

## **CITY COUNCIL MEETING – Monday, June 19, 2023**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:34 pm for Resolution 2023-25 CDBG Brown Duplex.

Pierre Lessard of 86 Jericho Road asked if there was an escrow account required by CDFA in case the developer decides to walk away from the project halfway through. Director of Strategic Initiatives Pamela Laflamme advised they do not typically require this.

Mayor Grenier closed the Public Hearing at 7:36 pm.

Mayor Grenier opened the Public Hearing at 7:36 pm for Resolution 2023-26 AFD Grant FD Driver Training. There were no public comments. Mayor Grenier closed the Public Hearing at 7:37 pm.

Mayor Grenier opened the Public Hearing at 7:37 pm for Resolution 2023-27 Adopting 2024 Budget. There were no public comments. Mayor Grenier closed the Public Hearing at 7:37 pm.

Mayor Grenier opened the Public Hearing at 7:37 pm for Ordinance 2023-03 Amend Chapter 2. There were no public comments. Mayor Grenier closed the Public Hearing at 7:38 pm.

Mayor Grenier opened the Public Hearing at 7:38 pm for Ordinance 2023-04 Amend Chapter 10.5 Fireworks Penalties. There were no public comments. Mayor Grenier closed the Public Hearing at 7:38 pm.

Mayor Grenier opened the Public Hearing at 7:38 pm for Ordinance 2023-05 Amend Chapter 15 Section 37 Truck Routes. There were no public comments. Mayor Grenier closed the Public Hearing at 7:39 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:39 pm.

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

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

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

Absent: Councilor Remillard

Also present: City Manager Phillip Warren, Jr., Director of Strategic Initiatives Pamela Laflamme, Finance Director Holly Larsen, City Clerk Shelli Fortin, Police Chief Daniel Buteau, Kyle Lacasse, Pierre Lessard, and Lisa Connell, Berlin Daily Sun.

**c.** Councilor Roland Theberge moved, with a second by Councilor Robert Theberge, to accept the minutes of the June 5, 2023 Regular Meeting and Work Session. So moved, the motion passed.

### **Disbursements:**

Disbursement Summary Draft #1939 start date 06/06/2023 end date 06/19/2023 for a total cash disbursement of \$912,874.85. 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 2023-25 CDBG Brown Duplex (tabled 6/5/2023)**

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 Brown Duplex, LLC (Kyle Lacasse) toward the renovation of the 18 Peavey Lane, into approximately 4 units of primarily affordable housing units for 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 housing and public facility CDBG projects that primarily benefit low- and moderate-income households/persons; and

Whereas, if awarded, up to Four Hundred Seventy-Five Thousand Dollars (\$475,000) of the funds would be subgranted to Brown Duplex, LLC to use toward the construction costs of renovating the building at 18 Peavey Lane into approximately 4 units of primarily affordable housing for low- and moderate-income households; and

Whereas, up to 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, up to Four Hundred Seventy-Five Thousand (\$475,000) of the grant to be subgranted to Brown Duplex, LLC, and the City Manager is authorized to execute any documents which may be necessary to effectuate the CDBG contract and any amendments thereto.

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 2023-25 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-25 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2023-25 be passed. So moved, the motion passed.

**3. Resolution 2023-26 AFG Grant FD Driver Training (tabled 6/5/2023)**

In the Year of Our Lord Two Thousand Twenty-Three

**A RESOLUTION** accepting an Assistance to Firefighters Grant for \$42,746.49

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

Whereas, The Fire Department is applying for the Assistance to Firefighters Grant to obtain funding to receive mandatory Fire Apparatus Driver Operator training (NFPA 1002), and;

Whereas, if this grant is awarded the City would be responsible for a 5% match to this grant totaling \$2,035.55 which will come from the Fire Department budget, account 01-421-421216-1000, and;

Whereas, this training is mandatory as per the provisions of the previous year FEMA fire apparatus grant that was accepted.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that if awarded the Assistance to Firefighter grant, the City will authorize the expense of \$2,035.55.

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

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

Councilor Higbee moved, with a second by Councilor Morgan, to read Resolution 2023-26 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Resolution 2023-26 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, that Resolution 2023-26 be passed. So moved, the motion passed.

