

# City of Berlin, NH



## CITY COUNCIL MEETING AGENDA Monday, July 20, 2020 via Zoom

1 646 558 8656

Meeting ID – 886 6545 0314

Passcode: 339189

**5:30 Committee on Accounts and Claims**

**6:30 p.m. WORK SESSION**

- Campground Presentation
- Recreation Assistant Position
- Sewer Abatements
- Disposition of Tax Deeded Properties
- Brown School
- Armory
- Other

If necessary: **Non-Public Session per RSA 91-A:3 II; (a) The dismissal, promotion or compensation of any public employee (b) Hiring (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community (e) Consideration or negotiation of pending claims (f) Consideration of legal advice provided by legal counsel**  
Non-Meeting per RSA 91-A:2, I.(c) Legal Consultation; or RSA 91-A: 2, I. (b) Collective Bargaining

### **PUBLIC HEARING**

2020-15 Airport CARES Grant \$30,000  
2020-16 Construction Loan Financing

### **REGULAR MEETING**

- |                         |                                                                                                                                       |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| a. Pledge of Allegiance | c. Minutes <a href="#">Regular Meeting</a> and <a href="#">Work Session</a><br>7/6/2020, and <a href="#">Special Meeting</a> 7/8/2020 |
| b. Roll Call            | d. Disbursements                                                                                                                      |

### **PUBLIC COMMENTS**

### **UNFINISHED BUSINESS**

1. Council Committee Reports
2. [Resolution 2020-15 Airport CARES Grant \\$30,000](#) (tabled 7/6/2020)
3. [Resolution 2020-16 Construction Loan Financing](#) (tabled 7/6/2020)

### **NEW BUSINESS**

4. City Manager's Report
5. Mayor's Report
  - a. [Letter from Kathy and John Trumbull re: Speeding on First Avenue](#)
6. Public Comments
7. Council Comments
8. Adjournment

For more information about Zoom: <https://bit.ly/2yuGC9f>



# Memo

**To:** Sewer User Charge Appeal Committee, Jim Wheeler, City Manager  
**From:** Ben Hall, Public Works Director  
**Date:** July 20, 2020  
**Re:** Sewer Abatement Requests – RFMI Summary

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Following the review of filed sewer abatements completed on June 15, 2020, the Council requested a total three of the ten abatement requests be responded to with a request for more information. Below is a description of the three cases and a summary of the response to this request for your review.

1) **Normand Roy**  
**1 Alice Street**  
**Berlin, NH 03570**

Amount Billed: \$4,262.00 for 615 HCF  
Last Year's Billing: \$1,872.00 for 282 HCF

Reason for Request: Boiler was leaking in basement of vacant rental property that was not discovered until March of 2020. This bill will cause financial hardship of the aged owner who will not be able to pay for necessary health care.

Comments: This residence as well as two other residences are served by the same private well. The two residences connected to this address are metered and the third is billed via the average. Owner has been advised to install separate meter for each service in the past.

Response to RFMI:

All information was submitted is summarized below as well as photos attached.

Quoted from Email from Denise Fortin:

“Just thought it would be good to know (if my brother did not mention it) that the cellar is dirt except where there are some cement slabs for the furnaces/boilers. So obviously no drains. The walls are made of rock and cement. I believe that is seen in one of my photos.

If the following is also helpful then please include:

The 2018 sewer bill which was for 2017 usage for the year was \$420-the last normal billing before the leakages for the 2019 and 2020 years billing. During the 2017 time all apartments were full. For the 2020 billing only my Dad and the upstairs rental house tenants. Other 2 apartments were vacant. The one upstairs from my Dad and the first floor apartment in the rental. So there obviously was less usage.

When I was finally able to hear comments for the abatement meeting, I remember Lucie mentioning why hadn't the 1st floor rental house apartment been closed down as far as water and boiler etc. since it was vacant. My sister passed away January 8, 2019. She was the

tenant in that apartment. We were grieving so it took a while before starting to empty the apartment-it was winter so we needed the heat and water in order to take care of emptying it. So that is the reason the apartment was not closed down."

Receipt showing repair of faulty component on boiler

**Normand Roy Plumbing & Heating** INVOICE No. 2860  
 203 Wright Street  
 Berlin, NH 03570  
 Phone: 603-752-3252  
 Cell: 603-728-8832  
 1-800-919-3252 NH  
 royahtr@myfairpoint.net

TO: *Normand W. Roy*  
 1 *Alice St*  
 Berlin NH

DATE: *3-12-2020*

CUSTOMER CHECK NO.  
 BILL NUMBER  
 OR

TERMS: Net 30 days. A monthly finance charge of 2% per month or 24% annual percentage rate will be assessed on all past due invoices. In the event of default in terms stated herein, customer agrees to pay all costs of collection including attorney fees.

