

CITY COUNCIL MEETING – Monday, June 5, 2023

Public Hearing

Mayor Grenier opened the Public Hearing at 7:30 pm for Resolution 2023-18 CDBG Boys and Girls Clubs of NH.

Director of Strategic Initiatives Pamela Laflamme noted that there was an informational document available.

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$500,000 in Emergency Funds, up to \$25,000 per Planning Study grant. All projects must directly benefit a majority of low- and moderate-income persons.

This is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant public facility funds. The City will retain up to \$25,000 for administrative/labor compliance expenses and the remainder will be subgranted to Boys & Girls Clubs of Central New Hampshire for improvements to White Mountain Community College, located at 2020 Riverside Drive in Berlin. Boys & Girls Clubs will use the funds for renovations to provide childcare services for 39 children from primarily low- and moderate-income households.

This project conforms with Berlin's Housing and Community Development Plan's goals of: Continued Development of Medical Center and Other Non-Profit Service Agencies, Assist non-profit agencies in expansion, consolidation and relocation efforts; Human Resources: Continue to encourage and support physical and program expansion at White Mountain Community College.

Mayor Grenier asked for public comments. There were no public comments.

Mayor Grenier closed the Public Hearing at 7:33 pm.

Mayor Grenier opened the Public Hearing at 7:33 pm for the Residential Antidisplacement and Relocation Assistance Plan.

This plan outlines measures, under the Uniform Relocation Act, required for CDBG projects that involve any displacement or relocation of persons (or businesses), if the City were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated. Currently, the specific space is used by White Mountain Community College for storage and a classroom. WMCC intends to move the classroom to another space on same WMCC site. WMCC is doing this voluntarily and WMCC will cover any costs to move the classroom, there are no costs to any students.

Mayor Grenier asked for public comments. There were no public comments.

Mayor Grenier closed the Public Hearing at 7:34 pm.

Councilor Remillard moved, with a second by Councilor Morency, to approve the submittal of the CDBG application and vote to authorize the City Manager to sign and submit the CDBG application, and upon approval of the CDBG application, authorize the City Manager to execute any documents which may be necessary to effectuate the CDBG contract, and any amendments thereto. So moved, the motion passed.

Councilor Berthiaume moved, with a second by Councilor Higbee, to adopt the Antidisplacement and Relocation Assistance Plan. So moved, the motion passed.

Mayor Grenier opened the Public Hearing at 8:03 pm for Resolution 2023-19 BEA Demo May 2023. There were no public comments. Mayor Grenier closed the Public Hearing at 8:03 pm.

Mayor Grenier opened the Public Hearing at 8:03 pm for Resolution 2023-20 HOP Grant May 2023. There were no public comments. Mayor Grenier closed the Public Hearing at 8:04 pm.

Mayor Grenier opened the Public Hearing at 8:04 pm for Resolution 2023-21 CDFA Library May 2023. There were no public comments. Mayor Grenier closed the Public Hearing at 8:04 pm.

Mayor Grenier opened the Public Hearing at 8:04 pm for Resolution 2023-22 NHDOT Mason Street Bridge. There were no public comments. Mayor Grenier closed the Public Hearing at 8:04 pm.

Mayor Grenier opened the Public Hearing at 8:04 pm for Resolution 2023-23 SoleSource Preservation Company Mitigation. There were no public comments. Mayor Grenier closed the Public Hearing at 8:05 pm.

Mayor Grenier opened the Public Hearing at 8:05 pm for Resolution 2023-24 Reallocation of Funds for BMHS Bathrooms. There were no public comments. Mayor Grenier closed the Public Hearing at 8:05 pm.

Regular Meeting

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:05 pm.

a. Pledge of Allegiance

b. Roll Call

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

Absent: Councilor Morgan

Also present: City Manager Phillip Warren, Jr., City Clerk Shelli Fortin, Police Chief Daniel Buteau and Lisa Connell, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Higbee, to accept the minutes of the May 15, 2023 Regular Meeting and Work Session, and the Budget Hearing of May 30, 2023. So moved, the motion passed.

