

PUBLIC HEARING – JANUARY 5, 2015

Mayor Grenier opened the duly advertised public hearing at approximately 7:36 p.m. to discuss the listed subject matters. The Mayor specified that each person could speak for no more than three minutes and since item #2 Ordinance 2015-02 and item #6 Resolution 2015-04 pertain to Berlin specifically, only Berlin residents could speak for these two particular items.

- Ordinance 2015-01 Clarifying No Parking on First Avenue; School Street – No comments.

- Ordinance 2015-02 Prohibiting the Possession or Sale of Synthetic Marijuana:

Father Andrew Nelson, 151 Emery Street, thanked the Mayor and Council for this ordinance. The City is under attack with drugs and prohibiting the sale of these drugs will be an important step for the community. He supports their efforts to continue to fight drugs and thanked all who keep our streets safe.

Police Chief Peter Morency, 1944 Riverside Drive, said he had a clarification for the report he gave last week. The amount of 90 incidents has now gone up to 96 due to synthetic marijuana. This issue is not only in big cities. People here overdose on it too. It looks like incense and is a green leaf material processed to mimic endorphins in the brain causing havoc. The feds can't keep up with it since it is constantly changing but if this ordinance helps to stop people selling it and keeps people from being in possession of it, this will help reduce incidents.

Laura Brown, 2493 Howard Street, works with drug and alcohol abusers and it's tough to see what comes thru the door like kids who come in sick because it is lethal. This is not like other drugs and she hates to see kids go down with it. She asked Council to support the ordinance.

Roland Pinette, 868 4th Avenue, stressed we have to keep our young people safe. They sometimes make poor decisions at a great price. He commended Council for their efforts to protect our children who lost lives to this drug and we can't afford to lose more.

Theodore Bosen, 13 Bisson Road, an attorney who has done most of his work in Criminal Law. He looked at the ordinance and his first opinion is that it is overly broad and seems ambiguous to enforce. His sense is this ordinance is likely to be overturned on challenge in an appeal. He suggests having a criminal offense attorney take a harder look at the ordinance to tighten it up so the City does not waste resources.

Larry Byron, 52 Maynesboro Street, urged Council to pass this ordinance to make sure this drug is prohibited. He lost a loved one to drugs and nobody should have to go through that.

Ellen Tavino, 109 Chruch Street, has seen people spend money on substances. There was a loophole where this drug got into the community. It does not belong here on the market as something for young people. There are many arguments but she will endorse any effort to get this junk off the streets.

- Resolution 2015-01 Appropriate \$33,240 for the NH Charitable Fund for Training – No comments.

- Resolution 2015-02 Renaming Streets Route 110 – No comments.

- Resolution 2015-03 PD \$5,000 Grant Application for Project Safe Neighborhood.

Police Chief Peter Morency, 1944 Riverside Drive, explained that this grant was obtained through the Federal Government to deal with guns, gangs and help pay for extra enforcement details.

- Resolution 2015-04 PD \$274,553 Grant Application for Armored Vehicle:

Police Chief Peter Morency, 1944 Riverside Drive, thought he would be able to explain some concerns regarding the BearCat. He can understand the differences of opinion but we should be able to speak and work through the issues. This is not about TV. His department has done lots of community programs and they care about the community. It is not about militarizing the PD but can also be used to rescue people. It is not a tank and was never intended to attack but to save. It is about giving people protection not violate their rights. Most people are law abiding but they must respond if there is an incident. Last year there were 95 school shootings, 67 attacks, 45 cops died, 89 suicide calls and felonies are up 41% but this list may not be up to date. Firearms stolen here were used for a homicide in NY. There have been 15 armed incidents this year. Our police have dealt with domestic, home invasions and have handled live bombs. He is not against guns but more than thirty thousand people are killed with a firearm. Mental health is a real problem. The Police are authorized to wear vests, why not have the equipment to save lives? The Chief realizes the BearCat looks intimidating but it is not more intimidating than a brinks truck. He will be happy to forward incidents to Council when the truck is used. For the last thirty years our police Department has never been charged with a civil action because that is not how they work. The Officers will be trained with FEMA grant money and homeland training is funded 100% and there are no other costs. The general maintenance would be around \$200 per year and it has a lifetime warranty. All calls are billed throughout RSA 133-a used for hiking rescues also. If we don't use the federal funds, someone else will. It is fully funded with zero direct cost and no match. The Federal Dollars are already appropriated. In the past when his Department brought in \$12-\$13 Million Dollars in grants, no one ever complained. Abuse will not happen because policies will be followed. The bottom line is to protect and serve the community and to be able to go home to loved ones. It is a rescue vehicle and nothing else.

