

## **CITY COUNCIL MEETING – Monday, November 21, 2022**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:57 pm for Resolution 2022-34 Veterans Tax Credit. There were no public comments. Mayor Grenier closed the Public Hearing at 7:58 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:58 pm.

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

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

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

Absent: Councilors Berthiaume and Eastman

Also present: City Manager Phillip Warren, Jr, Community Development Director Pamela Laflamme, Finance Director Holly Larsen, City Clerk Shelli Fortin, Lori Korzen, and Lisa Connell, Berlin Daily Sun.

**c.** Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the November 7, 2022 Regular Meeting and Work Session. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1925 start date 11/08/2022 end date 11/21/2022 for a total cash disbursement of \$1,070,465.38. 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 2022-34 Veterans Tax Credit (tabled 11/7/2022)**

In the Year of Our Lord Two Thousand Twenty-Two

**A RESOLUTION** Re-Adopting the Optional Veterans' Tax Credit provision of RSA 72:28.

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

Whereas, the State of New Hampshire has amended RSA 72:28 IV to expand the eligibility requirements of the veterans' tax credit to include individuals who have not yet been discharged from service in the armed forces.

Whereas, the City of Berlin recognizing its veterans and the sacrifices they have made on behalf of their fellow citizens, wishes to adopt the amendment.

Now, Therefore Be It Resolved:

That the City of Berlin hereby re-adopts the optional provision of RSA 72:28 Standard Optional Veterans' Tax Credit in the amount of One Hundred Fifty Dollars (\$150.00), effective April 1, 2023, which shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto. The following defines eligibility:

- a) Every resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph;
- (b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and
- (c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

- (a) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;
- (b) "World War II" between December 7, 1941 and December 31, 1946;
- (c) "Korean Conflict" between June 25, 1950 and January 31, 1955;
- (d) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;
- (e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;
- (f) "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and
- (g) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

This Resolution shall be in full force and effect upon 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 2022-34 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2022-34 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2022-34 be passed. So moved, the motion passed.

## **NEW BUSINESS**

### **1. Resolution 2022-35 Carryover Capital Appropriations (1<sup>st</sup> read)**

Councilor Remillard moved, with a second by Councilor Morgan, to table the Resolution and schedule a public hearing for December 5, 2022. So moved, the motion carried.

#### **1a. Reorganization Proposal**

Councilor Remillard moved, with a second by Councilor Morgan, to approve the City Manager's Reorganization Proposal to create a new position of Director of Strategic Initiatives/Assistant City Manager, with a salary of \$89,000, which will be filled by Pamela Laflamme, and to eliminate the position of City Planner. Funding to come from this year's budget. So moved, the motion passed by roll call vote. Robert Theberge – yes, Higbee – yes, Morency – yes, Remillard – yes, Morgan – yes, Roland Theberge – yes, Grenier – yes

## 2. City Manager's Report

1. Attached is the October 2022 Property Transfer list.
2. It was our goal to have a discussion on the tax rate tonight – due to holdups at DRA we are not able to do that. From what has been learned, there are fewer reviewers at DRA and the calculation of the 7.5% pension payment credit are holding up the process. Since this process is an exact one and requires information and approval from DRA it is not prudent to proceed with an estimate that may be incorrect. This office will monitor the activities related to tax setting and ensure that a proposal can get in front of the Mayor and Council as soon as possible.
3. The bids for the Ladder Truck and Pumper Truck are out and are now due back on December 21. As you are aware, the Ladder will be funded through yearly CIP payments and the Pumper Truck is grant funded.
4. It is my understanding that a request for \$20mm in state ARPA funds has been requested to fund the NH ERAP program into 2023. Without these funds, this program will run out of funds before the end of the year. ERAP provides funding for at risk adults who are in danger of becoming homeless and are housed in hotels or motels. The mayor has asked that I attend a meeting Monday on this – additional information may be presented to the council after said meeting.
5. I have done some research and have found that, at present, there are no grant funds available for assisting or funding the repaving of streets, payment of utilities beyond Welfare guidelines (there are state programs), providing rental assistance beyond Welfare guidelines (there are state programs) or directly funding the School Department, nor can we divert the funds anticipated for grants applied for to these areas. As has been stated prior, grant funds can only be used for the specific purpose or function applied for. If there are grants available for the aforementioned functions that this office is not aware of then please advise – this office will look into them as these areas are a priority.

City Manager Warren advised that he met with the Mayor's Group and that the \$20 million in state ARPA funds, along with funding for case management and assistance in finding alternative housing, is expected to pass on the consent agenda without debate in December. The Mayor's group has been asked to look at the homeless situation and housing issue and submit any proposals for more permanent solutions to the Governor's office.

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

Mayor Grenier clarified with City Manager Warren that grant funds may only be used for the specified purpose. City Manager Warren confirmed that although there are other needs in the community, it is not possible to apply grant funds to those items.

## 3. Mayor's Report

### a. Letter from Anne Swanson Re: Hardship Request

Dear Members of the Berlin City Council:

My name is Anne Swanson and I am the former owner of 185 Park Street, Berlin, NH 03570; Map/Lot: 000120-000208.000000 ("the premises"). I am writing to request your assistance in repurchasing the home I acquired in 1984, when I was 24 years-old.

I resided at the premises until 1992, and spent every summer there with my children until 1998. For the last 24 years I have rented the premises to local tenants in Berlin. I poured my heart and sole into this property and am humbly requesting your assistance to regain ownership.