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	<i>Hydraulic 3250 Plus</i>		<i>247 50</i>
1	<i>" electronic</i>		<i>87 00</i>
1	<i>" 48" sensor</i>		<i>52 50</i>
1	<i>brass nozzle</i>		<i>9 00</i>
	<i>Replace all of above</i>		
	<i>due to electronic rusting,</i>		
	<i>them and shorting out the</i>		
	<i>Boiler has been locking</i>		
	<i>for a month or so and</i>		
	<i>rusted all the interior of</i>		
	<i>the boiler</i>		
	<i>Labor 5 hrs @ \$65.00</i>		<i>325 00</i>
	<i>Both water heaters rusted</i>		
	<i>within a year. Need</i>		
	<i>to replace water</i>		
	<i>conditioners</i>		
	<i>Dr. in full Cash</i>		
	<i>Mr. Roy</i>		<i>TOTAL \$717 00</i>

Black control box that was repaired



Dirt floor basement where water will pool and filter into ground



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2) **Jules A Chaloux**  
**5 Guilmette Street**  
**Berlin, NH 03570**

Amount Billed: \$486.00 for 70 HCF  
Last Year's Billing: \$266.00 for 40 HCF

Reason for Request: Claims billing history has always been approximately \$200, and this years was \$486. In the past there was a break for residents who let water run during winter to keep pipes from freezing.

Comments: No contact information on application to confirm if the residents are continuing to run water in the winter months or not.

Response to RFMI:

**No further information received from Mr. Chaloux.**

In conjunction with the RFMI letter sent to Mr. Chaloux, I also reached out to BWW for a confirmation on if the location in question is still on the running water list. The response provided by Steve Lefebvre of BWW is below:

"I checked with the office they had a leaky toilet. We abated their water bill for the leak. They are not on running water and our records indicate they have never been on running water."

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3) **Claire Paine**  
**238 Willard Street**  
**Berlin, NH 03570**

Amount Billed: \$277.00 for 40 HCF  
Last Year's Billing: \$139.00 HCF

Reason fore Request: Possibility of unknown leak, or meter malfunction?

Comments: No contact information on application to contact resident for further information.

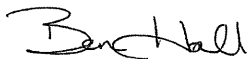
Response to RFMI:

**No further information received from Ms. Paine.**

As part of the RFMI, I indicated to Ms. Paine that any question in regarding the meter should be directed to BWW and should they find any issues please supply us with documents that support their findings.

The Sewer User Charge Appeal Committee is being asked to officially rule on these three remaining abatements requests at the July 20, 2020 City Council meeting as you see appropriate.

Thank you,



Ben Hall

# Memo

To: Mayor and City Council

From: Jim Wheeler, City Manager

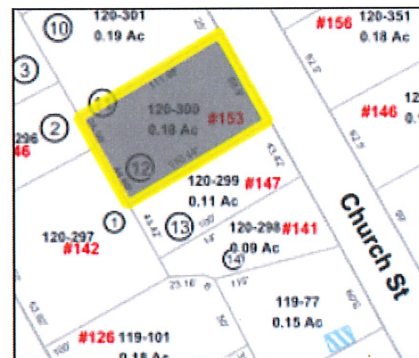
CC: Angela Martin-Giroux, Ben Hall, Peter Morency, Susan Tremblay, Craig Carrigan, Michel Salek, Devon York and Pamela Laflamme

Date: July 17, 2020

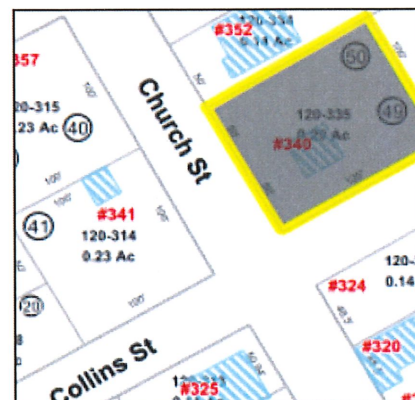
Re: Property Recommendations

The first three properties listed below were taken by tax deed by the City. On November 13, 2017 and on April 9, 2018, the Council authorized the sale of properties as listed below. The properties were put out to bid and there were no bidders.

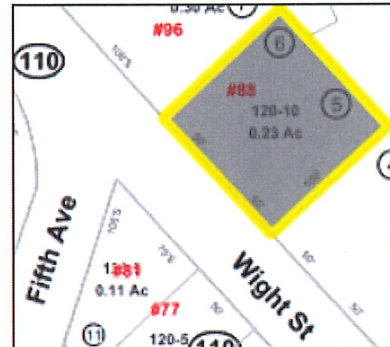
- **Map/Lot 120-300, 153 Church Street (tax dedeed 5/24/2017): (0.18 acres – assessed value: \$72,000.00)** City Council approved selling on 4/9/2018 for a minimum bid of \$15,000. Recommend putting out to bid to the general public. Amount owed is \$8,672.12



- **Map/Lot 120-335, 340 Church Street: (tax dedeed 5/24/2017) (0.29 acres – assessed value \$79,800.00)** City Council approved selling on 11/13/17 for a minimum bid of \$20,000. Recommend putting out to bid to the general public. Amount owed is \$8,547.20



- **Map/Lot 120-10, 88 Wight Street: (tax dedeed 5/24/2017) (0.23 acre – assessed value \$75,400.00)** City Council approved selling on 4/9/18 for a minimum bid of \$18,000. Recommend Demo or repair to code. Amount owed is \$11,192.54 \*\*\*\*\*