Carl Gagnon, 24 Petrograd Street, has owned his house for 33 years. Served in the US Air Force, worked in the security forces and was a former Berlin Policeman with eleven years of field experience. He was a training officer and has skill sets that can offer a unique perspective. To deploy the BearCat in our city would be the militarization of the Police. They come here tonight to hold the Mayor and Council accountable. Chris Jensen, NPR, posted on line, numerous conversations regarding this vehicle. This vehicle is ballistically engineered for counter attacks. Its mere presence escalates the Police Department with more prone warrior mentalities like us against them. How this vehicle is to be used is one of the report requirements the America Civil Liberties Union has suggested. Who will pay the cost to maintain a counter attack truck? Other communities have abused their power with this type of vehicle. It will set the stage for military equipment incentives to law enforcement and makes for overly aggressive swat teams. We must know what the government is doing to save them and find common ground. We must petition state law and provide citizens with a quarterly update from the Berlin Police Department. He understands the use of body cameras but does not understand the rotation turret to shoot from. If they remove the turret, he has no problem. He knows Council is going to vote for it but they need to demilitarize the equipment to safeguard our civil rights.

Gerard Landers, 585 Hillside Avenue, asked about the civil rights of a child. Is there no one here to stick up for their rights? This vehicle will not be used for offensive means and will be used for civilian protection. It is a well studied plan and we should stand behind the Police and not alienate them.

Albert Dube, 184 Glen Avenue, said Chief Morency gave facts and figures but had no real data. Anyone can say facts. He talked about the 58 miles of Canadian border but really how dangerous is that. He doesn't think that serves any serious threat to them. If the people here with trench coats on wanted to, they could stand here with a machine gun if they felt the need. What good would that vehicle do to us here? We have to take that into consideration. Say a shooter goes to school and shoots 12 people, what good will this machine do after the damage is done? Carl had asked who is going to maintain, put gas and where will it be kept. That was not revealed and there are still many concerns before a decision is to be made.

Roland Pinette, 868 Fourth Avenue, takes precautions everyday at home like having a fire extinguisher, flashlight, candles, etc. Why, if we are aware of a risk, wouldn't we take steps to mitigate possible problems? Most of us take common sense approaches. Law enforcement is acutely aware of risks facing them and us. The Police Department found a way to add no impact to the City which is a prudent and proactive plan before things go bad. Citizens expect the Police to protect them from harm. We don't ever expect to use the fire extinguisher but if the time comes it will be good to have. Let's allow them the grant to do their job.

Robert Therberge, 30 Oxford Street, thanked Council for allowing the public to speak about this issue. Municipalities have been quietly arming their police forces for battle due to a worsening drug crisis. Past funds were allocated to Council to purchase an Emergency Rescue Vehicle (ERV) currently housed in Gorham. It has not been properly maintained and the tracts are removed. If there is an emergency, the ERV cannot be used. Is the same fate in store for the BC? As a State Representative, it is his obligation to inform Council that legislation was introduced to prohibit the state and political subdivisions from acquiring military equipped vehicles or equipment not readily available in an open national commercial market. That said Council may want to postpone their vote. He asked Council to think of the taxpayers who will be required to pay for the repair and maintenance of the BC. He then suggested that instead of the BC, Council should consider the purchase of drones which would save time in search and rescue missions, monitor fires and disasters. Unlike BearCats which are a re-active response, drones are pro-active.

George Stanley, 193 Pleasant Street, watched a movie where these machines escalate police abuse. He has been part of two Federal Cases and has lost each time. A badge is lethal enough. He called 911 due to difficult situations and sometimes they pick up everyone. The BearCat or BC is pointless overkill, a bumper sticker machine, stretch of police powers of excess, annihilation, and the Trojan Horse syndrome. We are not stupid. This upsets the power dynamic to settle differences. Uses of BC are for power issues which will be felt daily. It should be stored out of sight except to train swat teams. The Police Department is not imperfect. BC will be used on the wrong people with military-style siege mentality with laws that protect the Police Department. It is time for citizens to wake up their deep American values. The BC fuselage spins as a strategy enabling them to shoot now ask questions later. They should spend money on mental health. This machine is just the Police Chief padding his resume with the biggest toys.

Eric Catman, 1655 Main Street, has three issues with the BC: Logistics, Civil Liberties and cost. Civil Liberties is what he is most concerned about. He made it clear that he is not anti-police. He has friends who work for the Police Department, State Police and Border Patrol. One argument is if we accept the BC it is free money and we are not spending out of pocket but we are in other ways. Other taxes and fees are strapped on the American Public and there are strings attached on all other stuff that goes along with FEMA and Homeland Security. Pete Morency and the Police Department give him nothing to worry about. It's the people down road. His fear is that in the future when friends are gone, a tyrant could control the BC and declare Marshall Law. This is not crazy talk. He has guns because of his right to bear arms and he home schools his kids. If a tyrant gets in office, all that could change and he moved here to get away from that. We are not free today. We have no freedom because our kids will get pulled over if they don't have helmets while riding their bikes. We don't need the Federal Government to tell us how to take care of our kids. The Federal Government dangles these golden carrots that we don't need to have. We don't need the Feds to dictate to the Police Department, we should take care of our own.

George Beals, 665 4th Avenue, served on armor in Vietnam on a full tour with the US Air Force, a member of the National Guard and a Combat Engineer. The BC is an armored, military vehicle with stipulations but is really a wolf in sheep's clothing. He studied the grant program and noticed many caveats and requirements and there is not a 100% warranty. Auspices, waive jurisdictional control not only for homeland security but for other Federal Agencies. Other communities returned their vehicles because they don't want to be on the hook. Keene has applied and has one but their median income is \$75,000 and their population is twice the size of Berlin. Berlin has a median income of \$35,000 and we have no economic base, we are strapped here. Someone vandalized

his garage and he got a good response from the Police but they did not need a BC. This is a Trojan horse. What are they going to need next, night vision equipment just to keep up with Joneses? The National Guard Armory is right up the road and we can use that anytime. With all the attached strings, he pleaded that Council study and see how it affected other communities.