**4. Resolution 2023-27 R1 Adopting 2024 Budget (tabled 6/5/2023)**

**A RESOLUTION** adopting a budget in the amount of Fifty-Three Million, Nine Hundred Thirteen Thousand, Two Hundred Ninety-Three dollars (\$53,913,293.00) and appropriating such to defray the expenses of Berlin's City Government for the fiscal year 2024

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

That the following budget be adopted and accordingly, the sum of Fifty-Three Million, Nine Hundred Thirteen Thousand, Two Hundred Ninety-Three dollars (\$53,913,293.00) be appropriated to defray the expenses of Berlin's City Government for the period of July 1, 2023 through June 30, 2024, less expected revenues, with the balance to be raised by taxation on real estate of the municipality.

Account Number	Description	FY 23 BUDGET	FY24 COUNCIL BUDGET
			<b>PUBLIC HEARING</b>
01-401	MAYOR AND CITY COUNCIL Total	\$ 70,958	\$ 496,811
01-402	ADMINISTRATION Total	\$ 1,223,960	\$ 817,349
01-403	ELECTIONS Total	\$ 18,450	\$ 101,490
01-404	CITY HALL AND OTHER BUILDINGS Total	\$ 65,810	\$ 67,238
01-405	SPECIAL FUNDS Total	\$ 300	\$ 300
01-406	PROPERTY AND LIABILITY INS Total	\$ 89,000	\$ 89,000
01-408	CENTRAL SERVICES Total	\$ 33,500	\$ 31,000
01-409	DISCOUNTS/ ABATEMENTS/DEEDED P Total	\$ -	\$ 125,000
01-410	PERSONNEL BENEFITS Total	\$ 434,153	\$ 482,362
01-411	CONTINGENCY Total	\$ 10,000	\$ 10,000
01-412	OUTSIDE AGENCIES Total	\$ 83,822	\$ 114,182
01-413	CEMETERY Total	\$ 27,550	\$ 27,472
01-416	IT DEPARTMENT Total	\$ 215,800	\$ 238,900
	<b>TOTAL GENERAL GOVERNMENT</b>	<b>\$ 2,273,303</b>	<b>\$ 2,601,104</b>
01-420	POLICE DEPARTMENT Total	\$ 3,797,220	\$ 3,957,540
01-421	FIRE DEPARTMENT Total	\$ 2,455,402	\$ 2,447,876
01-422	STREET LIGHTING Total	\$ 95,500	\$ 95,500
01-423	AMBULANCE SERVICE Total	\$ 377,781	\$ 392,032
01-424	SPECIAL PUBLIC SAFETY Total	\$ 169,410	\$ 181,550
	<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 6,895,313</b>	<b>\$ 7,074,498</b>
01-425	HOUSING DIVISION Total	\$ 96,016	\$ 92,909
	<b>TOTAL HOUSING DIVISION</b>	<b>\$ 96,016</b>	<b>\$ 92,909</b>
01-426	CODE ENFORCEMENT Total	\$ 126,114	\$ 130,048
	<b>TOTAL CODE DIVISION</b>	<b>\$ 126,114</b>	<b>\$ 130,048</b>