Disbursements:

Disbursement Summary Draft #1938 start date 05/16/2023 end date 06/05/2023 for a total cash disbursement of \$1,276,946.14. Councilor Roland Theberge moved, with a second by Councilor Higbee, 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 2023-18 CDBG Boys and Girls Clubs of NH (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing an application for a Community Development Block Grant (CDBG) in an amount of up to Five Hundred Thousand Dollars (\$500,000.00), of which approximately \$475,000 be subgranted to Boys & Girls Clubs of Central NH to make improvements at White Mountain Community College, located at 2020 Riverside Drive in Berlin, to provide childcare services for 39 children from primarily low- and moderate-income households.

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

Whereas, up to Five Hundred Thousand (\$500,000.00) each is available annually on a competitive basis for public facility CDBG projects that primarily benefit low- and moderate-income households/persons; and

Whereas, if awarded, Four Hundred Seventy-Five Thousand Dollars (\$475,000) of the funds would be subgranted to Boys & Girls Clubs of Central NH to make improvements at White Mountain Community College, located at 2020 Riverside Drive in Berlin, to provide childcare services for 39 children from primarily low- and moderate-income households; and

Whereas, Twenty-Five Thousand Dollars (\$25,000.00) will be used to pay the City's administration, audit and legal costs.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That the City Manager is authorized to apply for a Community Development Block Grant for Housing in an amount up to Five Hundred Thousand Dollars (\$500,000.00) and upon approval of said application, Four Hundred Seventy-Five Thousand (\$475,000) of the grant to be subgranted to Boys & Girls Clubs of Central NH to make improvements at White Mountain Community College, located at 2020 Riverside Drive in Berlin, to provide childcare services for 39 children from primarily low- and moderate-income households.

Be it further resolved that the City Manager is authorized to receive said grant, and the grant proceeds are hereby appropriated for the purpose of the grant, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

The City Council adopts the Residential Anti-displacement and Relocation Plan.

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 by Councilor Higbee, to read Resolution 2023-18 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-18 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-18 be passed. So moved, the motion passed.

3. Resolution 2023-19 BEA Demo May 2023 (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing seven individual applications to NH Business & Economic Affairs InvestNH Municipal Demolition Grant Program for the demolition of seven city owned buildings in an amount totaling \$500,000.00.

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

Whereas, NHBEA has housing funds available to demolish unsafe and dilapidated buildings; and

Whereas, if awarded, \$500,000.00 will be used for activities to demolish seven buildings the City acquired by tax deed and the City has either not been able to sell them or has chosen not to sell them because of their unsafe conditions; and

Whereas, the funds will cover the demolition and restoration costs for each property as well as the mitigation required by NH Division of Historic Resources; and

Whereas, no financial match is required; and

Whereas, after the project is completed, all seven parcels can be sold to make way for new or expanded housing opportunities; and

Whereas, the properties being demolished are as follows: 609 Hillsboro St; 422 and 373 Champlain St; 827 Western Ave; 98 Hillside Ave; 37 Cambridge St; and 426 Burgess St.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That the City Manager is authorized to receive said grant, and the grant proceeds are hereby appropriated for the purpose of each of the seven grants, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

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

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

Councilor Remillard moved, with a second by Councilor Morency, to read Resolution 2023-19 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morency, to read Resolution 2023-19 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morency, that Resolution 2023-19 be passed. So moved, the motion passed.

4. Resolution 2023-20 HOP Grant May 2023 (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing an application to the NH Housing InvestNH Housing Opportunity Program for \$131,500.00 to provide technical support for activities related to the audit, review, and revisions for the City's land use ordinances and regulations relating to housing.

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

Whereas, NH Housing has funding available to for communities in NH to review, audit, and revise their land use ordinances and regulations as they relate to housing; and

Whereas, if awarded, the City will hire a consultant prequalified by NH Housing to assist the Planning Board in reviewing and updating all ordinances and regulations as they relate to housing; and

Whereas, the funds will also cover as required by NHH, extensive community engagement and outreach; and

Whereas, most of the City's land use regulations and ordinances have not been updated since the late 1990's.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That the City Manager is authorized to apply for a NH Housing Invest NH Housing Opportunity Program grant in an amount of \$131,500.00 and the City Manager is authorized to receive said grant, and the grant proceeds are hereby appropriated for the purpose of the grant, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

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 by Councilor Higbee, to read Resolution 2023-20 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-20 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-20 be passed. So moved, the motion passed.

5. Resolution 2023-21 CDFA Library May 2023 (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing an application to NH Community Development Finance Authority for an amount of up to \$1,000,000.00 for the repair and rehabilitation of the Berlin Public Library.