Marcel Bouchard, 429 Derrah Street, can't picture where we are ever going to use this machine. It is a total waste of money. This is not the way to spend our money because it is not free. If we needed something like that all we had to make was one call to the governor or to the National Guard. Council should get it in writing that Gorham and Milan will share costs.

Warren Horsfield, School Street, watched a Utube video where the Mayor represented Berlin and said it was a happy-go-lucky community where people don't lock doors. He said it was a small friendly, neighborly community. These are the Mayor's words. So why do we need the BC?

Henry Wood, 12 Diana Street, said we don't know what people have behind closed doors. We need to put it in the Police's hands because they are here to protect us.

Joseph Priest said no one wants militarized police but that is not what this is. It is a defensive vehicle not used to patrol streets and we don't need rockets. He goes to work with a gun but doesn't want to but is something he has to do.

Ben Warford, 502 School Street, said that someone said this was to protect children. He asked if one of these has ever protected our kids? For a crime, any vehicle could be used to prevent one of those. We will be on the hook with the Federal Government which is 100% accurate and we will have no say as to what we use it for. He has seen it in Boston where they drive pointing machine guns at people. He is all for protecting the Police but they need to take the turret off and it can be built without it.

Fred Treiss, Burgess Street, said we can be thinking with emotion saying we live in world where we don't need it. In a logical world, it would be naïve if we have the ability to get top-of-the-line equipment for public safety and not get it. We now respond with commonly used body armor, but if we have three officers down, that equipment would come in handy and the officers could use the vehicle for cover saving a situation where things could have gone bad. It is the type of vehicle we hope we never have to use but would be an asset for the team to have.

Paula Benski, 297 Pleasant Street, understands it is the chance to get the vehicle for free but it is not what is best for Berlin. Nationwide there has been the militarization of Police which only breeds animosity. Letters were written to Council about this and it is already breeding ill will. Regardless, it will put Berlin into the middle of quagmire. We need to find another way to protect citizens and their officers. She had several positive interactions with the Police Department and assumes that is the way they treat everyone. The Police here have a good relationship with Berlin and we do not want to mess that up. We don't want to lose trust of the citizens so we need to find another way to address needs. She has lived in communities where the Police cannot be trusted and it makes it more difficult and dangerous to do their job. She warned Council that the price to pay is more than nothing. She is convinced that Council should vote against the BC which is a vote for Berlin Police to do their jobs effectively.

Roland Berthiaume, 380 Norway Street, presented many letters of support from citizens who believe it is important for the community to allow Chief Morency to get the BC. It might be controversial but it allows officers to diffused the situation and the capabilities go beyond any other response vehicle in natural disasters. It is a dangerous world and the loss of one Police Officer is one too many.

Gerry Nault, 80 Nansen Street, believes the off-road capability in both winter and summer could assist in rescue and is not offending civil rights. It gives added rescue to fire and hazmat support.

Mark Evans, 1829 Riverside Drive, is opposed to the BC because of the militarization of Police which makes him uncomfortable. The Police Department does a good job and he is not worried about Berlin but is worried about the rest of the country. He asked Council to reject the BC.

Matt Buteau, 275 Willard Street, said there is lots of focus on the cost. What helped him to support this is he has family who attend schools and they rely on the Police to answer any call. We have to be prepared and make sure the Police are prepared to respond to anything. The Police Department is a highly professional department and they are willing to be there for the community. If we don't get this, then we are making a big mistake.

Ellen Tavino, 109 Church Street, has no opinion either way. She heard about big feelings instead of paranoia and hears there is middle ground somewhere. She has never used gun but supports the Police Department. Someone mentioned the incident in Colebrook, how long would it have taken to get to Colebrook? What good was the BC in Franconia? Like the old saying, if a camel puts his nose in a tent, the camel sleeps in the tent. The BC is the camel nose. Why does this need to be done so rapidly and how many knew about this? Again, she is not for or against.

Andre Belanger, 40 Jasper Street, rarely voices an opinion and shared he knows all of us and we know him. He remembers going to a public forum at the Milan School to voice an opinion about the prison being installed in Berlin. The Mayor, City Manager, Federal Officials and Milan Selectmen were there. People who lived directly next door were concerned and wished to be heard so they went to the school in Milan only to be told they could not speak. Why is it not possible for individuals of a surrounding town to chime in on a decision on the northern part of NH? They were told 'look, it does not matter what you think or believe the decision is being made in City Government where elected officials make decisions and you elected these people to think for you'. He believes that all individuals have a soul and can think. A decision is made with the help of all people who are frightened. He is proud the Police Department protects us the way they do. Decisions are made with listening hearts and Chief Morency has shared with us. Some people are afraid, afraid not to have this thing here and someone will go crazy at the High School. Do recognize that you will not tell me it does not matter what I think or believe. Take the turret off of it. Think it over and get the facts. Thanks for working hard and giving us this forum and keeping us unafraid.