01-430	PUBLIC WORKS Total	\$ 2,562,825	\$ 2,656,532
01-436	SOLID /PW Total	\$ 875,841	\$ 823,515
	<b>TOTAL PUBLIC WORKS</b>	<b>\$ 3,438,666</b>	<b>\$ 3,480,047</b>
01-441	WELFARE Total	\$ 123,465	\$ 133,304
01-449	PARKS Total	\$ 302,803	\$ 312,318
01-450	RECREATION DEPARTMENT Total	\$ 217,323	\$ 230,027
01-451	LIBRARY Total	\$ 229,356	\$ 256,658
	<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 872,947</b>	<b>\$ 932,307</b>
01-470	DEBT SERVICE Total	\$ 889,304	\$ 830,148
01-480	CAPITAL IMPROVEMENT PROJECTS Total	\$ 997,768	\$ 629,745
	<b>TOTAL CITY DEBT AND CIP</b>	<b>\$ 1,887,072</b>	<b>\$ 1,459,893</b>
01-460	SCHOOL OPERATING BUDGET Total	\$ 21,060,921	\$ 21,550,000
01-461	SCHOOL CAPITAL IMPROVEMENTS Total	\$ 155,000	\$ 558,300
	<b>TOTAL SCHOOL GENERAL FUND</b>	<b>\$ 21,215,921</b>	<b>\$ 22,108,300</b>
01-407	<b>COUNTY TAX Total</b>	<b>\$ 2,388,686</b>	<b>\$ 2,500,000</b>
01-414	<b>TRANSFER OUT Total</b>	<b>\$ 69,659</b>	<b>\$ 5,300</b>
	<b>TOTAL CITY GENERAL FUND</b>	<b>\$ 39,263,697</b>	<b>\$ 40,384,406</b>
	<b>OTHER CITY FUNDS</b>		
FUND 10	SCHOOL EDUCATION GRANTS Total	\$ 8,751,273	\$ 7,975,273
11-464	SCHOOL FOOD SERVICES Total	\$ 747,244	\$ 755,772
19-438	RECREATION ACTIVITY FUND Total	\$ 40,000	\$ 40,000
21-402	BERLIN INDUSTRIAL DEVELOPMENT Total	\$ 333,444	\$ 335,684
FUND 30	GRANT FUND Total	\$ 1,221,406	\$ 404,613
60-432	SEWER FUND TOTAL w/ Capital and Debt Service	\$ 3,518,056	\$ 3,692,436
63-437	CATES HILL LANDFILL Total	\$ 7,200	\$ 7,200
65-490	BERLIN AIRPORT Total w/ Capital	\$ 549,074	\$ 317,909
	Total Other Funds	\$ 15,167,697	\$ 13,528,887
	<b>TOTAL CITY BUDGETS - ALL FUNDS</b>	<b>\$ 54,431,394</b>	<b>\$ 53,913,293</b>

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 amend Resolution 2023-27 by adding \$62,608.00 to account 01-480 Capital Improvement Projects, and \$1,000.00 to 01-412 Outside Agencies. The new total will be \$53,913,293.00. So moved, the motion carried unanimously by roll call vote.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2023-27 R1 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 2023-27 R1 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 2023-27 R1 as amended be passed. So moved, the motion passed unanimously by roll call vote. Mayor Grenier declared that the 2/3 majority required was met.

**5. Ordinance 2023-03 Amend Chapter 2 (tabled 6/5/2023)**

In the year of our Lord Two Thousand Twenty-Three

**AN ORDINANCE** amending the CODE OF ORDINANCES, Chapter 2 – Administration, Article VI Division 3 – Procurement 2-426 -2-433

**Be it ordained by the City Council of the City of Berlin, as follows:**

That the aforementioned Division of the City Ordinance is amended as below:

**DIVISION 3. PROCUREMENT\***

**Sec. 2-426. Administration.**

The City Manager, or his/her duly appointed representative, shall be the purchasing agent for every City department or agency of the City excluding the water works and school department. The City Manager shall sign all contracts for services which may be necessary for any of the City's departments or agencies which are required to purchase supplies, materials, or equipment through the City purchasing agent. No department of the City shall retain special counsel without explicit approval of the City Council. This section applies to all departments of the City, including the school department and the police department.

(Ord. of 12-16-02)

**Sec. 2-427. Competitive purchasing.**

Except as hereinafter provided, every City purchase or contract greater than fifteen thousand dollars (\$15,000.00) in amount shall be made only after the receipt by City of publicly invited sealed competitive bids on uniform specifications. After recommendation from the department making the purchase, the City Manager shall award the contract to the lowest responsible bidder; quality, delivery, financial responsibility and guarantees of the bidders being equal. The City Manager may, in his/her discretion, reject any bid deemed insufficient or inadequate, or may reject all bids.

Except as hereinafter provided, every City purchase or contract of greater than five thousand dollars (\$5,000.00) but no more than ~~fifteen thousand dollars (\$15,000.00)~~ twenty thousand dollars (\$20,000) shall be made only after receipt by the City of three (3) or more (if reasonably obtainable) competitive informal written quotations or phone quotations which are adequately documented.

Every purchase of five thousand dollars (\$5,000.00) or less shall be handled by the City on as competitive a basis as is deemed reasonable and prudent.