As I am sure you are aware, being a Landlord in Berlin is no simple feat. I have dealt with dishonest property managers, tenants who frequently fail to pay rent and who constantly damage, destroy and abandon my property, and a legal system that does not adequately compensate landlords for the damage caused by their tenants.

Due to my deteriorating health, the Covid-19 pandemic, and recent climate disasters at my current residence in Florida, I have been unable to remedy the damages that were caused by my tenants in recent years, and, eventually, fell behind on my tax payments for the premises.

Specifically, I am unable to rent one of the three units at the premises due to the damage caused by former tenants. Moreover, hurricane Irma severely damaged my home in Florida in 2017. In December of that year I also suffered a career ending injury that resulted in surgery and my eventual early retirement due to disability. As a result, I suffered a severe decline in income, lost my health insurance and had to pay my own medical bills, including months of physical therapy.

Then, of course, in 2020, the Covid-19 pandemic hit and my tenants were suddenly unable to pay rent. One of my tenants lost their rental assistance from the Housing Authority and allowed unknown occupants to move into the premises. These squatters severely damaged my property, including criminal break ins to the apartments of my other tenant. This forced me into an expensive eviction proceeding that took almost 3 months to be resolved by the Sheriff's Office.

Regarding my request and the occasion for writing this letter, I understand my responsibility to pay property taxes and I will do whatever I can to pay what I owe in order to retain my property in the community that I was born in and have been a member of my whole life. I am unsure how things have escalated to this point but it is my sincere hope that we can work together to resolve this situation in a way that works for both the City of Berlin and myself.

I attempted to pay property taxes when the Covid-19 Interest Waiver was offered, as outlined in a letter I received, dated July 29, 2020. I spoke by phone with James Wheeler, who was the City Manager at the time, about making a tax payment. However, I did not have enough funds at the time to make the full payment and was informed that my attempt at a partial payment was not accepted.

I was shocked when my tenant sent me a copy of her eviction notice on Saturday, November 5, 2022. My other tenant notified me on Sunday, November 6<sup>th</sup>, that the house had already been seized on October 24, 2022. I did not receive any communication from the city that my property would be seized. Had I been aware of these consequences, I would have acted immediately.

The next day, on Monday, November 7, 2022 I reached out to Tax Collector Holly Larsen. Following our conversation she emailed me a letter, dated November 7, 2022, which informed me of my right to repurchase the premises, and included a 10% penalty fee. I was not aware of any of these circumstances until it was too late to act. This is unfair and unjust, particularly because I was not properly notified, and I don't personally reside at the premises.

It is therefore my request that the City of Berlin afford me the opportunity to right this situation by paying the back taxes owed and repurchasing my home. As described herein, I am unable to afford the full payment of \$27,487.77 that is owed per the letter dated November 7, 2022. What I am able to afford and willing to pay immediately are the principal amount of taxes owed of \$14,306.63, plus costs of \$80.00.

**Please let me know if we can work together on this matter and whether you can approve my hardship request to repurchase the premises for a one-time payment of \$14,386.63.**

It is my hope that if a decision can be reached this evening that a stay on the eviction proceedings against my tenants can be arranged, so as not to cause them undue harm and allow them to continue their tenancies at the premises.

I can be reached at the below address or via email at [patssswan@aol.com](mailto:patssswan@aol.com). I look forward to your reply.

Sincerely,

Anne Swanson; formerly Anne Falardeau

1210 Crane Boulevard

Sugarloaf Key, FL 33042

City Manager Warren spoke to the charges in Ms. Swanson's letter concerning notification and advised that on 8/31/2022 Ms. Swanson was sent the Impending Deed notice which was unclaimed after 3 attempts. On 2/22/2018, a Lien notice (2017) was unclaimed after 3 attempts. On 5/1/2019 a Lien notice was sent (2018), which was signed for on 5/9/2019. On 4/24/20 a Lien notice (2019) was sent, which was signed for on 5/1/2020. On 3/15/2021 a Lien notice was sent (2020) which was unclaimed after 3 attempts. On 3/29/2022 a Lien notice was sent (2021) which was refused. Mr. Warren noted that the address that the notices were sent to is the same address Ms. Swanson lists as her address in the letter to the Council.

Councilor Remillard moved, with a second by Councilor Morency, to deny the hardship request by Ms. Swanson. So moved, the motion carried.

Mayor Grenier asked City Manager Warren to get a list of calls for services rendered at that property from 2017 until now and forward it to the Council.

Mayor Grenier wished everyone a Happy Thanksgiving.

The Director of Strategic Initiatives, Pamela Laflamme, advised the Council that after a long process in attempting to get Paul Croteau to clean up his property on Route 110, Mr. Croteau has signed over the property to the City with an agreement that the City would drop the fees for the violations. The deeds have been sent to the Registry. DES will be coming up in December to look at the property. Mayor Grenier requested that Ms. Laflamme put together a list of the costs incurred to bring this property into compliance.

#### **4. Public Comments**

Lori Korzen of 788 Kent Street stated that she understands why the Council does not waive the fees associated with tax deeding, however noted that there have been several pleas online from families who are being evicted and asked for compassion for them. City Manager Warren advised that the Health Officer, Angela Martin-Giroux, is working with those families to try to locate alternative housing options.

#### **5. Council Comments**

Councilor Robert Theberge noted that it is the 150<sup>th</sup> anniversary of the establishment of public libraries, and thanked our Librarians and Board of Trustees on behalf of the Mayor and Council for the wonderful job they do and the multitude of programs they offer for children in the community.

#### **6. Adjournment**

On a motion by Councilor Roland Theberge, seconded by Councilor Higbee, the Council voted to adjourn the meeting at 8:29 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.