Robert Haynes, 56 Pleasant Street, asked can it be mounted and are there any EMS packages for rescue? For one thing, we now have two prisons which bring up a valid point. Anything that can be used to respond would be helpful. He also heard about strings attached. He knows some Police Departments that are militarized. He came from another area because of it. We know these people, they are honorable and do their best and it makes sense here. Fear is from a different place. Many of our Policemen grew up here and went to school here. If the Police Department says they need this, then we need it. We can ask for the demands and see what they say. It is a tough decision and he will pray for them.

Robin Lavertue 113 Shepard Street, agrees, if the Police Department says they need it, get it to them. Having it and not using it is better than needing it and not having it. No, they can't use National Guard equipment. If it saves one life, it is worth it.

Eric Catman, 1655 Main Street, is not opposed to the BC but would like to see if Council will put it out to the public that states we will have the vehicle demilitarized because we all need to see. The current grant application does not say that whatsoever.

Carl Gagnon, 24 Petrograd Street, quoted former historic instances where citizens lost homes. Civil rights issues were not important back then and it is not impossible to reoccur. There being no further comments for or against the subject matters, Mayor Grenier declared the public hearing portion of the meeting now closed at approximately 9:27 p.m.

Mayor Grenier said he is in support of this vehicle and will not turn his back on the Police Department. Council has taken input about a military-type vehicle in the community and the ACLU Report suggests if accepted, the Police Department needs to regularly report to Council on the vehicle's use and how it is to be handled. The Police Department will be asked to remove the turrets and gun ports which are perceived as a threat to civil rights. He spoke to the Chief and he agrees. One step further, they will form a five member advisory committee consisting of: the Police Chief; 1 Police Commissioner; 1 City Councilor; and 2 members of the public. Mayor Grenier asked Carl Gagnon and Mark Tremblay to represent the public on this committee and both agreed. The Committee will formulate the Standard Operating Procedures for the vehicle and maintain a report of use so that Council is aware every time it is moved. If not used, he would be happy. He looks at this like a fire truck and hopes it does not get used. He has given this a lot of thought but will not turn his back on the people who risk their lives to protect our citizens.

Mr. Beals spoke out saying he is not happy with the lack of more public citizens on this committee.

CITY COUNCIL MEETING – Monday, January 5, 2015

Mayor Grenier called the Regular City Council Meeting to order at approximately 9:32 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Gentili, Higbee, Rozek, Nelson and Theberge. Also present: City Manager James Wheeler, Susan Tremblay, Barbara Tetreault and citizens.

Minutes, Previous Meeting

Councilor Rozek moved with a second by Councilor Remillard to accept the minutes of the December 15 Regular Meeting/WS and December 22 WS. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1731 start date 12/16/2014 end date 1/05/2015 for a total cash disbursement of \$2,224,652.71. Councilor Theberge moved with a second by Councilor Morgan Allain to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS – No Comments

UNFINISHED BUSINESS

1. Council Committee Reports – No Reports
2. Ordinance 2015-01 amending the Code of Ordinances, Chapter 15, Traffic & Vehicles, Article III, Stopping, Standing & Parking, Sec. 15-69. Prohibited at all times in designated Places. (tabled 12/15/2014) **Be it ordained by the City Council of the City of Berlin, as follows:**
That Sec. 15-69. is hereby amended as depicted below:
Sec. 15-69. Prohibited at all times in designated places.
(a) When signs are erected, or other markings made, giving notice thereof, no person shall park a vehicle at any time upon any of the following streets or parts of streets longer than necessary to load or unload passengers or commodities:
First Avenue, ~~west~~ east side, from ~~Shepard~~ Clark Street to Mt. Forist Street.
First Avenue, ~~west~~ side, from Mt. Forist Street southerly seventy (70) feet.
First Avenue, east side, across from Clark Street intersection.
School Street, east side from Willard Street, 70 feet north.
This Ordinance shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor Otis to remove the ordinance from the table at this time. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance read a third time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to pass the ordinance at this time. So moved, the motion carried and Mayor Grenier declared the ordinance now passed.

3. Ordinance 2015-02 amending the Code of Ordinances, Chapter 7, Health, creating a new Article IV Prohibition of the Possession or Sale of Synthetic Cannabinoids. (tabled 2/15/2014)

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

That Article IV. Prohibition of the Possession or Sale of Synthetic Cannabinoids is added to Chapter 7, Health of the Code of Ordinance as described below:

I. PURPOSE AND INTENT: PROHIBITION OF THE POSSESSION OR SALE OF SYNTHETIC CANNABINOIDS

It has been determined that certain businesses and/or individuals within the city of Berlin are possessing and selling certain substances which when ingested produce intoxicating effects similar to Tetrahydrocannabinol (THC) or Marijuana. These substances, which are described herein, are often used as an alternative synthetic to Marijuana and are potentially dangerous to users and society, and the long term effects are not yet known. The effects of these substances are a health concern to the citizens of Berlin. Not all of the substances are categorized as illegal controlled substances under State or Federal law. By selling these "legal" substances for smoking and ingestion of the guise of incense, the manufacturers avoid the United States Food and Drug Administration process for study and approval of such prior to distribution for consumption. In addition, by marketing such "incense" products directed at the controlled drug subculture, the manufacturers and sellers avoid the Schedule Implications of the Controlled Substances Act. The Berlin City Council recognizes there is no legitimate purpose of such synthetic chemicals contained therein.