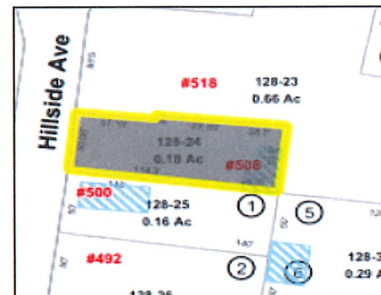


**The remaining properties in this memo all will need a motion from the Council:**

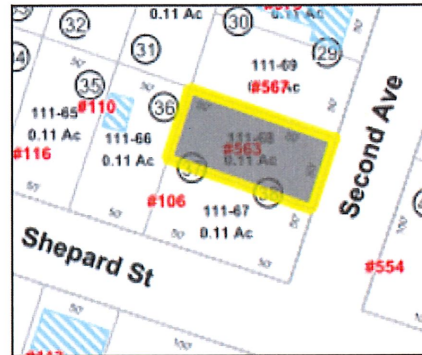
- **Map/Lot 133-029, 413 Derrah St: (tax dedeed 4/24/2018) (0.13 acre – assessed –value \$59,500.00).** Recommend Demo or repair to code. Amount owed is \$3,982.56



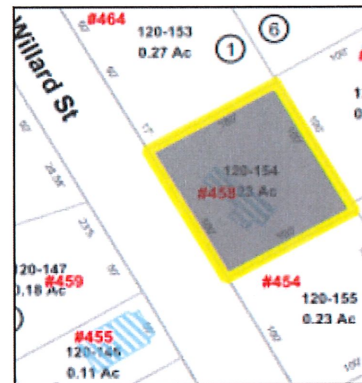
- **Map/Lot 128-024, 508 Hillside Ave: (tax dedeed 4/24/2018) (0.18 acres – assessed value \$74,600.00)** Recommend putting out to bid to the general public. Amount owed is \$7898.94



- **Map/Lot 111-0680, 563 Second Ave.: (tax dedeed 6/18/2019) (0.11 acre – assessed value \$61,700.00) Recommend putting out to bid to the general public. Amount owed is \$7127.43**



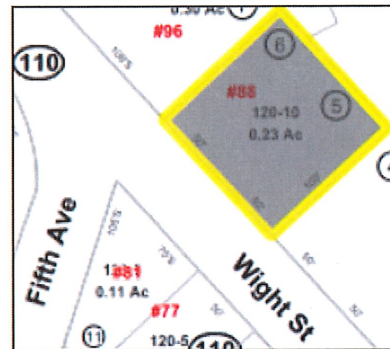
- **Map/Lot 120-0154, 458 Willard Street: (tax dedeed 6/18/2019) (.23 acre-trailer assessed value \$69,000.00) Must remove trailer then it is a buildable lot; \$1,306.37 is owed.**



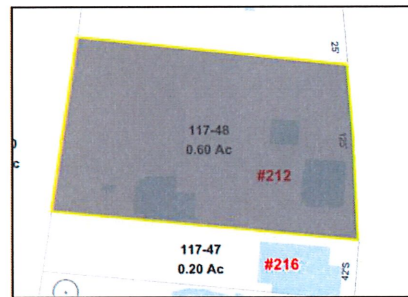


The remaining three parcels are all parcels that are recommended as being put out to bid for demolition per the Building and Health Inspectors – all three parcels would be buildable after demolition. If someone was particularly interested in the investment to bring any of these three buildings up to code they could present a plan to the City for consideration and appropriate building permits.

- **Map/Lot 120-10, 88 Wight Street: (tax dedeed 5/24/2017) (0.23 acre – assessed value \$75,400.00)** City Council approved selling on 4/9/18 for a minimum bid of \$18,000. Recommend Demo or repair to code. Amount owed is **\$11,192.54 \*\*\*\*\* (listed twice as this is a property previously put out to bid)**



- **Map/Lot 117-48, 212 Glen Avenue: (tax dedeed 6/18/2019) (0.60 acre – assessed value \$69,000.00)** Recommend Demo. Amount owed is **\$6,428.91**



- **Map/Lot 135-219, 56 Pershing Avenue: (tax deeded 6/18/2019) (0.13 acre – assessed value \$44,500.00) Recommend Demo. Amount owed is \$4,307.83**



**Motion:**

The City Manager is hereby authorized, indefinitely until rescinded, to schedule demolition as funding allows and/or to offer for sale at the earliest appropriate opportunity, the properties listed below by sealed bid with conditions as indicated and other such conditions as he deems appropriate:

1. 153 Church Street (sell for a minimum bid of \$\_\_\_\_\_)
2. 340 Church Street (sell for a minimum bid of \$\_\_\_\_\_)
3. **88 Wight Street (sell for a minimum bid of \$\_\_\_\_\_)**
4. 413 Derrah Street (sell for a minimum bid of \$\_\_\_\_\_)
5. 508 Hillside Avenue (sell for a minimum bid of \$\_\_\_\_\_)
6. 563 Second Avenue (sell for a minimum bid of \$\_\_\_\_\_)
7. 458 Willard Street (sell for a minimum bid of \$\_\_\_\_\_)
8. **212 Glen Avenue (sell for a minimum bid of \$\_\_\_\_\_)**
9. **56 Pershing Avenue (sell for a minimum bid of \$\_\_\_\_\_)**

## TAX PAYMENT AGREEMENT

This Tax Payment Agreement (“**the Agreement**”) is entered into between the City of Berlin, New Hampshire (“**the City**”), by and through its duly authorized City Manager, and Robert B. Reed and Lorraine D. Reed (collectively “**Owners**”), who hereby state as follows:

WHEREAS, the Owners own the following parcels in the City:

