

City Council Work Session December 13, 2021

Present were: Mayor Grenier, Councilors Eastman, Remillard, Morgan, Higbee, Rozek, Otis and Theberge. Councilor Berthiaume was absent.

Others present: Interim City Manager Pam Laflamme, Chief of Police Peter Morency, William Carroll, Berlin Daily Sun and Stuart Light.

Mayor Grenier called the meeting to order at 6:32pm.

Zoning Ordinance Amendment

Ms. Laflamme brought back the zoning ordinance discussion as requested by Mayor Grenier during the December 6, 2021 City Council Work Session. She commented she looked back at Planning Board meeting minutes and realized the board started discussions on these items back in May 2021. These discussions were the result of the Urban3 presentation that showed density as being a good thing, especially with all the 50'x100' lots throughout the City. The zoning ordinance was completely redone in 1999, a year prior to her starting her position with the City. She commented that in the earlier days, there was a desire for the Planning Board to write an ordinance so that Berlin would start looking and aspiring to be a more upscale community.

The Planning Board started discussions earlier this year and addressed multiple items including; changing the standard lot size minimum from 100'x100' to 50'x100', set backs especially the side set backs on the 50'x100' lots, frontage, signage and allowing manufactured homes. She stated the three items she would like to bring forward to start would be changing the lot minimum to 50'x100', changing the frontage requirement and signage. Councilor Remillard commented she thinks the 50'x100' lots should be allowed as individuals wanting to subdivide will still have to come with a site plan to the Planning Board. Mayor Grenier suggested allowing the subdivision of 100'x100' lots into two 50'x100' lots, with the restriction of only allowing single family homes on each 50'x100' lots. Councilor Remillard commented she agrees with Mayor Grenier's suggestion. Councilor Higbee commented he agrees as the Urban3 presentation suggested the City develop the existing areas which will generate better tax revenue by square foot. Councilor Eastman commented he has no problem with the subdivision as it will increase tax revenue.

Councilor Eastman asked if the manufactured homes are on wheels and mentioned skirting requirements. Ms. Laflamme responded they're transported on wheels and then get set on site. She commented that a lot of communities that allow manufactured homes came up with sets of recommendations that are enforceable such as; putting the home on a slab, putting up skirting, things that make it look and feel like other homes in the neighborhood. Ms. Laflamme advised she would workout some language, run it by the City Attorney, run it back by the Planning Board and bring in to Council in January.

Brown School Discussion

Ms. Laflamme stated she sent Council information laying out the history and process that was used. She has been doing a significant amount of thinking about how the best way to move this forward might look like and this is what she has come to. She commented she is very confident herself in the two processes she had ran. She advertised it widespread including; Statewide newspaper, two local newspapers, the City Website, it was downloaded by different people and entities, there were walk throughs and people came and looked at it. This is how the City has sold properties in the past and this is how BIDPA disposes of properties, she followed the same process. There was a selection committee involved each time, and she gave Council a couple updates along the way. She commented it was a very protracted process but nevertheless, she feels good about how it happened. She understands that not everyone seemed to be aware and understand it, but she feels good about it. With this she stated two things. One would be either, because there was a vote back in the November 22, 2021 City Council work session to move ahead with New England Family Housing as proposed and laid out. Either we follow through with that process because in good faith, we have started down a path with developers. She has thrown a couple curve balls to the developer. The first one being in regards to the Bond that was taken out by the City to

replace windows at Brown School which is still being work through as it's still unsure if it needs to be paid back at this time. The second is in regards to a new State Law effective January 1, 2022 which states all vacant school properties when put out for reuse, there needs to be a first right of refusal given to existing Charter schools. This means the City would send the proposed purchase and sale agreement to the Charter school administrator for the State who would put it out to existing schools with Charters that are either in existence or not yet built. However, understanding there was a lot of feedback given to Council and has been out and about in the community, if Council decides to do something different, she suggests Council starts the process all over. She is not sure what mechanism would be used to do it differently to get a wider variety. Could be using a commercial broker or not advertising through an RFP process, there are other options out there.

Councilor Remillard strongly recommends to move forward as it was originally planned. She commented the City has been holding on to this building long enough and the only developers that came through were the same ones each time. Councilor Rozek commented if Council does decide to move forward, he would like to see some restrictions placed as covenants like no unregistered motor vehicles on the property, no out buildings on the property and ability to change the footprint of the building or keep it as is. Ms. Laflamme responded to Councilor Rozek that what should be required in the purchase and sale agreement is that the project goes through site plan. She stated the difference between covenants and conditions for site plan is that something written into a deed as a covenant is enforced by the original writer of the covenant which in this case would be the City, but you enforce that through legal action by going to the courts to enforce what's in your covenant. If you do a site plan and you have the Planning Board put a list of conditions such as making sure they'd come back to the Planning Board for any further expansion, that there should be no unregistered motor vehicles, that out buildings not be built on the property, any lists of conditions there which is then enforced by your regular code enforcement process. It is easier to keep up with and less costly.