II. PROHIBITED ACTIVITIES

It shall be unlawful for any person to sell, barter, give, publicly display for sale, or attempt to sell, possess, or transport, any material, compound, mixture or preparation which contains any quantity of synthetic cannabinoids or their optical, positional, and geometric isomers, salts and salts of isomers whenever the existence of such isomers, salts and salts of isomers is possible within the specific chemical designation as defined below within the corporate limits of the city of Berlin.

III. DEFINITIONS:

For the purpose of this section, the following shall be defined as follows:

Person: An individual, corporation, limited liability company, partnership, wholesaler, retailer, and any license or unlicensed business, including clerk, manager, or owner of business.

Synthetic cannabinoid: Any substance within the following structural classes that displays binding activity at the CB 1 and/or CB2 cannabinoid receptor sites. Binding activity may be documented in the following ways, including but not limited to:

- i. A patent or patent application or copy thereof that attests to the binding activity of the substance in question; and/or
 - ii. An article or document or copy thereof from a peer-reviewed scientific journal or equivalent publication that attests to the binding activity of the substance in question.
1. Any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substituent at the 5-position of the phenolic ring: whether or not substituted on the cyclohexyl ring to any extent.
 2. Any compound containing a 1-(Naphthylmethyl) indene ring system with a substituent at the 3-position or the indene ring system: whether or not further substituent on the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

3. Any compound containing an indole ring system with a substituent of the nitrogen atom and bearing an additional substituent at the 3-position of the indole ring system, with a linkage connecting the ring system to the substituent:
 - i. Where the linkage connecting the indole ring system to the substituent at its 3 position is any of the following: Alkyl; Carbonyl; Ester; Thione; Thioester; Amino; Alkylamino; Amido; Alkylamido
 - ii. Where the substituent at the 3 position of the indole ring system is, disregarding the linkage, any of the following groups: Naphthyl; Quinoliny; Adamantly; Phenyl; Cycloalkyl; (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl); Alkylamido (limited to ethylamido, propylamido, Butanamido, or pentanamido)
 - iii. Whether or not the substituent at the 3-position of the indole ring system, disregarding the linkage, is further substituted to any extent
3. Any compound containing a indazole ring system with a substituent at the 3 position nitrogen atom and bearing an additional substituent at the 3-position of the indazole ring system, with a linkage connecting the ring system to the substituent:
 - i. Where the lineage connecting the indazole ring to the substituent at its 3 position is any of the following: Alkyl; Carbonyl; Ester; Thione; Thioester; Amino; Alkylamino; Amido; Alkylamido
 - ii. Where the substituent at the 3 position or the indazole ring is, disregarding the linkage, any of the following groups: Naphthyl; Quinoliny; Adamantly; Phenyl; Cycloalkyl (limited to cyclopropyl, cyclobutyl, Cyclopentyl or cyclohexyl); Biphenyl; Alkylamido (limited to ethylamido, propylamido, Butanamido, or pentanamido)
 - iii. Whether or not the substituent at the 3 position of the indazole ring system, disregarding the linkage, is further substituted to any extent.
 - iv. Whether or not further substituted on the indazole ring to any extent.
4. Any compound containing a pyrrole ring with a substituent on the nitrogen atom and bearing an additional substituent at the 3-position of the pyrrole ring, with a linkage connecting the ring to the substituent:
 - i. Where the linkage connecting the pyrrole ring to the substituent at its 3 position is any of the following: Alkyl; Carbonyl; Ester; Thione; Thoester; Amino; Alkylamido
 - ii. Where the substituent at the 3 position of the pyrrole ring is, disregarding the linkage, any of the following groups: Naphthyl; Quinoliny; Adamantly; Phenyl; Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or Cyclohexyl); Biphenyl; Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
 - iii. Whether or not the substituent at the 3 position of the pyrrole ring, disregarding the linkage, is further substituted to any extent.
 - iv. Whether or not further substituted on the pyrrole ring to any extent.
5. Any compound containing a pyrazole ring with a substitute at the I-position nitrogen atom and bearing an additional substituent at the 3-position of the pyrazole ring with a linkage connecting the ring to the substituent:
 - i. Where the linkage connecting the pyrazole ring to the substituent at its 3 position is any of the following: Alkyl; Carbonyl; Ester; Thione; Thioester; Amino; Alkylamino; Amido; Alkylamido