- a. 492 Hillside Ave., Map/Lot 128-26;
- b. 88 High St., Map/Lot 119-105;
- c. 396 Forbush Ave., Map/Lot 132-172;
- d. 166 Glen Ave., Map/Lot 117-58;
- e. 653 Cheshire St., Map/Lot 130-24;
- f. Vacant lot on Glen Ave., Map/Lot 117-59; and
- g. 740 Second Ave., Map Lot 119-443 (collectively Items a through g are referred to as “**the Property**”);

WHEREAS, the City has assessed taxes on the Property for Tax Years 2017, 2018 2019 and the first half of 2020 Tax Year (“**the Tax Years**”);

WHEREAS, the Owners have failed to pay all or a portion of the taxes due and payable for the Tax Years on the Property;

WHEREAS, the City has assessed sewer fees on the Property for Year 2019 (2020 billing);

WHEREAS, the Owners have failed to pay all or a portion of the sewer fees due and payable for the Year 2019 on the Property;

WHEREAS, the Owners, consequently, owe the City at least Ninety-Nine Thousand Two Hundred and Four Dollars and 68/100’s (\$99,204.68) for all unpaid taxes and sewer fees and continually accruing interest concerning the Property (hereinafter “**the Debt**”);

WHEREAS, the City has provided the Owners with all required notices with regard to liens on the Property due to the Owners’ failure to pay property taxes concerning the Property;

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WHEREAS, the Governor of New Hampshire has issued Emergency Orders #25 and #56, which, in part, authorize the City to enter into this Agreement during the life of the pending State of Emergency concerning the COVID-19 Pandemic;

WHEREAS, the City and the Owners (collectively “**the Parties**”) have reached a resolution to the Debt and the Parties agree as follows:

1. The Owners jointly and severally hereby acknowledges that they are responsible for the entirety of the Debt.

2. The Owners hereby agrees that they will pay the City on or before August 1, 2020 by certified or cashier’s check, from a local banking institution that is acceptable to the City, a total of Eighty-Six Thousand Fifty-Eight Dollars and 76/100’s (\$86,058.76), being the full amount of principle portion (without interest) of the Debt (“**the Payment**”), time being of the essence, in part because the City’s authority to enter into and perform this Agreement will become void if the current State of Emergency is lifted before the Payment is made.

3. Upon receipt of the Payment in full, the City shall consider the Debt paid in full and release any and all liens previously filed against the Property.

4. Until the Payment is paid in full, the Debt shall continue to accrue interest; and if the Owners fail to provide Payment pursuant to Paragraph 2 of this Agreement, then the Owners acknowledge and agree that the City shall be entitled to Tax Deed the Property to recover the full amount of the Debt, together with all costs and reasonable and necessary attorneys’ fees associated with this Agreement and said Tax Deeding.

5. This Agreement contains the sole and entire agreement between the Parties and fully supersedes any and all prior agreements and understandings pertaining to the subject matter hereof.

In executing this Agreement, the Parties represent and acknowledge that they have not relied upon any representation or statement not set forth herein made by the others, or their counsel or representatives, with regard to the subject matter of this Agreement. No other promises or agreements shall be binding unless in writing, signed by each of the Parties hereto, and explicitly stated to be an amendment to this Agreement.

6. This Agreement is to be interpreted pursuant to the laws of the State of New Hampshire without regard to its choice of law principles. If any of the provisions of this Agreement are determined to be void by a court of competent jurisdiction, the remaining provisions hereof shall remain in full force and effect.

7. The Parties acknowledge that they have reviewed this Agreement with their respective counsel prior to execution.

8. This Agreement may be signed in counterparts all of which constitute one integrated agreement.

9. This Agreement, as signed by the Owners, was authorized and approved at a duly called and noticed public meeting the City Council held on July 20, 2020.

CITY OF BERLIN

Date: \_\_\_\_\_

By: \_\_\_\_\_  
James A. Wheeler, City Manager  
Duly Authorized

Date: 7-20-20

OWNERS

Robert B. Reed  
Robert B. Reed

Date: 7-20-20

Lorraine D. Reed  
Lorraine D. Reed

Robert and Lorraine Reed

Sewer Billing as of 7/17/20

Taxes as of 7/17/20

	Principal	Interest	Principal	Interest
492 Hillside	146	1.41	15242.44	2788.48
740 Second Ave.	554	5.34	10971.82	2190.41
88 High St.	2096	20.21	19680.21	3552.42
166 Glen Ave.	256	2.47	7098.53	1236.63
396 Forbush	742	7.15	6757.93	1349.13
653 Cheshire	2087	20.13	19529.97	1831.72
Glen Ave Land M117L59			896.86	140.42
Totals	\$ 5,881.00	\$ 56.71	80177.76	13089.21

Total of Taxes and Sewer

\$ 86,058.76

\$ 13,145.92

**\$ 99,204.68**

## **CITY COUNCIL MEETING – Monday, July 6, 2020**

### **Public Hearing**

Mayor Grenier opened the Public Hearing at 7:32 pm for Resolution 2020-14 Library Grant \$10,000. There were no public comments. Mayor Grenier closed the Public Hearing at 7:33 pm.

### **Regular Meeting**

Mayor Grenier called the Regular City Council Meeting to order at approximately 8:50 p.m. via Zoom, pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3.

a. Pledge of Allegiance

b. Roll Call

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

Absent: Councilor Morgan and Councilor Berthiaume

Also present: James Wheeler, Susan Tremblay, Pamela Laflamme, Shelli Fortin, James Watkins, Ben Hall, and Barbara Tetreault, Berlin Daily Sun.

c. Councilor Remillard moved, with a second by Councilor Higbee, to accept the minutes of the June 15, 2020 Regular Meeting and Work Session. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

### **Disbursements:**

There was no Disbursement Report.

