESS

1. Appointment of Library Trustee

On a motion by Councilor Berthiaume, seconded by Councilor Higbee, the Council voted to approve Katie Barth to fill the vacancy on the Berlin Library Trustees, with a term to run until the next Municipal Election.

2. Resolution 2022-31 ARPA Grant PD (1st read)

Mayor Grenier asked Chief Daniel Buteau is this was to fund the School Resource Officer or an additional position. Chief Buteau advised that this is a supplemental program in addition to the SRO, to get an officer into the school during recess, etc. Chief Buteau advised that he has been working with the Superintendent to make it happen. They are still working to fill the vacant SRO position. Councilor Morency asked if there was a match to the grant and Chief Buteau advised there is not.

Councilor Berthiaume moved, with a second by Councilor Morency, to table the Resolution and schedule a public hearing for November 7, 2022. So moved, the motion carried.

3. Resolution 2022-32 Prohibited Parking High and School Street Intersection (1st read)

Councilor Remillard moved, with a second by Councilor Morgan, to table the Resolution and schedule a public hearing for November 7, 2022. So moved, the motion carried.

4. Resolution 2022-33 Easement Request – Downtown Parking Lot (1st read)

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for November 7, 2022. So moved, the motion carried.

5. City Manager's Report

1. The City's parking ban comes into effect on November 1. No vehicles shall be parked on City streets between the hours of Midnight and 7:00 a.m. Overnight parking is allowed in the parking lot adjacent to the Salvation Army.
2. Attached is the Fire Chief's September report, the Monthly Incident Report and the EMS call volume report.
3. This office has noticed that there are many instances of unregistered vehicles and trailers, equipment and items being parked or left on City streets. The police are being notified and have been taking action to correct this. There are many instances of trailers that are registered parked for long periods on city streets as well. Said trailers still need to adhere to parking restrictions regarding time, parking prohibitions and parking too close to a corner or intersection. At present there is no ordinance limiting or prohibiting the parking of detached trailers on City streets.
4. Progress is being made by staff and this office on the code and solid waste issues discussed prior. Education on this includes the solid waste policies allowing for residents to obtain a pass at City Hall for the disposal of bulky items and tires, both of which are an issue and not picked up by solid waste collection, per ordinance.
5. Vacant City lots are intended for passive recreation only, they are not to be used for parking, storage or dumping areas – staff has been asked to address and correct any instances where the above is occurring.
6. The flags requested for the Veteran's memorials have been ordered.

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

The Council asked the City Manager if they should consider an ordinance concerning the length of time a registered trailer is parked on the street. City Manager Warren advised at this point it is unclear, however it has been problematic in other communities, and there are trailers that have been parked on the street in Berlin since he arrived in May. Councilor Morency asked if these would need to be moved when the parking ban starts on November 1 and City Manager Warren advised they would.

So moved, the motion passed.

6. Mayor's Report

a. Letter to Voters Concerning Revised Ballots

Mayor Grenier read a letter that will be sent to voters with updated absentee ballots for the State General Election. Gaston Gingues has moved to Somersworth and his name is being removed from the ballot, and Justin Hale is being added in his place.

Dear Voter:

Due to the fact that a candidate has moved out of Berlin and been removed from the ballot, and a new candidate has been named in his place, the Secretary of State's office has issued corrected replacement ballots.

Enclosed please find the corrected ballot that you will need to fill in and return, in place of the absentee ballot that you were previously mailed.

We apologize for this inconvenience.

Councilor Remillard moved, with a second by Councilor Morgan, to approve the letter to voters concerning the replacement absentee ballots. So moved, the motion carried.

b. Letter from J. Thompson re: Snow and Ice Policy

TO: Berlin NH City Council

On February 8, 2022, Berlin Mayor Paul Grenier made a personal phone call to newly hired Chief of Police Danial Buteau. The call was recorded by police as made by Mayor Paul Grenier directly to the Chief. The call was not made through the police station call center. Mayor Grenier was concerned about a pile of snow next to Ms. Thompson's residence. No snow removal had occurred during 2022. The accumulation was from the entire snow season. An officer responded. No fine was imposed. Ms. Thompson re-shoveled the area after the officer left. Prior to 9am, the following morning, Berlin City Works re-cleared the road. Three days later, the officer returned and issued a \$50.00 fine. Trial ensued. Mayor Grenier voluntarily presented as the State's witness. The fine was upheld by the Court. The Mayor's egregious presentation and offensive conduct, off-record and on-record at trial, further illustrates the extreme abuse of power and authority exhibited by the Mayor. On July 15, 2022, a formal Petition for the Removal of Mayor Paul Grenier was filed with the Berlin NH City Council due to misconduct in office. Reportedly, Attorney Cordell Johnston investigated the mayoral misconduct on behalf of the city. To date, No Report has been issued. Not public statement has been made by the Council related to the Petition. To date, No public hearing has been scheduled on the matter as required by New Hampshire State Statute. Mayor Grenier remains actively sitting on city boards as Mayor.