Purchases made through existing State of New Hampshire or other state contracts or Coos County contracts shall be deemed to meet the requirements of the above paragraphs. Nothing herein shall be construed to prevent joint bidding and contracting by the City and other public jurisdictions, and in fact, such is encouraged.

(Ord. of 12-16-02)

**Sec. 2-428. Professional services.**

Professional services contracts (architecture, engineering, construction management, risk management, financial and auditing and other professional services or consulting work) of ~~ten thousand dollars (\$10,000.00)~~ twenty thousand dollars (20,000) or more may be entered into after receiving proposals from various interested firms, evaluating those proposals and anticipated quality of service to be rendered, and City Manager recommendation to and approval by the City Council. Such services of ~~ten thousand dollars (\$10,000.00)~~ twenty thousand dollars (\$20,000) or less may be procured in a manner deemed reasonable and prudent by the City Manager. (Ord. of 12-16-02)

**Sec. 2-429. Change orders.**

Contract change orders are hereby authorized to be made where necessary by the City Manager but shall not exceed ten (10) percent of the amount of the original contract unless specific City Council approval is obtained.  
(Ord. of 12-16-02)

**Sec. 2-430. Exceptions, waivers, standardization and emergencies.**

Valid exceptions not subject to the above procurement requirements are utility purchases, legal services, medical, advertising, subscriptions and periodicals, postage, freight, health, travel and social services for City employees, the purchase of insurance, maintenance contracts with manufacturers of equipment purchased or with suppliers of data processing software or where the City decides to contract with non-profit organizations for the provision of health, welfare, social or recreational services for the City and/or to the general public or where the City decides to contract with governmental agencies for the provision of governmental services.

Sealed, publicly invited competitive bids will not be required for purchases in any situation where a contractor or supplier has defaulted upon his or her obligations to the City and there is present a security guaranteeing to the City the performance of said obligation at no additional cost to the City, over and above the original obligation. In such a case, the City Manager, with the approval of the City Council, may renegotiate and award the contract to whomsoever he/she sees fit providing that said renegotiation and award does not exceed the amount contracted for in the original obligation.

The City Council, on recommendation from the City Manager, may waive any of the above purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the City Council deems to be in the interest of the City.

Where it is deemed appropriate to standardize on the procurement of materials, supplies, equipment or services, the City Council shall so indicate by resolution. The City finance department shall maintain an up-to-date listing of such standardized items or services. The procurement of such standardized items or services will be exempt from the foregoing bidding requirements. Nevertheless, City departments will, when reasonably possible, attempt to obtain competitive quotes from different suppliers, if any, for the standardized item or service.

In case of an accident or emergency, the City Manager may award contracts and make purchases for the purpose of repairing damages caused by the accident or meeting the public emergency without meeting the purchasing requirements of the above sections. In such cases the City Manager shall promptly file with the City Council a report which certifies the emergency nature of the incident and itemizes the purchases and their costs.

In the case of state or federally funded public works projects the City shall follow the procurement process established by the state and or federal agency funding the project.

(Ord. of 12-16-02)

**Sec. 2-431. Sale of surplus material.**

The City Manager may authorize the sale of materials and equipment which he or she determines to be surplus to the needs of the City where a single item or lot does not exceed ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000) in book value. In cases where such item or lot exceeds ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000) in book value, the City Council shall approve the sale of such materials. All such surplus materials shall be disposed of by public auction or competitive bids or quotations.

(Ord. of 12-16-02)

**Sec. 2-432. Sale of Land.**

Generally, land owned by the City, which is determined by the City Council to be surplus land, will be sold by public auction or sealed bid or by such other means as the City Council determines to be in the best interest of the City.

Property taken by the City by tax deed will be processed and disposed of or retained in accordance with state laws and the above paragraph. However, in cases where former non-commercial residential property owners who occupied the property as their primary residence at the time of tax-deeding and who seek to repurchase their tax deeded property by tendering payment for all outstanding taxes, interest, fees and costs, the 15% assessment penalty referred to in RSA 80:90, I(f), is hereby waived, if and only if, such property has not been tax deeded by the City from the same or related (husband, wife, son, daughter, mother, father, sister, brother, grandparent or grandchild) owner(s) before, and if and only if, such non-commercial residential property was not under a

condemnation order, notice of zoning violation or notice of other property-related violation of the law. Non-commercial as used herein shall mean property of no more than two residential units that has been the primary residence of the former owner for at least three (3) years at the time of tax deedding.  
(Ord. of 5-17-04) (Ord of 10-1-07)