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

Whereas, NHCDFA has made funds available for capital investments in buildings that serve as centers of their communities; and

Whereas, the City received a grant in 2018 from the NH Preservation Alliance to do an assessment of what repairs were needed at the Library; and

Whereas, that assessment was updated in 2022 and there is a need for nearly \$1,000,000.00 of repairs and rehabilitation to make long overdue repairs and improvements to help make the Library even more functional and accessible to those who wish to use it; and

Whereas, a 15% match is required that can be a cash and/or soft match and the City already has some funds set aside in our capital improvement budget; and

Whereas, the Berlin Public Library, one of only a few remaining Carnegie Libraries in NH is a community centered library that needs investment for the citizens it serves.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That the City Manager is authorized to apply for a Community Center Investment Program grant from NHCDFA in an amount not to exceed \$1,000,000.00 and the City Manager is authorized to receive said grant, and the grant proceeds are hereby appropriated for the purpose of the grant, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

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

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

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-21 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-21 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, that Resolution 2023-21 be passed. So moved, the motion passed.

6. Resolution 2023-22 NHDOT Mason Street Bridge (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing an application to the NHDOT/Highway Infrastructure Program for the second phase of work for the Mason Street Bridge rehabilitation in an amount up to \$600,000.00.

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

Whereas, NHDOT will be administering the funds from the Federal Highway Infrastructure Program; and

Whereas, the City has critical repairs to make to the Mason Street Bridge; and

Whereas, these funds were secured through a congressionally directed spending request made to Congresswoman Kuster's office; and

Whereas, a 20% match will be required in an amount of \$150,000.00 bringing the project to a total cost of \$750,000.00.

Now Therefore Be It Resolved by the City Council of the City of Berlin as Follows:

That the City Manager is authorized to receive the NHDOT/Highway Infrastructure Program grant funds and the grant proceeds are hereby appropriated for the purpose of the grant, and all grant proceeds shall be deposited with the City Treasurer, and any additional use of these funds beyond the scope of work as listed in the application shall require prior approval of the City Council.

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

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

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-22 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-22 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, that Resolution 2023-22 be passed.

Councilor Roland Theberge asked if this project was for the western or eastern side of the bridge. Mayor Grenier advised it is phase 2 of the project on the bridge closest to City Hall.

So moved, the motion passed.

7. Resolution 2023-23 Sole Source Preservation Company Mitigation (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the waiver of the City's purchasing and procurement requirements as defined in Section 2-428 Professional Services.

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

Whereas, historic mitigation is required for two City projects involving housing demolition, last year's NHDES I&I project and this year's NH BEA project; and

Whereas, this mitigation is required by the EPA and NH Division of Historic Resources: and

Whereas, funds were allocated in each project for this mitigation work; and

Whereas, the City will partner with the Berlin & Coos County Historical Society to create a permanent Berlin Neighborhood exhibit to be housed at their new location at 72 High Street; and

Whereas, in 2015 & 2016, the City worked with the Preservation Company to create a Berlin Neighborhood Exhibit that was a small mobile exhibit that was moved around the City and done as mitigation for a Neighborhood Reinvestment Project. The City hired the Preservation Company who did a lot of work and research that can be applied to this project without having to bring a new consultant in to start this work anew. This will save time, effort, and funding that can go into the exhibit itself instead.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that,

The City Council, on the aforementioned recommendation from the City Manager does waive the purchasing and procurement requirements defined in Section 2-428 Professional Services of the City Ordinances and authorizes the City Manager to take any and all actions needed to hire the Preservation Company for this work.

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 by Councilor Higbee, to read Resolution 2023-23 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-23 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-23 be passed. So moved, the motion passed.

8. Resolution 2023-24 Reallocation of Funds for BMHS Bathrooms (tabled 5/15/2023)

In the Year of Our Lord Two Thousand Twenty-Three

A RESOLUTION authorizing the reallocation of capital improvement funds for the Berlin Public Schools

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

WHEREAS, the Berlin Public Schools has received a local grant to fund the improvement of the Berlin Elementary School Restroom and it no longer needs capital funds to upgrade the elementary school restroom; and

WHEREAS, the Public School requires an upgrade to the Berlin Middle High School restrooms; and

WHEREAS, there are Capital Funds available within the Berlin Public Schools Capital Improvement budgets; 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 \$55,000 from account 01-461-461400-0035 BES Basement Restroom Renovation be reallocated to the following account: \$55,000 to account 01-461-461400-0040 for the renovation of restrooms at the Berlin Middle High School.

