

## **CITY COUNCIL MEETING – Monday, March 16, 2020**

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:44 p.m. in the Council Chambers.

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:44 pm for Resolution 2020-05 Authorizing Grant Application from NH Department of Safety for Opioid Abuse Reduction Initiative. There were no public comments. Mayor Grenier closed the Public Hearing at 7:44 pm.

Mayor Grenier opened the Public Hearing at 7:45 pm for Resolution 2020-06 Authorizing Grant Application from Homeland Security for ILO Program. There were no public comments. Mayor Grenier closed the Public Hearing at 7:45 pm.

Mayor Grenier opened the Public Hearing at 7:45 pm for Resolution 2020-07 Authorizing Grant Application from NH Department of Justice for Byrne JAG. There were no public comments. Mayor Grenier closed the Public Hearing at 7:45 pm.

Mayor Grenier opened the Public Hearing at 7:45 pm for Resolution 2020-08 Authorizing Grant Application from NH Highway Safety for Highway Safety Projects. There were no public comments. Mayor Grenier closed the Public Hearing at 7:46 pm.

Mayor Grenier opened the Public Hearing at 7:46 pm for Resolution 2020-09 Authorizing Grant Application from NH Fish & Game for OHRV Patrols. There were no public comments. Mayor Grenier closed the Public Hearing at 7:46 pm.

### **Regular Meeting**

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Grenier, Councilors Remillard, Morgan, Eastman, Higbee, Rozek, Berthiaume, and Theberge

Absent: Councilor Otis

Also present: James Wheeler, Susan Tremblay, Chief Peter Morency, Deputy Chief Daniel Buteau, Chief James Watkins, Pamela Laflamme, Julie King, Henry Noel, Ken Gordon, Shelli Fortin, Richard Laflamme, Jamie Welch, and Barbara Tetreault, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Morgan, to accept the minutes of the March 2, 2020 Regular Meeting and Work Session, the March 5, 2020 and March 12, 2020 Budget meetings, and the March 9, 2020 Work Session. So moved, the motion carried.

### **Disbursements:**

Disbursement Summary Draft #1859 start date 03/03/2020 end date 03/16/2020 for a total cash disbursement of \$1,015,585.50. Councilor Theberge moved with a second by Councilor Berthiaume to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

### **PUBLIC COMMENTS**

There were no public comments.

### **UNFINISHED BUSINESS**

1. Resolution 2020-05 Authorizing Grant Application from NH Department of Safety for Opioid Abuse Reduction Initiative (tabled 3/2/2020)

In the Year of Our Lord Two Thousand Twenty

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and receive grant funds from

the NH Department of Safety for the ongoing Opioid Abuse Reduction Initiative for Fiscal Year 2021.

WHEREAS the Berlin Police Department participates in the ongoing opioid grant program; and

WHEREAS opioid sales and abuse continue to cause overdoses, deaths, and a rise in serious crimes; and

WHEREAS Berlin is not immune to the opioid epidemic, and the Berlin Police Department has confirmed opioid trafficking in Berlin; and

WHEREAS the opioid epidemic has not only caused an increase in drug offenses but has affected an increase in property crimes and other non-drug related crimes which are taxing on the Police Department's and City's resources; and

WHEREAS the New Hampshire Department of Safety recognizes the severity of the opioid crisis and has grant funding available to support the continuation and expansion of successful partnership patrols and joint narcotics enforcement operations.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Safety for the ongoing Opioid Abuse Reduction Initiative. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2021. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

This Resolution shall be in full force and effect from and after 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 amend Resolution 2020-05, by striking Police Chief from the last sentence of the last paragraph, and adding City Manager. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-05 as amended by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-05 as amended by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2020-05 as amended be passed. So moved, the motion passed.