On February 9, 2022, Mark Lapointe sent Petitioner a Warning Letter stating, in part, "Please modify your clean-up procedures to be in compliance with the City Ordinance... The Ordinance contains penalties for non-compliance and we ask for your cooperation so that we do not have to invoke these penalties."

On February 11, 2022, Petitioner hand-delivered a City of Berlin PW Work Order to the City Manager's Office. The work order sought snow removal. The City did not respond. Snow removal did not occur.

On February 11, 2022, Petitioner was handed a \$50.00 fine, by police, for the 2/8/22 incident.

On February 18, 2022, Petitioner faxed to (603) 752-8586 a City of Berlin PW Work Order to the City Manager's Office. The work order sought snow removal. The City did not respond. Snow removal did not occur.

On March 4, 2022, Petitioner faxed to (603) 752-8586 a City of Berlin PW Work Order to the City Manager's Office. The work order sought snow removal. The City did not respond. Snow removal did not occur. Snow removal did not occur in 2022.

On the upper portion of Strafford Street, Snow removal did not occur in 2019. Snow removal did not occur in 2020. Snow removal occurred once, in 2021, at the end of the season. Snow removal did not occur in 2022. The City appears to wait for Spring and snow melt to occur.

Snow plows have plowed snow on, and against, Petitioner's foundation wall both on Strafford Street and on Burgess Street without consent. Snow plows have blocked both Petitioner's egresses with snow over the past three years, as the plow does not remove the snow to a pile, but passes through the street leaving excessive debris from prior plowed streets; which blocks both the stairwell and driveway completely. Improperly, home-owners are then responsible for clearing the street to access real property each time this occurs. In February 2022, Petitioner removed snow on the street, blocking her driveway, and shoveled the snow to the left of her property on the street. City Works re-cleared the road and issued a warning. Police issued a fine.

Had snow not blocked the egress and/or the snow been removed by the City, the incident would not have occurred. Streets and sidewalks are owned and operated by the City. Home-owners should not be

responsible for clearing snow on the street. Home-owners should be allowed continual access to real property. Egresses should remain cleared at all times.

Strafford Street is listed as "Priority 7 - Remaining Streets" on the existing Snow Removal Schedule. The sidewalks are not cleared, but used by the city to deposit snow on the upper portion of Strafford Street. There is no sidewalk access on the upper portion of Strafford Street. Egresses are repeatedly blocked by snow plows on the upper portion of Strafford Street. The aforementioned incident would not have occurred but for the City's refusal to remove snow left behind by the plows.

Home-owners should not be penalized for shoveling and clearing snow the city refuses to remove. Home-owners should not be penalized for clearing snow on the street owned and operated by the city. Home-owners should not be penalized for clearing snow on the street in order to enter and exit real property. Home-owners should not be penalized for cleaning-up snow, left on the street, by its city plow drivers. Home-owners should not have to clear the street, or sidewalk, as both are owned by the city, which means home-owners are not responsible for street snow clearing and/or sidewalk clearing. Snow removal should occur consistently throughout the City and not just on certain streets. Snow clearing should not block egresses. Snow removal should occur after each storm.

Petitioner seeks the addition of Strafford Street to be included in the Public Works Snow & Ice Control Policy Statement and Operating Procedures [Revised 2017-2018] for mandatory snow clearing, and mandatory snow removal, of both the sidewalks and street on Strafford Street in the City of Berlin as a priority street. Burgess Street, attached to Strafford, is listed as a priority Street and is scheduled to be regularly plowed and cleared of snow. Petitioner seeds City Council remove Petitioner's 08/25/22 Request, and all attachments, from the status as "Filed" for Council re-review in conjunction with this second request. Petitioner seeks a written response to the vote and each Council members' individual vote on the matter documented.

Petitioner seeks the recusal of Mayor Paul Grenier from all discussion, vote, and/or determination in this matter. Mayor Grenier's residential home's left side, driveway, and garage are located on Strafford Street. In July 2022, a Petition for the Removal of Mayor Grenier was filed with the Berlin NH City Council due to misconduct in office. To date, the Petition for Removal Remains Pending.

ATTACHED TO PRIOR 08/25/2022 Request for Review:

- 02/11/22 Fax Log
- 02/11/22 PW Work Order
- 02/18/22 Fax Log
- 02/18/22 PW Work Order
- 03/04/22 Fax Log
- 03/04/22 PW Work Order

Signed this 30th day of September 2022.