- ii. Where the substituent at the 3 position of the pyrazole ring is, disregarding the linkage, any of the following groups: Naphthyl; Quinoliny; Adamantly; Phenyl; Cycloalkyl (limited to cyclopropyl, cyclobutyl, Cyclopentyl, or cyclohexyl); Biphenyl; Alkylamido (limited to ethlamido, propylamido, Butanamido, or pentanamido)
- iii. Whether or not the substituent at the 3 position of the pyrazole ring, disregarding the linkage, is further substituted to any extent.
- iv. Whether or not further substituted on the pyrazole ring to any extent.
- 6. Includes, but is not limited to the following: QUCHIC/BB-22; QUPIC/PB-22; 4 fluoro PB-22; STS-135; APICA/SDB-001; ADBICA; APINACA/AKB48; AB-FUBINACA; AB-PINACA; ADB-FUBINACA; AM-1248; AM-2233; SDB-006; 5-chloro UR-144
- 7. This definition shall not include:
 - i. Endocannabinoids that are naturally found in the human body; or
 - ii. Delta-9 Tetrahydrocannabinol (THC) or other Marijuana- derived cannabinoids, in the form of Marinol, Dronabinol, or another generic pharmaceutical equivalent; so long as the medication has been issued as the result of a valid prescription; or
 - iii. Any other drugs that have cannabinoid receptor activity that are currently FDA-approved for medical use; or
 - iv. Marijuana and extracts of Marijuana, as these are already controlled per NH RSA 318:B

IV. EXCEPTIONS

- A. It is not an offense under this Chapter if the person was acting at the direction of the Berlin Police Department and its officers, or federal or state law enforcement, to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances.
- B. If the State of New Hampshire enacts criminal penalties for the possession, sale, transportation, or delivery of any chemical substance listed in this ordinance, then upon the effective date of this control, this ordinance shall no longer be deemed effective for that substance. However, a violation of this ordinance occurring prior to the effective date of such State statute may be prosecuted after the effective date of State control.

V. VIOLATIONS AND PENALTIES

- A. Any person found to be in violation of this ordinance will be assessed a fine of \$500.00. Each day a violation occurs will constitute a separate offense.
- B. In addition to any penalty provided in the above Section A, if any of the aforementioned substances listed above are found in the possession of any person, the substance will be forfeited by seizure by the Berlin Police Department, or its officers, and may be destroyed by such law enforcement officials in a method consistent with law.

VI. VALIDITY AND APPLICATION

- A. If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.
- B. All ordinances, resolutions, orders and parts thereof or in conflict with this ordinance are hereby voided.

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

Councilor Nelson moved with a second by Councilor Morgan Allain to remove the ordinance from the table at this time. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Higbee to have the ordinance read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to have the ordinance read a third time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Morgan Allain to pass the ordinance at this time. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier who declared the ordinance now passed.

4. Resolution 2015-01 appropriating Thirty Three Thousand, Two Hundred Forty Dollars (\$33,240) from the Neil and Louise Tillotson Fund of the NH Charitable Foundation to hire a consultant who will work with the City Manager and Department Heads in 2015 to focus on building leadership and relationship skills for the development of stronger interdepartmental relationships which are intended to result in more efficient utilization of our scarce resources in providing City services as well as produce more aligned and strategic actions by City Departments which are designed to move the City toward a more prosperous future. (tabled 12/15/2014)

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

- Whereas, the City Manager working with Primex began working with the Department Heads in January to begin identifying common goals and to create a more collaborative work environment among the different departments of the City; and

- Whereas, the Department Heads have done a lot of preliminary work this year establishing strategic working relationships with one another for the purpose of placing the needs of the community above individual department needs; and

- Whereas, working directly with a consultant who has experience in organizational change to refine the internal operating structures and culture to advance achievement of goals and priorities of the City as a whole; and

- Whereas, a shared leadership program experience will allow for the Department Heads to work more efficiently with one another as well as their staff; and

- Whereas, the City recognizes that learning and development is a necessary component of high functioning teams and organizations and will be necessary to bring new solutions to the City's complex budgetary issues. Now Therefore, Be it Resolved that the City Council of the City of Berlin hereby appropriates Thirty Three Thousand, Two Hundred Forty Dollars (\$33,240.00) from the Neil and Louise Tillotson Fund of the NH Charitable Foundation to hire a consultant who will work with the City Manager and Department Heads in 2015 to focus on building leadership and relationship skills for the development of stronger interdepartmental relationships which are intended to result in more efficient utilization of our scarce resources in providing City services as well as produce more aligned and strategic actions by City Departments which are designed to move the City toward a more prosperous future. Be it further resolved that, the City Manager is authorized to accept the grant and to sign and do all things necessary to effectuate and carry out the grant. This Resolution shall be in full force and effect from and after passage

Councilor Remillard moved with a second by Councilor Otis to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to pass the resolution at this time. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

5. Resolution 2015-02 changing the names of a section of Green Street and a section of First Avenue along the newly realigned section of NH Route 110. (tabled 12/15/2014)

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

- Whereas, the new realignment of NH Route 110 has changed the layouts of both Green Street and First Avenue; and
- Whereas, there are several homes that are sited along the new roadway and no longer front on First Avenue; and
- Whereas, there are many street segments along Route 110 with different names and the changes will eliminate one street name (Green Street) from the many segments; and
- Whereas, renaming the sections of both Green Street and First Avenue to Wight Street (see attached map) will lessen confusion for emergency services and visitors to the area. Now therefore, be it resolved by the Mayor and City Council of the City of Berlin that the names of the identified sections of Green Street and First Avenue are hereby changed to "Wight Street." This Resolution shall be in full force and effect from and after February 18, 2015.