**2. Resolution 2020-06 Authorizing Grant Application from Homeland Security for ILO Program (tabled 3/2/2020)**

In the Year of Our Lord Two Thousand Twenty

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and accept funds from the NH Department of Safety for the State Homeland Security Grant Intelligence Liaison Officer (ILO) Program for Fiscal Year 2021.

WHEREAS the *National Strategy for Information Sharing* emphasizes the importance of fusion centers in facilitating the exchange of threat-related information between federal, state, and local governments; and

WHEREAS The Implementing the Recommendations of 9/11 Commission Act amended the Homeland Security Act of 2002 by adding Section 210A (State, Local, and Regional Fusion Center Initiative) requiring the Secretary of Homeland Security to share threat-related information with states through fusion centers; and

WHEREAS many states and major urban areas have established information fusion centers for the gathering, analysis, and dissemination of law enforcement, homeland security, public safety, and terrorism information; and

WHEREAS grant funds are available to continue the ILO program in support of the information sharing activities of the New Hampshire Information and Analysis Center (NHIAC) in order to gather and disseminate threat-related information while ensuring privacy and civil rights and civil liberties are respected and protected; and

WHEREAS continuation of the Intelligence Liaison Officer (ILO) program is a vital component of an information and intelligence sharing network, as ILOs serve as the primary conduits for gathering relevant, unevaluated information concerning homeland security threats as well as other specified precursor crimes; and

WHEREAS the NH Department of Safety will provide grant funds for the purpose of sustaining an ILO to improve and maintain the effective exchange of threat-related information between local agencies and the NHIAC in a manner that respects and protects privacy and civil rights and civil liberties.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and accept NH Department of Safety ILO Program funds. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2021. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

This Resolution shall be in full force and effect from and after 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 amend Resolution 2020-06, by striking Police Chief from the last sentence of the last paragraph, and adding City Manager. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-06 as amended by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-06 as amended by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2020-06 as amended be passed. So moved, the motion passed.

**3.** Resolution 2020-07 Authorizing Grant Application from NH Department of Justice for Byrne JAG (tabled 3/2/2020)

In the Year of Our Lord Two Thousand Twenty

**A RESOLUTION** authorizing the Berlin Police Commission to apply for and receive grant funds from the NH Department of Justice for the Byrne JAG Grant for Fiscal Year 2021.

WHEREAS the Berlin Police department supports a state-wide drug policy; and

WHEREAS use and trafficking of illegal drugs remains problematic statewide, including the North Country; and

WHEREAS there are limited resources for the New Hampshire Drug Task Force and northern New Hampshire police departments to call upon for assistance, and

WHEREAS Byrne JAG grant funding is available for agency participation in the NH Drug Task Force; and

WHEREAS the Department's participation in the NH Drug Task Force has an impact on the trafficking of illegal drugs in the North Country, as well as the drug problem statewide, by assisting in halting the sources of supply into and out of the northern portion of the state.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is authorized to apply for and receive grant funds from the NH Department of Justice for the Byrne JAG Grant. Said funds will be used for the purpose of meeting the expenses directly included in the purpose of the grant during Fiscal Year 2021. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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 amend Resolution 2020-07, by striking Police Chief from the last sentence of the last paragraph, and adding City Manager. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Resolution 2020-07 as amended by short title for a second time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, to read Resolution 2020-07 as amended by short title for a third time. So moved, the motion carried.

Councilor Higbee moved, with a second by Councilor Morgan, that Resolution 2020-07 as amended be passed. So moved, the motion passed.

**4.** Resolution 2020-08 Authorizing Grant Application from NH Highway Safety for Highway Safety Projects (tabled 3/2/2020)

In the Year of Our Lord Two Thousand Twenty

A RESOLUTION authorizing the Berlin Police Commission to apply for and receive funds for any and all purposes from the New Hampshire Highway Safety Agency for Highway Safety Project Grants for Fiscal Year 2021.