Property taken by the City by tax deed will be processed and disposed of or retained in accordance with the provisions of this Code, state laws and the above paragraph. However, in order to allow more time for a former non-commercial residential property owner of a tax deeded property to repurchase his or her property after having given notice to the City of intent to repurchase, the time for a former non-commercial residential property owner to tender payment of all back taxes, interest, costs and penalties provided by law, is hereby extended an additional fifteen (15) days from the date the former non-commercial residential property owner provides written notice of the intention to repurchase the property and to pay all back taxes, interest, cost and penalties as defined in RSA 80:90. This fifteen (15) day extension of the deadline coupled with the 15 days the former non-commercial residential property owner has pursuant to RSA 80:89, II, to tender the monies needed to repurchase the property provides the former property owner up to a potential period of sixty (60) days from the date the former non-commercial residential property receives his/her Opportunity to Repurchase Notice to both provide notice of intention to repurchase the Tax Deeded property and to tender payment therefore.

If a former non-commercial residential property owner, in response to the Opportunity to Repurchase Notice, does not give notice of intent to repurchase within the first thirty (30) days or does not tender full payment within thirty (30) days of giving notice of intent to repurchase, then the City will proceed to offer the property for sale, retain or otherwise dispose of the property without any interest by the former non-commercial residential property owner, as provided by RSA 80:89. All other former property owners of City tax deeded properties will be held strictly to the repurchase time restrictions cited in RSA 80:89, II.  
(Ord. of 9-06-05)

If the former owner of a non-commercial residential tax-deeded property repurchases the property from the City the City may, as in its sole discretion determines appropriate, enter into a written agreement with the former non-commercial residential property owner which provides that some or all of the 15% assessment fee may be returned to the former non-commercial residential property owner by the city if such former owner in such written agreement is willing to see to the removal of the condition(s) which resulted in the 15% assessment fee not being waived as provided in the first paragraph above within the time frame and in complete accordance with the conditions stipulated in the agreement.  
(Ord. of 10-03-05)

If the former owner of a commercial residential tax-deeded property repurchases the property from the City, the City may, as in its sole discretion determines appropriate, enter into a written agreement with the former commercial residential property owner which provides that some or all of the 15% assessment fee may be returned to the former commercial residential property owner by the City if such former owner in such written agreement agrees to perform demolition and/or other work on the property which the City believes to be in the public interest to have accomplished and which the City believes has a value greater than the amount being returned to the former commercial residential property owner. To be eligible for any such reimbursement, the former commercial residential property owner must complete all such work to the satisfaction of the City within the time frame and in complete accordance with the conditions stipulated in the written agreement.  
(Ord. of 10-03-05)

#### **Sec. 2-433. Purchasing regulations.**

The City Manager is hereby authorized to issue additional rules and regulations with respect to procurement by the City of supplies, equipment or services as well as the sale of surplus material within the confines of this division.  
(Ord. of 12-16-02)

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

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

Councilor Higbee moved, with a second by Councilor Morgan, to read Ordinance 2023-03 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Ordinance 2023-03 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, that Ordinance 2023-03 be passed. So moved, the motion passed.

**6. Ordinance 2023-04 Amend Chapter 10.5 Fireworks Penalties (tabled 6/5/2023)**

In the year of our Lord Two Thousand Twenty-Three

**AN ORDINANCE** amending the CODE OF ORDINANCES, Chapter 10.5 Offenses and Miscellaneous Provisions, Section 10.5-20 Penalties

**Be it ordained by the City Council of the City of Berlin, as follows:**

That the aforementioned Section of the City Ordinance is amended as below:

**Sec. 10.5-20. Penalties.**

Any person who violates the provisions of Sec. 10.5-16 (3) (b) shall be guilty of a violation, punishable by a fine of not less than follows: 1<sup>st</sup> offense - \$100; 2<sup>nd</sup> offense within a 24-month period - \$250 3<sup>rd</sup> and subsequent offenses within a 24-month period - \$500 per offense

Any person who violates ~~the~~ any other provisions of this article shall be guilty of a violation, punishable by a fine of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100), but not exceeding one thousand dollars (\$1,000.00).  
(Ord. of 9-16-96, § IX)

This Ordinance 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 Morgan, to read Ordinance 2023-04 by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, to read Ordinance 2023-04 by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Morgan, that Ordinance 2023-04 be passed. So moved, the motion passed.