Councilor Nelson moved with a second by Councilor Morgan Allain to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Higbee moved with a second by Councilor Otis to amend the resolution by adding the words "February 18, 2015" to the last sentence. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Otis to have the resolution, as amended, read a second time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Otis to have the resolution, as amended, read a third time by title only. So moved, the motion carried.

Councilor Nelson moved with a second by Councilor Otis to pass the resolution, as amended, at this time. So moved, the motion carried and Mayor Grenier declared the resolution, as amended, now passed.

6. Resolution 2015-03 authorizing the Berlin Police Commission to apply for and receive \$5,000.00 (Five Thousand Dollars) in grant funds from the NH Department of Justice for the purpose of the Project Safe Neighborhood Grant for Fiscal Year 2015. (tabled 12/15/2014)
Resolved by the City Council of the City of Berlin as Follows:

- Whereas, Berlin is located in the northern, rural portion of New Hampshire in Coös County, and due to this fact, area law enforcement relies on collaboration and a sharing of resources; and
- Whereas, Berlin is the epicenter for Coös County with respect to guns, gangs, and firearm-related offenses; and
- Whereas, the Berlin Police Department has seen an increase in crime that is believed to be connected to the afore-mentioned offenses, with a total of 44 burglaries reported to the Department in all of 2013 and 88 reported as of October 29, 2014; aggravated assaults increasing from eight in 2013 to 16 reported through October 2014; drug/narcotic violations increasing from 91 in 2013 to 107 through October 2014; and
- Whereas, investigators have also responded to seven burglaries/thefts to date involving the theft of firearms and has had five reported cases of criminal threatening with weapons since January 2014; and
- Whereas, investigations into these crimes are time consuming and manpower intensive, taxing the Department's operating budget and filtering down into other related and unrelated crimes in the area; and
- Whereas, subjects committing these offenses are also often suspected of selling prescription drugs, heroin, and crack cocaine; information has suggested that drug users are encouraged to bring firearms to trade for illicit drugs; and information received suggests that drug users are committing thefts and burglaries to support their drug additions; and
- Whereas, these crimes impact residents' quality of life, and the increase in related and causative criminal offenses has placed a burden on the Department's resources, resulting in a reduction on the Department's ability to respond proactively; and
- Whereas, funds are available from the Department of Justice for dedicated patrols to specifically combat this problem with a dedicated approach for the period of December 2014 through August 31, 2015. 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 funds from the NH Department of Justice for the purpose effectuating said Project Safe Neighborhood Grant during Fiscal year

2015. Further, the sum of \$5,000.00 (Five Thousand Dollars) is hereby appropriated to the Berlin Police Department Fiscal Year 2015 Budget, in addition to all other previously appropriated funds. This Resolution shall be in full force and effect from and after passage.

Councilor Theberge moved with a second by Councilor Higbee to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Theberge moved with a second by Councilor Morgan Allain to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Theberge moved with a second by Councilor Morgan Allain to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Theberge moved with a second by Councilor Morgan Allain to pass the resolution at this time. So moved, the motion carried and Mayor Grenier declared the resolution now passed.

7. Resolution 2015-04 authorizing the Berlin Police Commission to apply for and accept Two Hundred Seventy-Four Thousand, Five Hundred Fifty-Three Dollars (\$274,553.00) in grant funds from the NH Department of Safety under the 2014 Homeland Security Grant Program and appropriating said funds to the Police Department for the purpose of the grant. (tabled 12/15/2014)
Resolved by the City Council of the City of Berlin as Follows:

- Whereas Coös County encompasses 1,794 square miles, is comprised of many small towns and communities, has a population of approximately 32,000 people, and is home to several critical infrastructures, e.g., natural gas and crude oil pipelines, critical care facilities, biomass and hydro facilities; and
- Whereas Berlin and Gorham are approximately 60 miles from the Canadian border, and terrorists who have been involved in previous attacks on the homeland have come through the Canadian border; and
- Whereas domestic terrorism (e.g., Karl Draga incident) is a threat which often occurs in rural areas; and
- Whereas by virtue of proximity, the Berlin-Gorham Emergency Response Team (ERT) will be called upon to enter areas of danger in the event of a domestic or international type terrorist incident; and
- Whereas armored-type rescue vehicles are designed to assist in all of the aforementioned situations as well as CBRNE (chemical, biological, radiological, nuclear, explosive) incidents and are capable of off-road, tough terrain transportation of personnel and specialized equipment throughout Coös County; and
- Whereas said rescue vehicle would render the ERT safely and effectively mission ready and capable of assisting surrounding towns and agencies in Coös County by providing the abilities to take action with a fast response time, gain access to remote areas throughout Coös County, and aid first responders in rescue missions without consideration of weather or terrain; and
- Whereas use of such specialized equipment increases the ability of the ERT to safely resolve situations without injury or loss of life and will enhance agency interoperability, especially in response to a large-scale event or disaster; and
- Whereas deployment of this vehicle to select sites during elevated threat levels will provide protection to critical infrastructure and strengthen potential vulnerabilities that would otherwise be lacking; and
- Whereas the safety the North Country's citizens is imperative, and the State of New Hampshire recognizes the emergent need of an armored-type rescue vehicle for Coös County to ensure first responder and citizen safety in order to enhance state-wide recovery capabilities and strengthen critical infrastructure; and
- Whereas funding for the purchase for said rescue vehicle is available through the 2014 Homeland Security Grant Program. 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 funds from the NH Department of Safety for the 2014 Homeland Security Grant Program for the purchase of an armored rescue vehicle; further that \$274,553.00 be appropriated to the Berlin Police Department for the purpose of effectuating said grant. This Resolution shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor Nelson to remove the resolution from the table at this time. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Nelson to have the resolution read a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Nelson to have the resolution read a third time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Nelson to pass the resolution at this time. Roll call resulted in unanimous affirmative votes with the exception of Councilor Otis who voted no. Mayor Grenier declared the resolution now passed.