Be it further resolved that the City Manager is authorized to do all things necessary to execute the purchase described above.

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

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

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-24 by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2023-24 by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Higbee, that Resolution 2023-24 be passed. So moved, the motion passed by roll call vote. Mayor Grenier declared the 2/3 majority had been met.

NEW BUSINESS

1. Resolution 2023-25 CDBG Brown Duplex (1st read)

Councilor Remillard moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for June 19, 2023. So moved, the motion carried.

2. Resolution 2023-26 AFG Grant FD Driver Training (1st read)

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for June 19, 2023. So moved, the motion carried.

3. Resolution 2023-27 Adopting 2024 Budget (1st read)

Councilor Remillard moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for June 19, 2023. So moved, the motion carried.

4. Ordinance 2023-03 Amend Chapter 2 (1st read)

Councilor Berthiaume moved, with a second by Councilor Higbee, to table the Ordinance and schedule a public hearing for June 19, 2023. So moved, the motion carried.

5. Ordinance 2023-04 Amend Chapter 10-5 Fireworks Penalties (1st read)

Councilor Remillard moved, with a second by Councilor Higbee, to table the Ordinance and schedule a public hearing for June 19, 2023. So moved, the motion carried.

6. Ordinance 2023-05 Amend Chapter 15 Section 37 Truck Routes (1st read)

Councilor Remillard moved, with a second by Councilor Higbee, to table the Ordinance and schedule a public hearing for June 19, 2023. So moved, the motion carried.

7. City Manager's Report

1. FEMA contacted the City regarding damage during the rain event in early May, the repair to the Hillsboro Street drainage was submitted for a potential reimbursement – at this time FEMA is gathering damage estimates in anticipation of a federal disaster declaration.
2. Work continues on correcting ordinance issues on properties in the city, specifically in the areas of uninspected motor vehicles and unregistered items on the city streets. Some instances will need legal intervention to resolve.
3. Both vehicle and ATV traffic has greatly increased with the unofficial beginning of summer. The police department has been spending considerable effort in ensuring that both residents and visitors remain safe on the roads and on the trails.
4. Local volunteers have recently done a wonderful job in beautifying the downtown areas, Riverwalk, gardens and traffic islands. If and when we receive assistance from either the federal prison or court ordered community service we will use these people to assist in cleaning up roadside trash.

City Manager Warren commented that the amount of grants that the City Council voted on tonight total \$2,731,500.

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

Councilor Roland Theberge asked about paving on Hillsboro Street and was advised it will be done either this Friday or the following Friday.

Councilor Robert Theberge asked about the geese, as they are back. City Manager Warren advised that US Fish and Wildlife advised that they should harass and haze the geese. Mr. Warren noted that private landowners have been advised to contact US Fish and Wildlife directly. Councilor Higbee noted that the problem seems to be getting worse by the day, and that he has chased several geese, but the public did not like this.

Councilor Morency asked about people on working motor vehicles in the roadway. City Manager Warren noted that people are not allowed to dump any fluids in the roadway, but working on a motor vehicle is a gray area. Chief Daniel Buteau advised that he will look into it, but does not believe there is an ordinance to deal with this.

Councilor Berthiaume commented on the increased traffic and stated that the Council should be reviewing the OHRV ordinance each year. Ms. Berthiaume stated that small neighborhoods are feeling the impact of the 10 pm curfew, and noted that the time should be the same as the rest of the towns and the trails, which is ½ hour after sunset. Chief Buteau stated that the Police Department has had special details to address the OHRV traffic.

So moved, the motion passed.

8. Mayor's Report

a. Trustee of Trust Funds Appointment – D. Martin

Dear Mayor Grenier and City Council:

I wish to express my interest in continuing my appointment as the Trustee of Trust Funds under Chapter 2 of the City's Ordinances for a term to expire 6/30/2026.

Sincerely,

David Martin

Councilor Remillard moved, with a second by Councilor Higbee, to approve the nomination of David Martin as a Trustee of Trust Funds for a term to expire on June 30, 2026. So moved, the motion carried.

9. Public Comments

There were no public comments.

10. Council Comments

There were no Council comments.

11. Adjournment

On a motion by Councilor Higbee, seconded by Councilor Berthiaume, the Council voted to adjourn the meeting at 8:39 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.