### **PUBLIC COMMENTS**

There were no Public Comments.

### **UNFINISHED BUSINESS**

1. Council Committee Reports

There were no Council Committee Reports.

2. Resolution 2020-14 Library Grant \$10,000 (tabled 6/15/2020)

In the Year of Our Lord Two Thousand Twenty

**A RESOLUTION** authorizing an application to the New Hampshire Humanities CARES Grant #CARES-55 for \$10,000.00 and, upon approval, appropriating these funds to the FY2020 Berlin Public Library Budget.

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

Whereas, the Berlin Public Library's has a need to revise its processes to ensure continued service to the public in light of CDC guidelines relative to COVID-19; and

Whereas, since public access to the interior of the library building is limited to a designated book pick-up/return area and a process for cleaning and sanitizing has been developed; and

Whereas the use of downloadable books has increased and the cost of this service is use-driven, and we anticipate the cost of the service to increase upon renewal; and

Whereas, the Library will adapt its gated, outdoor area for increased open- air reading and remote Internet work space and to do so, they will need to purchase furniture, tablets, laptops, additional WIFI capacity and hand sanitizing equipment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that an application to the NH Humanities CARES Grant is hereby authorized. Upon approval of the grant, \$10,000.00 shall be appropriated to the FY 2020 Berlin Public Library budget for the purpose of the grant.

Be it further resolved that the City of Berlin accepts the terms of the grant and grant agreement as presented and that the City Manager is authorized to do 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 Higbee, to remove this item from the table. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

Councilor Remillard moved, with a second by Councilor Higbee, to read Resolution 2020-14 by short title for a second time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Otis, to read Resolution 2020-14 by short title for a third time. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

Councilor Remillard moved, with a second by Councilor Higbee that Resolution 2020-14 be passed. So moved, the motion passed by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier - yes

## **NEW BUSINESS**

### **3. Resolution 2020-15 Airport CARES Grant \$30,000 (1<sup>st</sup> read)**

Councilor Higbee moved, with a second by Councilor Otis to table the Resolution and schedule a public hearing for July 20, 2020. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

### **4. Resolution 2020-16 Construction Loan Financing (1<sup>st</sup> read)**

Councilor Remillard moved, with a second by Councilor Higbee to table the Resolution and schedule a public hearing for July 20, 2020. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

### **5. City Manager's Report**

There was no City Manager's Report.

### **6. Mayor's Report**

#### **a. Letter from Randolph Board of Selectmen**

During these difficult times Coos County has been fortunate with little to no cases of COVID due to the diligence of our residents, businesses and guidelines provided by the Town Fathers and Health Officials.

As businesses are slowly opening within the North Country and the tourists trade resumes, we think it is important to stress or reissue the guidelines set down in March. Outdoor activities will resume, bringing more tourists to our restaurants, grocery stores and gas pumps. As hospitality industry will begin to resume. The Randolph Board of



Selectmen would support Berlin in requiring, businesses to ask customers to social distance and wear masks when social distancing is not possible.

We in the North Country have been very fortunate and hope to remain so, by encouraging the need to maintain diligence of face masks, and hygiene awareness as the tourist's season gets here.

Regards,

Michele Cormier, Co-Chair  
Lauren Bradley, Co-Chair  
John Turner, Selectmen

Board of Selectmen  
Town of Randolph

Councilor Remillard moved, with a second by Councilor Higbee, to place the letter from the Randolph Selectmen on file and to send a letter to each business in Berlin asking that they strongly encourage customers to wear face masks. Councilor Remillard stated it was up to the business owner whether they would require masks.

City Manager Wheeler noted that the Governor has already issued guidelines and that in some cases businesses are required to have customers wear masks.

So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – no, Eastman – yes, Grenier – no

b. Letter from Ellen King

Hello Shelli, Mayor Grenier and Council,

I went to the two cemeteries this morning and was upset to see they were mowing and there was NO growing grass, it is burned because of the drought we are experiencing, they were mowing dirt. This is a shame, it is a waste of our money!!! We could use some of that money to repair the New City Cemetery where there are caskets popping out of the ground and headstones and monuments toppling over.

I have talked to Councilor Lucie Remillard about the caskets and headstones, which was 2 years ago and I researched it myself and found out that the cemeteries years ago were filled with bark which is breaking down. I believe it was brought up at a council meeting this spring that a someone was researching it. How long does it take, my Lord this is supposed to be these peoples final resting place, they and their families PAID for their final resting place to be taken care of years!!

I find it astonishing that a small town north of us can get help with their cemetery from the state and we can't or won't go for help from the state.

I have addressed this to you and the Mayor and Council and if you would share this I would appreciate it.

Thank You  
Ellen King  
107 Jericho Rd  
Berlin, NH

City Clerk Shelli Fortin advised the Council that there was a plan in place to address the issues at the New City Cemetery; to include moving the stones, bringing in fill, resetting the stones, and re-seeding. Fortin advised that this will take time and money, both of which are limited, so they will start with a small section of the cemetery and continue from there.

c. BIDPA Appointments

Mayor Grenier and City Council:

The terms of three BIDPA board members will expire at the end of July. All of these board members wish to serve another three year term. BIDPA has a solid group of board members and these individuals are an integral part of the board. The board supports their continued involvement with the BIDPA if the Mayor & Council agree.