Councilor Higbee explained he was not sure how to vote on this resolution but listened to the two sides. One was a large potential negative like police militarization but there could also be a tremendous positive where they might save a life of a police officer or a child. He thinks Council needs to vote in the affirmative and make sure it is used in the right way and hold the Police Department's feet to the fire. We need to think about what we would be throwing away if denied.

Mayor Grenier agrees with Councilor Higbee. The American Civil Liberties Union sent a letter to the Mayor and Council giving them valuable stipulations to manage this vehicle. One is by appointing a five (5) member advisory committee to make a SOP for the vehicle's use. The Mayor hears the public and understands the fears if the vehicle is wrongly used but the vehicle will still be here when present Council is gone so we need to govern its use. He spoke to the Police Chief about demilitarization of the vehicle and he also wants the public respect. Removing the turrets and gas probe will make this a better fit for Berlin and it also can be used for rescues. It is a very valuable vehicle.

NEW BUSINESS

8. Resolution 2015-05 authorizing the Berlin School Department to apply for and accept Two Million, Two Hundred Six Thousand Four Hundred Ninety-Five Dollars (\$2,206,495) over five years in grant funds from the NH Department of Education to target federal funds to support the President's national initiative "Now is the Time", Project AWARE (Advancing Wellness and Resilience in Education) and appropriating said funds to the School Department for the purpose of the grant.

(1st read)

Councilor Nelson moved with a second by Councilor Morgan Allain to table the resolution and schedule a public hearing on January 19. So moved, the motion carried.

9. Resolution 2015-06 requesting that all State elective officials support legislation that will reform State Education Funding to rely on a comprehensive funding mechanism that results in a significant reduction of local property taxes. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on January 19. So moved, the motion carried.

10. Resolution 2015-07 requesting that all State elective officials support legislation that will authorize fully restored funding to the State Aid Grant Program's eligible deferred projects. (1st read)

Councilor Remillard moved with a second by Councilor Otis to table the resolution and schedule a public hearing on January 19. So moved, the motion carried.

11. ACLU Communication re: BearCat Armored Vehicle Concerns.

Devon Chaffee, Executive Director of the American Civil Liberties Union, wrote that they have serious concerns about law enforcement's general increased reliance on military-like equipment. He urged the Council to fully examine the stated justifications for the BearCat and descriptions of its intended use and to, if it is acquired, ensure transparency and oversight by requiring regular reporting on the Department's use of the vehicle. This document will be kept of file.

12. City Manager's Report

- The Fire Department has a new water rescue boat available for water rescues. The boat was one of the items funded in the 2015 Capital Improvement Plan.
- The Fire Department's application for replacement/upgrade of the vehicle exhaust system at the Fire Station has been approved by FEMA. The Department is now working on the bid documents for the project which is estimated to cost \$47,000.
- FEMA has announced that the upcoming round of SAFER Applications. Applications will be received between February 9, 2015 and March 6, 2015 by the Assistance to Firefighters Grant Program.
- The City is soliciting bids for a catch basin vacuum and sewer jet truck. We have allowed provisions for new, used or lease/purchase vehicle pricing. These bids are due January 15, 2015.
- The City received bids for asbestos abatement for properties at 32 and 52 Ottawa Street and 155 Willow Street. There were three bidders with Acadia Contractors came in as the low bidder with a bid of \$39,100. Once the abatement work is done, bids will go out for demolition of the properties.
- 234 Main Street has been delayed for the time being. We plan to coordinate the demolition when PSNH lowers the water above Smyth Hydro in the fall.
- Berlin Emergency Medical Services has issued the City a check in the amount of \$26,416.66. This is equivalent to one month of the City subsidy to BEMS. Chris Dubey of BEMS indicates that they have had a good year financially. Even though there is no contractual requirement for them to return the subsidy they feel it is the appropriate thing to do.

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

13. Mayor's Report

Mayor Grenier thanked all the public for attending the public hearing and credited them for a rather orderly discussion on a sensitive subject and because of this they were able to get this done.

14. Public Comments

School Board Chair Nicole Plourde thanked Council for doing the right thing tonight and said she is proud of all of them.

15. Council Comments

Councilor Rozek welcomed new Councilor Mike Gentili aboard and asked him if he was ready for the time it will take out of his personal life. Councilor Gentili replied if tonight's meeting was any indication, his tenure should be interesting.

16. Adjournment: There being no further business before the Mayor and Council, Councilor Rozek moved with a second by Councilor Nelson to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 10:08 p.m.

A True Record, Attest:
Debra A. Patrick, CMC
City Clerk