**7. Ordinance 2023-05 Amend Chapter 15 Section 37 Truck Routes (tabled 6/5/2023)**

In the year of our Lord Two Thousand Twenty-Three

**AN ORDINANCE** amending the CODE OF ORDINANCES, Chapter 15 Section 37 – Truck Routes.

**Be it ordained by the City Council of the City of Berlin, as follows:**

That the aforementioned Section of the City Ordinance is amended as below:

**Sec. 15-37. Truck routes.**

All commercial truck traffic shall use the designated truck routes or other temporary detour routes designated by the police department. Any commercial truck, required to make a delivery or pick up in the adjoining residential neighborhoods to the truck route, is hereby exempted from this truck route solely for the purposes of pick up or delivery.

Trucks which are single axle, tandem axle, tandem axle single body, and combinations with semi-trailers and all trucks having a minimum gross vehicle weight of 18,000 pounds or greater as per RSA 434:1 et seq. are to use the following truck routes:

- (1) East bound traffic on Route 110 shall utilize ~~Madigan Street to Second Avenue to Green Street~~ Wight Street to Pleasant Street (Route 16) if they are headed southerly and to the Cleveland Bridge if they are headed northerly;
- (2) Westerly bound traffic coming north on Route 16 shall utilize Glen Avenue to ~~Green Street to Second Avenue to Madigan Street~~ to Wight Street and Route 110 West;
- (3) Westerly bound traffic coming south on Route 16 shall use the Twelfth Street Bridge to Hutchins Street to ~~Coos Street to Unity Street~~ and the Cleveland Bridge to Route 16 North (Glen Ave.) to ~~Green Street to Second Avenue to Madigan Street~~ to Wight Street and Route 110 west;
- (4) North bound truck traffic on Route 16 shall use the James C. Cleveland Bridge to ~~Unity Street to Coos Street~~ to Hutchins Street to the 12th Street Bridge to Route 16 north;
- (5) South bound truck traffic on Route 16 shall use the Twelfth Street Bridge to Hutchins Street to ~~Coos Street to Unity Street~~ and the Cleveland Bridge to Route 16 South.
- (6) ~~All emergency trucks, municipal or government, as well as trucks conducting business on the restricted portions of Mt. Forist Street and Third Avenue shall be exempted from this section.~~
- (7) (6) Any truck in violation of this section shall be fined not less than ~~one hundred dollars (\$100.00)~~ two hundred fifty (\$250) for each and every offense without any suspension of the fine or part thereof. ~~It shall be prima facie evidence of a violation if any truck described above is found to be on Mt. Forist Street between First Avenue and Third Avenue and on Third Avenue from Madigan to Mt. Forist Street.~~

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

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

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Ordinance 2023-05 by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, to read Ordinance 2023-05 by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Berthiaume, that Ordinance 2023-05 be passed.

Councilor Roland Theberge stated that last weekend a truck from Canada went right up through Main Street. City Manager Warren advised that the truck route is registered with the State, however there are two types of GPS that can be used, one for regular vehicles and one for trucks. Unfortunately the one for trucks is more expensive, and many truck drivers use the regular one which does not denote the truck routes. Mr. Warren advised new truck route signs would be installed as soon as a sign company is found to do the work for us, and that should help.

So moved, the motion passed.

## **NEW BUSINESS**

1. Resolution 2023-28 NHDES Cybersecurity WWTF (1<sup>st</sup> read)

Councilor Roland Theberge moved, with a second by Councilor Higbee, to table the Resolution and schedule a public hearing for July 3, 2023. So moved, the motion carried.

2. City Manager's Report

1. Attached is the May 2023 Property Transfer list.
2. Work continues on the salt shed structure project. Staff is performing in house work and the structure will probably clear design shortly, the goal being that the structure is operational for this winter.
3. The engineering firm for the Route 110 utility extension has returned a report on their investigation, this office will review it during the coming weeks and propose next steps. Funding for this project has not been identified at this time.
4. In response to the Rainbow People gathering being held at Kilkenny the Police Chief will provide an update on plans being made for this event.