WHEREAS voluntary compliance of bicycle, scooter, and skateboard laws is a problem in Berlin, particularly in the downtown area; and

WHEREAS DWI offenses are problems in Berlin; and

WHEREAS speed and traffic light avoidance are problems which creates unnecessary risk for pedestrian traffic, and designated patrols are needed for enforcement; and

WHEREAS the New Hampshire primary child passenger safety law requires that all children up to the age of seven be restrained and properly secured in an approved child passenger safety seat, and everyone up to the age of 18 use a seat belt; and

WHEREAS operation of OHRVs on public ways is a concern; and

WHEREAS distracted driving is a statewide problem requiring increased public awareness that distracted driving will not be tolerated; and

WHEREAS information is available to teach young, inexperienced drivers specific educational experiences that focus on the behavior of vehicles, their limits of operation, and the effectiveness of seat belt use in

the operation and occupancy of a motor vehicle, as they do not realize the limitations of vehicles or the harmful impact that alcohol may have on their ability to safely operate a vehicle; and

WHEREAS the NH Highway Safety Agency funds local projects to promote designated enforcement and education.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and receive funds for Highway Safety Project Grants. Said funds granted to the City of Berlin will be used for the purpose of meeting the expenses directly included in the purposes of the grants during Fiscal Year 2021. Be it further resolved that the City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

This Resolution shall be in full force and effect from and after 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 amend Resolution 2020-08, by striking Police Chief from the last sentence of the last paragraph, and adding City Manager. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-08 as amended by short title for a second time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, to read Resolution 2020-08 as amended by short title for a third time. So moved, the motion carried.

Councilor Remillard moved, with a second by Councilor Morgan, that Resolution 2020-08 as amended be passed. So moved, the motion passed.

**5. Resolution 2020-09 Authorizing Grant Application from NH Fish & Game for OHRV Patrols (tabled 3/2/2020)**

In the Year of Our Lord Two Thousand Twenty

A RESOLUTION authorizing the Berlin Police Commission to apply for and accept grant funds from the New Hampshire Fish & Game Department, Law Enforcement Division, for OHRV patrols for Fiscal Year 2021.

WHEREAS Berlin is the gateway to the Great North Woods where many NH and out-of-state residents come to enjoy outdoor activities such as OHRV riding; and

WHEREAS Berlin has designated trails which access local establishments, and more trails will be added through the development of the OHRV park; and

WHEREAS young people often use these trails for illegal drinking; and

WHEREAS an increased number of people operate OHRVs on City streets to gain access to designated and/or unauthorized trails; and

WHEREAS an OHRV operator violating the law is virtually impossible to follow and apprehend with a cruiser; and

WHEREAS the Berlin Police Department possesses OHRVs, and officers are certified in the use of these vehicles; and

WHEREAS House Bill 1273 allows for the NH Fish & Game Department to contract with local law enforcement for OHRV details.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH, that the Berlin Police Commission is hereby authorized to apply for and accept funds for OHRV law enforcement patrol details for Fiscal Year 2021. Be it further resolved that City Manager is authorized to sign the grant documents and execute all things necessary to effectuate the grant.

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 2020-09, by striking Police Chief from the last sentence of the last paragraph, and adding City Manager. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2020-09 as amended by short title for a second time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, to read Resolution 2020-09 as amended by short title for a third time. So moved, the motion carried.

Councilor Berthiaume moved, with a second by Councilor Higbee, that Resolution 2020-09 as amended be passed. So moved, the motion passed.

## 6. Council Committee Reports

There were no Council committee reports.

## NEW BUSINESS

### 7. Ordinance 2020-03 Zoning Map Change to Downtown Zone (1<sup>st</sup> read)

Councilor Berthiaume moved, with a second by Councilor Higbee to table the Resolution and schedule a public hearing for April 6, 2020. So moved, the motion carried.