- Peter Higbee – Three-year term to run until July 31, 2023.
- Robert Hill – Three-year term to run until July 31, 2023.
- Paul Robitaille – Three-year term to run until July 31, 2023. Paul was recently appointed to the BIDPA board but his term was set to run until February, 2023. BIDPA appointments all expire during the month of July so we would like to update his appointment to be in line with the rest of the board members.

Sincerely,

Pamela E. Laflamme  
Community Development Director

Councilor Remillard moved, with a second by Councilor Otis, to accept the Mayor's nomination of Peter Higbee, Robert Hill, and Paul Robitaille to the BIDPA board with terms to expire July 31, 2023. So moved, the motion carried by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

#### 7. PUBLIC COMMENTS

There were no Public Comments.

#### 8. Council Comments

There were no Council Comments.

#### 9. Adjournment

On a motion by Councilor Rozek, seconded by Councilor Higbee, the Council voted to adjourn the meeting at 9:14 pm. So moved, the motion carried unanimously by roll call vote. Higbee- yes, Rozek – yes, Theberge – yes, Remillard – yes, Otis – yes, Eastman – yes, Grenier – yes

A True Record, Attest:

Shelli Fortin  
City Clerk

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

City Council Work Session

Pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3

July 6, 2020

At 6:30 p.m. Mayor Grenier opened the meeting. Due to the State of Emergency declared by the Governor as a result of COVID-19 pandemic and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04 this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-646-558-8656, meeting ID 860 7202 6117, or by clicking on the City Council agenda on the City's website, [www.berlinnh.gov](http://www.berlinnh.gov).

- b) *Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have been provided on the City of Berlin's website of the Council at City Council-agendas

- c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call Pam Laflamme at 603-752-8587 or e-mail at:

[plaflamme@berlinnh.gov](mailto:plaflamme@berlinnh.gov)

- d) *Adjourning the meeting if the public is unable to access the meeting*

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. By roll call, each member is to state their presence, and whether there is anyone in the room during this meeting, which is required under the Right to Know law.

Present at roll call were: Mayor Grenier, Councilor Rozek at City Hall; via Zoom, Councilors Theberge, Otis, Remillard, Higbee, Morgan, Eastman, Councilor Berthiaume was absent.

Councilor Higbee moved with a second from Councilor Morgan to adjourn the non-meeting. So moved, the motion carried unanimously by roll call.

### **Work Session**

Present were: City Manager James Wheeler, City Clerk Shelli Fortin, Community Development Director Pam Laflamme, Board of Assessors Chair Robert Goddard, Public Works Director Ben Hall, Fire Chief James Watkins, Library Director Ann Brungot, Police Chief Pete Morency, Assistant Chief Dan Buteau, Officer Dennis Gayle, a representative of the Moultonborough PD, Kodiak (police K-9) Barbara Tetreault, Berlin Daily Sun and public

Mayor Grenier called the meeting to order at 7:00 p.m.

Councilor Higbee moved to seal the contents of the non-meeting; Councilor Morgan seconded and the motion carried unanimously by roll call.

Mayor Grenier noted that the 155-B order would be discussed first as the PD is having connection problems. There is a public hearing scheduled for 7:30 p.m.

### **155-B Order for 35 Western Avenue**

Chief Watkins stated that this order was in the making prior to him becoming Fire Chief. The order addresses a safety issue and it comes after several attempts have been made to work with the owner. This order will allow us to remedy the problems with the house and then lien any property in the State under the same ownership.

Councilor Eastman confirmed that the order is enforceable and there is a game plan on how to enforce. Councilor Remillard moved with a second from Councilor Theberge to authorize a 155-B order on a property at 35 Western Avenue. So moved, the motion carried unanimously by roll call.

### **BPD Canine Program**

Chief Morency reported that during the budget process he had asked to fund a Canine Program for drug enforcement and for tracking. Berlin has its share of drug problems and if an elderly person is missing, time is of the essence. There is a \$52,000 price tag with a car, training and buying a dog. Chief Morency stated that Officer Dennis Gayle owns a kennel and he wants to donate a certified dog. Chief Morency noted that he wants to finance the canine unit without using taxpayer dollars and that can be done using drug forfeiture funds, combined with the \$5,000 donation from Jericho Wind. Training would come from the PD budget.

Officer Dennis Gayle, said that as a Marine, he was deployed with narcotics and apprehension dogs. He introduced Kodiak, and expressed his willingness to donate the dog. Chief Morency noted that he confirmed with Primex that there is insurance coverage for the K-9 program. Councilor Eastman expressed his support. An officer from Moultonborough explained how having a canine is a force multiplier for the pd. The Hillsborough Selectmen see the benefit of having a dog in the PD budget; it is an additional tool for the community.

Councilor Morgan asked how long a dog is expected to work and Officer Gayle replied 8 to 9 years.

Councilor Higbee confirmed that Officer Gayle will be the primary handler; however other officers will be involved with training. The dog will work primarily for Berlin, but if there is a need, he can be made available for the north country. Councilor Remillard moved to support the purchase and commitment to

having a dog as part of the Berlin Police Force; Councilor Theberge seconded and the motion carried unanimously by roll call.

Councilor Higbee moved to recess the work session for a public hearing on Resolution 2020-14 Library Grant; Councilor Remillard seconded all voted unanimously in favor of the motion by roll call.