City Manager Warren also advised that there is a link on our website to a post from the USFS that covers the Rainbow Gathering and has information for the public about the event.

Police Chief Daniel Buteau advised that they have been working with the USFS for the last two weeks to prepare for the Rainbow Gathering, and are working with state and local partners, along with Fire and EMS providers. Chief Buteau advised there will be an increase in traffic, and there could be an increase in crime and motor vehicle violations. Chief Buteau advised that the police department would be handling communications for the USFS and that their national team is here to deal with the event, which although it is on land in Berlin and Randolph it is National Forest land. The event is expected to last through July 7, with the peak on July 4. Chief Buteau advised that there are already a few hundred participants, and they are keeping a close eye on the situation and working with their partners.

Mayor Grenier noted that on the property transfer list, most properties are still selling higher than the new assessed value. City Manager Warren agreed, stating that although the volume of sales is down, properties are still selling at or above market rate.

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

Councilor Eastman asked about the Route 110 utility expansion and City Manager Warren advised that he just received the email today, and will hopefully start reviewing sometime this week.

Councilor Robert Theberge asked if the City had received payment from the county for the salt shed. City Manager Warren advised that it is a reimbursement program, and the City has not expended they funds yet. Once expended, they will submit to the County for reimbursement. Councilor Robert Theberge advised there is a deadline, and City Manager Warren advised he was aware of the deadline to complete the project.

Councilor Robert Theberge asked about the cyber-glitch that happened this week, and City Manager Warren advised that it has been rectified. They are working through issues with Primex and their IT provider, but the City is 100% operational.

Councilor Berthiaume asked about the Rainbow Gathering and if the police department could tell them not to trespass. Chief Buteau advised that all of the land is in the National Forest, which is under the jurisdiction of the USFS.

Councilor Morency asked if there was anything the police department needed to know concerning the event, and Chief Buteau advised that citizens should report anything to the police department that happens within the City limits.

Councilor Berthiaume asked about clean-up after the gathering, and Chief Buteau advised that the USFS and the group have a plan for clean-up afterwards.

It was noted that the Pond of Safety Road is closed for repairs, so there would be no access to the Rainbow Gathering location from the Jefferson side.

So moved, the motion passed.

## **8. Mayor's Report**

- a. Letter from J. Pemberton re: Removing a No Parking Area

Dear Mayor Grenier and City Council,

I am writing to ask to have the no parking removed from Moreau St. There are no actual addresses on the street, it was originally put in so the delivery truck did not need to go up Elm St. In the winter to get to Elm Street Market which has been closed for many years now. When my father Michael Perreault owned the house he had the no parking sign removed. We have gone over 30 years with parking on the street and had no issues. With no parking on the street we can no longer park on the side of my own property. Which is where the main entrance and garage is. During winter months vehicles only park for mainly unloading groceries or someone getting picked. The street is mainly access to driveways of the 77 and 83 Elm St and 90 and 98 Spruce St. This would be greatly appreciated.

Sincerely,  
Jessica R. Pemberton

Councilor Roland Theberge moved, with a second by Councilor Morgan, to remand the letter from Jessica Pemberton to the Traffic Safety Committee for review and recommendation, along with the Police Department. So moved, the motion carried.

Mayor Grenier advised that the state passed the budget. The House budget would have included more than \$800,000 for education, but nothing for bridges or streets. The final budget includes \$430,000 for education, and money for street and bridge maintenance, for a total of about \$615,000.

**9. Public Comments**

There were no public comments.

**10. Council Comments**

Councilor Higbee pointed out that the current issue of the NH Municipal Association magazine has Holly Larsen featured in an article.

Councilor Morency pointed out that there is a lot of foliage growing at the Twelfth Street bridge intersection, which makes it difficult to see traffic. City Manager Warren will take a look at this.

Councilor Berthiaume asked when Walgreens will be making repairs for the curb cuts made and City Manager Warren advised that they have guaranteed the will be done this construction season.

**11. Adjournment**

On a motion by Councilor Higbee, seconded by Councilor Berthiaume, the Council voted to adjourn the meeting at 8:23 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.