

**City Council Work Session**  
**April 11, 2022**

Present were: Mayor Grenier, Councilors Higbee, Eastman, Remillard, Morgan, Morency, Berthiaume and Robert Theberge. Councilor Roland Theberge was absent.

Others present: Interim City Manager Pamela Laflamme, Finance Director Holly Larsen, City Clerk Shelli Fortin, Lori Korzen, Steven Korzen, Ralph Collins, Adam Hammill, Jennifer Lazzaro, Micah Bachner, Amber Bachner and William Carroll, Berlin Daily Sun.

Mayor Grenier opened the meeting at 6:33 p.m.

Mayor Grenier requested to add an item to the agenda under other to discuss legislative items. Councilor Higbee moved with a second from Councilor Morency to add the item to the agenda under other. So moved, the motion carried with all in favor.

**FY23 Budget**

Mayor Grenier advised he has yet to meet with the Chief of Police and the Police Commission to discuss their budget. He's had preliminary discussions with the school department, but none of any consequence. There is still eleven weeks in this budget so it's impossible to determine what surplus is going to be. He stated the Federal Government did pass legislation which awarded the City of Berlin \$600,000 for the Mason Street Bridge which was part of the infrastructure bill. Congresswoman Kuster will be here next Thursday to discuss this project. This will be added as a revenue to the budget.

Ms. Laflamme gave an update on the Mason Street project. She commented HEB Engineers have been working with RM Piper to identify the cost for the second phase of the project. She stated there is a very compressed time period for RM Piper to be able to do the work. We have requested once again of Central Rivers an extra week to do our work during their drawdown. With the three weeks of drawdown time, RM Piper feels they can get the majority of everything for phase two done and at the lower end of the estimate which is about \$400,000. There will be some smaller items left to do under phase three, but these items should be able to get completed at any time. This will be all well covered under the congressionally directed spending request Congresswoman Kuster secured for the City of Berlin.

Ms. Laflamme advised two bids were received for the Riverwalk project. The bids came in higher than expected due to fluctuations in the price of gas and asphalt. Another item that wasn't taken into consideration is the construction engineering. We have to switch engineers. HEB Engineers has been what DOT refers to as our design engineer. They will consult in the construction phase, but we will have a new engineer which will be CMA Engineers. The cost for CMA Engineers came in higher than originally budgeted for, six years ago. With all those factors plus all of the items we had as bid alternatives, the City's match is higher than what we had been holding funds for. The amount for the base bid without the bid alternatives is \$316,829. We had originally anticipated it would be around \$190,000. For this, we have \$152,000 in segregated funds, \$15,000 in this current budget and \$20,000 in the next budget which amounts to the \$190,000 anticipated. With this said, to get to the \$316,829, we need an additional \$129,000. And if we want the bid alternatives as discussed, it brings it up to \$315,000 total needed. This project uses two different sources of funding. NH DOT funds 72% and the Northern Borders Commission funds 28%. Ms. Laflamme stated there is \$275,000 available from the construction loan, which was originally envisioned for the fire department floor which came in at \$800,000. The full \$275,000 could be allocated to completing the base bid for the Riverwalk, plus the bid alternatives and then only \$40,000 would be needed to finish the entire project as originally envisioned. We also have ARPA funds which are being used for lost revenue. None of these funds have been allocated yet. This current budget has over \$500,000 in ARPA funds with an additional \$500,000 of ARPA funds likely to come in August. Mayor Grenier commented the way this budget was structured, the ARPA funds should stay as revenue. He stated there is \$600,000 worth of

infrastructure funds of which \$400,000 is spoken for leaving \$200,000 available. Ms. Laflamme commented if the funds can be re allocated, then yes, that would work. Mayor Grenier advised if not able to re allocate the funds, the \$200,000 could be used for street repairs and re allocate funds from the Public Works street repairs line to the Riverwalk project. Council agreed to move forward with the full Riverwalk project including bid alternatives. Ms. Laflamme commented she will relay the information to HEB and NH DOT. They will likely give us the authority to go ahead and make the award to Ray's Electric which is the apparent low bidder. She will bring this to Council at the next Council meeting for their vote.

### **Discussion about Public comments**

Mayor Grenier commented he asked for this item to be on the agenda due to last week's Public comments getting out of order. He asked Ms. Laflamme to contact the City Attorney on what can be done to tighten up Public comments. He stated he read Robert's rules of order last Monday night and he was well within his rights to shut down Public comments the way he did as the meeting got out of hand. Ms. Laflamme handed to Council a copy of the Public Comment Rules of Conduct – Section XXI which was voted on by Council in January. She commented Attorney Boldt suggested a few items including placing copies of the Public Comment Rules of Conduct along with the agenda every week for people to take. Attorney Boldt also suggested limiting the Public comments to 3 minutes as 5 minutes is too long. He also stated one way to address resident comments versus non-resident comments is to prioritize and let residents speak first. You can also place a time limit on how long you will take Public comments.