Councilor Higbee moved to continue with the work session; Councilor Remillard seconded and the motion carried unanimously by roll call.

### **Mason Street Bid Results**

Mr. Wheeler explained that the Mason Street Bridge project was put out to bid and there were 10 sets of plans that went out; however no bids were received for the project. HEB contacted many of the contractors and they expressed that the short window in the time the penstock has a draw down was the reason they did not bid.

Since this project cannot be done this year. Mr. Wheeler asked if the Council wants to go ahead with Hutchins Street as it is a similar amount of money. Councilor Rozek confirmed that we will put the bridge project out in January of 2021. Mr. Wheeler reasoned that if we borrow for Hutchins Street this year, we would need to finance Mason St Bridge next year. Mayor Grenier said that we will be doing \$1.1 million of work but instead of doing Mason St Bridge, we will do Hutchins Street. Councilor Rozek mentioned a separation of pavement on the south bound lane in the last project which he would like repaired as part of the Hutchins St. Project. Councilor Eastman stated that before shuffling funds around, he wanted to talk about Route 110.

### **Route 110 Urban Compact**

Councilor Eastman said that when this was addressed by the Council, there was no urgency to get it done. Mayor Grenier clarified by saying that there was a general push to extend the urban compact to Jericho and there needs to be a lot of work done on the road before the city takes it over. One of the two bridges needs to be replaced and the road needs to be repaved. The State was not willing to do that work now but they encouraged getting the road on the 10 year plan with no guarantee of when it will be funded.

Councilor Eastman said that there is development that will come to Jericho Road if water and sewer are extended. He said that there are housing developers waiting in the wings and projects are being held up by bureaucracy. Mayor Grenier indicated that no one has approached the Planning Board with conceptual designs. Mr. Wheeler noted that extending sewer would mean adding pumping station upgrades of about \$500,000. If we have development that relates to jobs, we can apply for public facilities money for the project.

Councilor Eastman asked what is needed to move forward with adding water and sewer and Mr. Wheeler replied we would need a proposed project, with studies on job creation. Councilor Higbee asked how many dollars it takes and how long it would take to get the return on property taxes. Councilor Eastman said that we would have to wait for developers to show up before water and sewer are put in. Mayor Grenier added that engineered plans would need to come before the Planning Board.

### **Construction Loan Financing Restoration**

Mason Street Bridge is out and will be funded at another time. The Resolution in the packet is for the Fire Department building improvements and pavement of Hutchins Street from East Mason to Bridge Street.

### **General Assessing Contract**

Mr. Wheeler stated that we have a contract agreement with Corcoran for 5 years of general assessing. They were the only firm to submit a proposal. Their cost is higher than KRT. In terms of budget, there is a total of \$142,500 for assessing. We will be short \$17,000 which can be absorbed in the general assessing line item. There were questions about a statistical update vs. full revaluation and Mr. Wheeler said that he would send out a link to a manual put out by the ASB that has all the terms. Councilor Rozek asked about the hearings for the public and Mr. Goddard said that they can be done telephonically or via zoom and there is more time given for the hearings. Mr. Wheeler noted that the DRA approved the contract with a few minor revisions. Councilor Higbee moved to approve the contract with Corcoran for the General Assessing subject to the DRA recommended revisions; Councilor Otis seconded and the motion carried unanimously by roll call.

### **566 Burgess Street**

Mr. Wheeler reported that Gary Zalenski is asking if the City would receive a building as a donation. Typically the answer would be no; however this building has a flat roof that is connected to the sewer system. The building could be demolished with our own sewer money. Councilor Otis stated that there were many gallons of oil dumped into the building. Mr. Wheeler said that we would want an environmental review. Mayor Grenier suggested that the owner be asked to do a phase 1 environmental review that costs about \$3,000. Councilors asked for costs for environmental abatement and the cost of taking it down. It will be brought back at a future meeting.

### **Tax Deeded properties**

Councilor Rozek commented that we need to get rid of these properties. Councilor Eastman suggested having the properties on the web site so that people could bid on them. Mr. Wheeler stated that we have an obligation to put the properties out to bid. Councilor Higbee noted that we've looked at the properties one by one and make the best decision for each such as releasing to abutters, densifying or putting out to bid. He questioned whether we would lose that ability if the properties are published. Mr. Wheeler suggested that staff come back with recommendations for six with all the information needed to make a decision.

At 8:45. There being no further business in Work Session, Mayor Grenier moved on to the Regular Meeting.

Respectfully Submitted,  
Susan Tremblay  
Administrative Assistant

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

## CITY COUNCIL MEETING – Wednesday, July 8, 2020

### Special Meeting

Mayor Grenier called the Special City Council Meeting to order at approximately 5:03 p.m. via Zoom, pursuant to Executive Order 2020-04, Section 8 and Emergency Order #12, Section 3.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

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- d) *Adjourning the meeting if the public is unable to access the meeting*

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. By roll call, each member is to state their presence, and whether there is anyone in the room during this meeting, which is required under the Right to Know law.