Respectfully submitted,

J. Thompson

Councilor Remillard asked if this had already been considered and City Manager Warren advised the Council of some points to note. Mr. Warren noted that the Council could make a motion to re-consider, and vote as necessary. Mr. Warren stated that under NH RSA 49-C:13, an elected body may remove the Mayor or one of its own members for cause, but this is a discretionary decision of the Board. The Council has been given a copy of the investigation into the alleged misconduct, and it was discussed in non-public session. Mr. Warren advised the Council could also decide the change the snow removal policy.

Councilor Remillard moved, with a second by Councilor Roland Theberge, to reconsider Mr. Thompson's request of listing Strafford Street as a priority street in the Public Works Snow and Ice Control Policy.

Mayor Grenier advised that this issue started when he received a call from a resident of Hillsboro Street complaining about the snow in the roadway on Strafford Street. Mayor Grenier advised he did call the Chief directly to ask if someone could be sent to look into it. The Police Department handled the matter. Mayor Grenier advised when it came time for the trial, Lt. Howry asked him to testify to what he saw, which he did. Mayor Grenier advised he was professional and not combative. The judge sided with the Police Department and a fine was imposed. Mayor Grenier asked Chief Buteau to speak to the incident, however Chief Buteau advised it is currently under appeal, and since it is still being litigated he cannot comment. Mayor Grenier advised that when a citizen calls him at home with a concern, he will always act on it. Mayor Grenier noted that if the Fire Department or Ambulance had needed to get up Strafford Street at that time, they would not have been able to.

So moved, the Council voted by roll call vote. Robert Theberge – no, Higbee – no, Berthiaume – no, Morency – no, Remillard – no, Morgan – no, Eastman – yes, Roland Theberge – no, Grenier – no. The motion failed.

c. Letter from J. Thompson re: Request for Light Installation

TO: Berlin NH City Council

This is a second request for a street light to be installed on an existing pole in front of 133 Strafford Street. The initial request filed was denied by the city.

In 2022, Mayor Paul Grenier told Petitioner that there is a fifty year old street light pattern in Berlin and further stated, "If the street lights are good enough for us, they're good enough for you."

Petitioner re-requests one street light to be installed on an existing pole in front of 133 Strafford Street for the reasons of personal safety, protection, and relief from potential bodily injury and/or hazard during inclement weather.

Petitioner seeks a street light installation on the existing pole in front of 133 Strafford Street.

Petitioner seeks written documentation of each individual council members' vote in this matter.

Petitioner seeks the recusal of Mayor Paul Grenier from any discussion, vote, and or influence in this matter due to obvious bias.

Signed this 30th day of September 2022.

Respectfully submitted,

J. Thompson

Mayor Grenier advised this request was originally handled by the prior City Manager. There are lights on the corner of Hillsboro and Strafford Street, and Burgess and Strafford Street. Lights are on every other pole. If a light was to be added on this pole, it would be three in a row.

Councilor Remillard moved, with a second by Councilor Morgan, to deny Ms. Thompson's request for an additional street light in front of 133 Strafford Street.

Councilor Robert Theberge noted that many residents who want additional lighting for safety choose to install security lighting on a garage or their home.

So moved, the motion carried by roll call vote. Robert Theberge – yes, Higbee – yes, Berthiaume – yes, Morency – yes, Remillard – yes, Morgan – yes, Eastman – yes, Roland Theberge – yes, Grenier – yes

d. Riverfire

Mayor Grenier thanked the Chamber of Commerce, and Councilor Berthiaume, for the extraordinary Riverfire event held last weekend for the community. Mayor Grenier stated it was a lot of hard work, and stated that he is proud to

have Councilor Berthiaume on the Council, and praised the time she takes to care for our community. Mayor Grenier also noted what a nice addition the Riverwalk was to the event.

Councilor Roland Theberge also thanked Paula Kinney for her work as director of the Chamber of Commerce.

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

7. Public Comments

There were no public comments.

8. Council Comments

Councilor Berthiaume noted that although planning Riverfire with the new Riverwalk was a challenge, she is thankful for the help from the city, and they overcame the challenge gracefully. Councilor Berthiaume thanked the city for their support of Chamber events and stated they received many positive comments about the Riverwalk. It was noted that the City has been very helpful, especially the Police Department, with crowds that keep getting bigger and tougher.

Councilor Higbee noted that he went for a walk the morning after Riverfire, and came across an older gentleman with a walker, enjoying the Riverwalk. Councilor Higbee noted that there are not many places to walk that are perfectly smooth like this, with a beautiful view.

Councilor Remillard stated that she works with some investors who have stated that they have considered moving to Berlin, as they have never seen such a beautiful and friendly community. Councilor Remillard stated that people are noticing projects like the Riverwalk.

9. Adjournment

On a motion by Councilor Remillard, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 8:33 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.