Councilor Eastman asked for clarification of the seventh bullet point on the rules of conduct as it states a person may be arrested. In a discussion with NHMA, there's precedent in the past where a disruptive person was arrested and sued the police department and town. He commented a person can be removed but shouldn't be arrested. Mayor Grenier commented he agrees and doesn't want people arrested. He doesn't feel this is good government. Councilor Remillard commented she agrees 5 minutes is too long and should be reduced to 3 minutes. Councilor Higbee commented he likes that we have two Public comments during regular meeting. He suggested removing the arrested by a police officer statement. Councilor Berthiaume also suggested removing the arrested by a police officer statement and thinks 3 minutes per Public comment is plenty. Councilor Robert Theberge agrees with removing the arrested by a police officer statement and suggested having the person speaking stand in the middle of the room so all of Council can hear. Councilor Berthiaume moved to limit the participation of Public speaking to 3 minutes per individual with Berlin Residents and/or Tax Payers first in line to speak, strike "*may be arrested*" and ask that the individual speaking stand in the middle of the rail. Councilor Higbee seconded and the motion carried by all in favor.

### **Update on Brown School**

Ms. Laflamme advised CDFA held their Community Development Advisory Council meeting last Thursday to review the grants that were sent to them which included Brown School. Brown School is going to be funded. She also commented that today ends the sixty days of waiting for comment back from the Charter School Administrator. Nothing was received; therefore, we can proceed with the P&S agreement. She commented she will work with Mr. Coulombe and Mr. Lacasse to move forward as part of the agreement was them getting the CDBG grant. We have to wait for Governor and Council to sign off on a couple steps that have to happen and by the time the funds are made available to them, it will likely be late June, early July but they are able to start their due diligence. Mayor Grenier questioned if the items Councilor Rozek had requested to be added to the P&S agreement in regards to out buildings and more were included. Ms. Laflamme commented the items will be added into a Site Plan and Mr. Coulombe and Mr. Lacasse know they need to come to the Planning Board for a Site Plan. Councilor Berthiaume asked what the plan was for the playground. Ms. Laflamme advised it is part of the agreement that the playground equipment is going to the schools. Councilor Remillard asked what is the time frame on the closing of the P&S agreement. Ms. Laflamme commented she doesn't have a set date as all parties involved were waiting for these milestones to go by. An email will be started tomorrow to figure out what needs to be done and what the next steps are.

**Other**

Mayor Grenier advised he requested to add these items to the agenda along with Councilor Robert Theberge to discuss a number of items with regards to the City taking a position on Legislation that will be going before the House. Councilor Theberge discussed SB420 which is an education bill. He is looking for consideration from Council to support this bill. Mayor Grenier advised in this coming fiscal year (FY23), Berlin would receive \$377,415 and \$300,708 in the next fiscal year (FY24). He commented this is supplemental education funds and is titled "establishing an extraordinary need grant for schools". This bill was originally submitted by Senator Hennessey and he feels it is very appropriate to support our Senator by supporting this bill. The Council agreed to the Interim City Manager sending a letter on their behalf supporting SB420.

Councilor Robert Theberge discussed SB227 which is relative to death benefits of first responders including corrections officers who die from suicide. He commented the hearing for this bill went very well and it is going to Senate.

Councilor Robert Theberge discussed SB344 which is relative to remote meetings. He advised it passed the Senate last week. This bill would add a new provision to the Right-to-Know Law to allow the legislative body of a political subdivision to participate in meetings via electronic means where less than a quorum is physically present. In other words, town meeting could authorize their local boards to meet via Zoom, Teams, or other audio/video platforms. He commented there is a hearing on Wednesday for this bill, but the vote will not take place till next week. He is asking for the Council's position on this bill. Mayor Grenier commented he is opposed to this bill as he feels it is bad government. He feels a legislative body meeting to discuss issues should have a quorum and be present. There are many issues related to remote meetings including technical issues, communication gaps and lack of personal connection. Council agreed in opposition of this bill.

Councilor Robert Theberge discussed HB1268 as amended by the House replaces the phrase "which may seem for the well-being of the City" in the City Council powers statute, RSA 47:17, with the phrase "for abatement of nuisances that interfere with the use or enjoyment of property." NHMA has two concerns about this particular bill. The first is that there is already a provision relating to "nuisances" in RSA 47:17 in section XIV. This new language might limit that existing language, putting city ordinances already in place to deal with nuisances at risk of being nullified. Second, the existing, broad language allows cities to timely deal with local issues at the local level. Without that language, whenever issues arise that are not already covered by RSA 47:17, cities and citizens will need to appeal to the legislature to deal with these local issues. That change delays solutions and clogs the wheels of state government by requiring it to deal with issues that can and should be dealt with by local officials. Council agreed in opposition of this bill. Mayor Grenier advised Councilor Theberge he can testify that the City of Berlin is in opposition of this bill.

**Adjournment**

There being no further business, Councilor Berthiaume moved to adjourn; Councilor Higbee seconded and the motion carried by all in favor. The meeting ended at 7:51p.m.

Respectfully Submitted,  
Danielle Rioux  
Executive Assistant

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