### 8. City Manager's Report

1. The Spring Lecture Series will be presented at the White Mountains Community College with the next presentation "A Girl on a Mountain: Tales from the Trail Program" on March 25th beginning at 6:00 p.m. A flyer with programming for April 15th and May 6th is attached.
2. ANNUAL CITY OF BERLIN VOLUNTEER RECOGNITION AWARD: The Berlin Volunteer Award will be given during April, national Volunteer Month, to volunteers who have served the municipality of Berlin. Applications are available at the Berlin Recreation Department, 672 First Avenue, Berlin. Deadline to submit nominations is Friday, March 20th. Awards will be given in the following categories:

Recreation/Sports - Volunteer who supports activities in Recreation, School, or other sponsored leisure event.

Humanities/Arts - Volunteer who supports humanities and arts in the community such as Public Library or Schools' Arts and Music programs.

Education - Volunteer in support of Berlin Public Schools

Government - Volunteer on a city board or other function of the government of the city.

Grounds & Special Outdoor Projects - Volunteer who assists in the care for city property, infrastructure, mowing, painting, gardens, etc.

3. The 2020 EASTER EGGSTRAVAGANZA on April 4<sup>th</sup> and the Rabies Clinic on April 25th will likely be postponed. We will get this information out to the public soon.
4. The NH Division of Forests and Lands reported that the timber sale at the Northern NH Correctional Facility in Berlin is complete. Their letter summarizing the timber is attached. A copy of the letter went to the DRA and to the Board of Assessors.
5. Attached is the SAG amortization schedule for the SAG grant approved by Governor and Council on January 22, 2020: C-890 Phase 1 I&I Reduction Contract 3. The fiscal year 2020 payment will arrive on or about March 1, 2020. The 2020-2021 operating budget established an appropriation to pay the 2020 and 2021 state contribution for this grant. The appropriation for subsequent years will be requested for the DES operating budget on a biennial basis.
6. Work on Phase 2 of the I&I Project continues. A letter went out to about 30 residences on the east side asking for a temporary construction easement so that connections that allow clean water to go into the sanitary sewer system can be replaced at the City's expense. We expect to complete the work in the Spring/Summer of 2020.
7. We had three properties out for bid: 532 Burgess; Land on Corbin Street and buildings at 84 Corbin Street which must be demolished. There were no bids for the Burgess Street house. The winning bidder on both Corbin Street properties was Jun Jun Law-as who bid \$4,500 on the land and \$11,125.00 on 84 Corbin.
8. PWD, and BEMS Statistics for February are attached; PD Statistics for January are attached.

Mayor Grenier suggested that since no bids were received on the Burgess Street property, the City Manager could negotiate with the interested party. City Manager Wheeler also advised that the property could be demolished as part of the Sewer I&I project.

Councilor Rozek moved with a second from Councilor Higbee to accept the City Manager's Report and place it on file. So moved, the motion carried.

## 6. Mayor's Report

- a. Letter from Kem Rozek re: Re-appointment to Board of Assessors

Honorable Mayor and Councilpersons:

This letter serves as a request that the Mayor and Council consider re-appointing myself to the Board of Assessors (BOA).

Sincerely,

Kem Rozek

Councilor Berthiaume moved, with a second from Councilor Higbee to accept the Mayor's nomination of Kem Rozek for a three-year term on the Board of Assessors to expire March 21, 2023. So moved, the motion carried.

Councilor Rozek moved with a second from Councilor Morgan to accept the Mayor's Report and place it on file. So moved, the motion carried.

## 7. PUBLIC COMMENTS

There were no public comments.

**8. Council Comments**

There were no council comments.

**9. Adjournment**

At approximately 8:20 p.m. Councilor Higbee moved with a second by Councilor Morgan to adjourn the regular meeting and enter non-public session per RSA 91-A:3 II (d) land matters. So moved, the motion carried unanimously by roll call vote.

A True Record, Attest:

Shelli Fortin  
City Clerk

Note: Minutes are unofficial until they have been accepted by the Council by motion.