### Roll Call

Present: Mayor Grenier, Councilors Remillard, Otis (5:08), Morgan, Eastman, Higbee, and Theberge

Absent: Councilor Rozek and Councilor Berthiaume

Also present: James Wheeler, Pamela Laflamme, Shelli Fortin, and Robert Goddard

Councilor Theberge moved, with a second by Councilor Higbee, to add a non-public item to the agenda under RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. So moved, the motion carried by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Morgan – yes, Eastman – yes, Grenier - yes

### 1. Disbursements

Disbursement Summary Draft #1866 start date 06/16/2020 end date 06/30/2020 for a total cash disbursement of \$1,656,774.04. Councilor Theberge moved with a second by Councilor Morgan to accept the disbursement summary as sent by email and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier - yes

### **Non-Public Session**

Councilor Theberge moved, with a second by Councilor Morgan to enter non-public session at 5:11 pm under RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. So moved, the motion passed by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

The Council discussed a land matter.

Councilor Morgan moved, with a second by Councilor Theberge, to come out of non-public session at 5:25 pm. So moved, the motion passed by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan- yes, Eastman – yes, Grenier – yes

### **Non-Meeting**

Councilor Theberge moved, with a second by Councilor Higbee to enter a non-meeting under RSA 91-A:2 I (c) Legal Consultation at 5:26 pm. So moved, the motion passed by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

Councilor Remillard moved, with a second by Councilor Higbee to come out of non-meeting at 6:01 pm. So moved, the motion passed by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

Councilor Remillard moved, with a second by Councilor Morgan to seal the minutes indefinitely from the non-public session. So moved, the motion passed by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

## **2. Adjournment**

On a motion by Councilor Theberge, seconded by Councilor Morgan, the Council voted to adjourn the meeting at 6:04 pm. So moved, the motion carried unanimously by roll call vote. Higbee- yes, Theberge – yes, Remillard – yes, Otis – yes, Morgan – yes, Eastman – yes, Grenier – yes

A True Record, Attest:

Shelli Fortin  
City Clerk

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



**A RESOLUTION  
2020-15**



**City of Berlin  
NEW HAMPSHIRE**

In the Year of Our Lord Two Thousand Twenty

**A RESOLUTION** appropriating Thirty Thousand Dollars (\$30,000.00) of CARES Act funding to the Berlin Regional Airport.

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

Whereas, the State of NH has made a Grant Offer of \$30,000.00 to the City of Berlin/Berlin Airport Authority; and

Whereas, the City Council, at their May 11, 2020 Work Session, voted to accept and expend CARES Act funding; and

Whereas, funding can be used to maintain safe and efficient airport operations at the Berlin Regional Airport.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berlin, NH that upon award, Thirty Thousand Dollars (\$30,000.00) of CARES Act funding is hereby appropriated to the Berlin Regional Airport.

Be it further resolved that the City of Berlin/Berlin Airport Authority accept the terms of the grant and that the City Manager is authorized to do all things necessary to effectuate the grant.

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

PASSED: \_\_\_\_\_  
July 20, 2020

APPROVED: \_\_\_\_\_  
Honorable Mayor Paul Grenier

ATTEST: \_\_\_\_\_  
Shelli Fortin, City Clerk

**A RESOLUTION  
2020-16**



**City of Berlin  
NEW HAMPSHIRE**

In the Year of Our Lord Two Thousand Twenty

A RESOLUTION authorizing: the borrowing of funds in the amount of One Million, One Hundred Thousand Dollars and No Cents (\$1,100,000.00) in order to fund Fire Station Improvements and Street Improvements, with such funds to be issued through the City's banking institution and such funds to be financed for a maximum period of ten years.

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

WHEREAS, the Mayor and City Council of Berlin desire to fund important capital improvement work including structural improvements, roofing replacements, window replacements and other miscellaneous facility work at the Fire Station; and

WHEREAS, the Mayor and City Council of Berlin also desire to fund important capital improvement work on Hutchins Street from the intersection with Community Street to the new construction near the intersection with Napert Street and other miscellaneous street improvements.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council hereby authorize and approve the borrowing of funds in the amount of One Million, One Hundred Thousand Dollars and No Cents (\$1,100,000.00) in order to fund Fire Station Improvements and Street Improvements.

Be it further resolved that the City Manager, Finance Director and Treasurer are hereby authorized to execute and deliver the Loan Agreement and any and all documents or to take any other actions necessary to effectuate this Resolution;

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

PASSED: \_\_\_\_\_  
July 20, 2020

APPROVED: \_\_\_\_\_  
Paul Grenier, Mayor

ATTEST: \_\_\_\_\_  
Shelli Fortin, City Clerk

**From:** Kathy Trumbull  
**Sent:** Thursday, July 02, 2020 1:11 PM  
**To:** Jim Wheeler  
**Subject:** NEAR MISS TODAY

Mr Wheeler,

Today on First Avenue we witnessed yet another of many speeding cars going by at more than 60 mph. We were out at the end of our driveway with our two dogs, and just a few seconds before the vehicle sped past, my neighbor had picked up her very young child in the street who had fallen on her bicycle, we surmise, screaming and crying, not 20 seconds apart. I called Berlin Police and spoke with Sgt. Gendron, explaining the situation. What will it take to get this problem addressed?

You may recall that we forwarded this concern to the City Council last summer. I invite you to review the resulting action taken to resolve this serious issue. It was months of waiting for the "Safety Committee" to meet and send us a letter stating merely that they denied our request to put speed limit signs up! I'm not sure why their scope was so limited, but it was certainly disappointing to receive that letter.

I would like this addressed at the next meeting and not referred to a committee that will do nothing this time. Please advise if you require further information.

Sincerely,

Kathy and John Trumbull