Councilor Remillard commented that Bartlett school is owned by the same developer and she has never seen any issues mentioned above. Mayor Grenier commented that this building was built in 1913 which makes it 108 years old and despite what was said last week, there hasn't been millions of dollars dumped into that building. The roof was done about 15 years ago, windows and boiler were replaced. He agrees with Councilor Rozek that restrictions should be put in place. He also believes that if the City proceeds with the P&S agreement, that the estimated annual tax revenue be listed on that agreement. So, if the Charter school commission puts it out for first right to the Charter schools, it will be a condition of sale. Councilor Eastman questioned if this means establishing a sale price. Ms. Laflamme responded no, it would just be to understand the tax amount. She commented that at this time there is an estimated value on the building, but those values are not kept up at the same rate as the commercial properties are. The City would want to ask Corcoran Consulting to put a value on the property to understand what the taxes would be if it had 20 units of housing on that acreage and neighborhood to establish a commercial value as opposed to the current assessed value for municipal building.

Councilor Eastman commented that the Public is outraged that we are selling a perfectly good building for one dollar. With the real estate market being so hot right now, he suggests going through a broker that could sell it for market value. The profit from the sale could go towards fixing the roads. He feels the Public would be happier with this approach. Councilor Rozek stated since there is already a gentleman's agreement with a developer, why not ask the question to them if they'd be willing to spend \$50,000 for a purchase sale before going through a broker. He feels that would just be fair to them. Mayor Grenier reminded Council there is a recorded vote to award this project at the terms Council agreed to. The vote was 7 to 1. So, if it's decided to pull back and the Robert's rules of order isn't followed, this is putting the City in a potential legal situation. He commented this discussion should have happened when there was talk of selling the building. Councilor Higbee reminded Council that both times a request for proposal was put out, we did have professional developers look at the building and they were going to invest a lot of money into it, but were not going to pay more than a dollar for it. Mayor Grenier commented that if Council does decide to go through a commercial broker, the two developers that submitted proposals, will not come back for a third time.

Mayor Grenier commented that Council has already passed the ability to reconsider the vote as it would have had to be done during the following City Council work session meeting which was on November 29. He stated the

only path forward is to continue with TKB and make them aware of the Charter school. Ms. Laflamme commented she has already made them aware of the Charter school and the bond. They are also aware of the community conversations. Mayor Grenier commented before there is a resolution, he would like to see the language the City Attorney Chris Boldt puts together. Councilor Rozek requested to see the tax revenue from Bartlett. Ms. Laflamme responded she could provide this information. Ms. Laflamme commented that her path forward will be to work language into a proposed purchase and sale with the City Attorney to bring as a companion to a resolution which will likely be at the first January meeting.

Other

Councilor Rozek commented that he feels Ms. Laflamme, with the added roles she has taken as Interim City Manager, needs extra secretarial administrative assistance because of all the paperwork involved in everything she is doing and so much time involved that it just feels as though there is enough help here at City Hall that if she needed another assistant through this interim process that it should be made available to her. The job is stressful enough, never mind doing everything by yourself. She is currently undertaking the roles of Public Works Director, City Planner and Interim City Manager. He just feels another administrative assistant would help reduce her stress load as the last thing he wants to see is her getting frustrated and leave. Ms. Laflamme commented that the City Manager's Assistant has been very helpful and she wouldn't have gotten through her first week without her. The City Attorney has also been very helpful. She commented that yes things have increased in terms of volume as she is still doing her regular job and she also thanked Mark Lapointe, Assistant Public Works Director for doing what he can to try not to overwhelm her with things from the Public Works Department. She commented that last week was an interesting first week, but she is feeling better about it this week and while she appreciates the offer for more help, she will have no problems letting Council know if she does need the extra help. So far, Danielle has been great and Dawn who is in public works has been stepping in and asking where she can help out as well. On the administrative side, she is ok and will absolutely let Council know if she feels like she needs extra help.

At 7:32pm, Councilor Higbee moved with a second from Councilor Morgan to go into Non-Public Session per RSA 91-A:3 II; (a) The dismissal, promotion or compensation of any public employee (b) Hiring. So, moved, the motion carried by roll call with all in favor.

The dismissal, promotion or compensation of any public employee and Hiring matters were discussed.

At 7:40pm, Council and Staff came out of Non-Public Session.

At 7:41pm, Councilor Morgan moved with a second from Councilor Higbee to enter into Non-Meeting per RSA 91-A:2, I. (b) Collective Bargaining. So, moved, the motion carried by roll call with all in favor.

At 7:48pm, Mayor, Council and Staff came out of Non-Meeting.

Adjournment

There being no further business, Councilor Rozek moved to adjourn; Councilor Morgan seconded and the motion carried by all in favor. The meeting ended at 7:49pm.

Respectfully Submitted,
Danielle Rioux
Executive Assistant

*Minutes are unofficial until they have been accepted by the City Council by motion.