

City Council Work Session
April 4, 2022

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

Others present: Interim City Manager Pamela Laflamme, Finance Director Holly Larsen, SAU3 Superintendent Julie King, SAU3 Business Manager Marion Moore, City Clerk Shelli Fortin, Chief of Police Dan Buteau, Lt. Nathan Roy, School Board Members Nathan Morin, Ann Nolin, Eamon Kelley and Jeanne Charest, Theodore Bosen, John Seabury, Steve Korzen, Lori Korzen, Danielle Demers, Sonya L'Heureux, Sandy Pouliot, Jamie Welch, Gina Welch, Carol Gilbert, Michelle Belanger, RavenMoon Hart, Lynne Mercier, David McGloughlin, Members of the Public and William Carroll, Berlin Daily Sun.

Mayor Grenier opened the meeting at 6:30 p.m.

Mayor Grenier requested to add the following four items to the work session agenda. The IRS 2022 mileage reimbursement rate, edit to Resolution 2022-15 pavement roller, SB271 and presentation from student David McGloughlin. Councilor Higbee moved to add the four items to the work session agenda, Councilor Berthiaume seconded. So moved, the motion carried unanimously by roll call.

Police / School Bullying Policies

Mayor Grenier commented he normally doesn't address operational items of the school department as the City Charter is very clear that the operation of the schools is part of the Board of Education of which the members are elected by the Public. However, in discussion from a member of the Public, it was brought to our attention that a student was alleged to have been bullied and received death threats. When the item of death threats was made publicly, he asked Councilor Morency to inquire into the report of death threats and other items brought to our attention.

Councilor Morency stated he looked into the threats and asked the Police Department if they had any criminal complaints filed and what is the process when they do. He commented Chief Buteau would discuss more on the process. He commented bullying falls under State law but if there is going to be a criminal charge, it needs to fall under specific criteria. He worked with an investigator from the Department of Education which he contacted and questioned Chapter 193-F which deals with bullying being followed by the City of Berlin. The investigator indicated it was followed by the City of Berlin and there are no red flags on the reporting number of cases. He also stated that more cases in the State were reported during remote learning. Chief Buteau commented the Police Department works very closely with the schools with incidents of this type. If it crosses over the line, it could be anything from a simple assault, criminal threatening, harassment, along with a number of other offenses. It has to cross that line and meet those elements of the offense. If it does meet the elements, an initial investigation would be taken from our officers or would be sent to protective division to a juvenile officer who would thoroughly investigate. He explained that criminal threatening does have the meet the threshold in order to move forward with criminal charges. If it doesn't meet the threshold, the incident will be documented, but no charges will be made. He advised there are no charges pending from the case mentioned above.

Ms. King advised she can not discuss specific cases, but can speak in general terms about what is done in the school system when a report of bullying is made. She commented when a case is brought to a public forum, it is often perceived as a widespread problem. She doesn't believe it is a widespread problem in the Berlin School District. She commented bullying does occur in the schools and any one case is more than what we want. She stated the team works hard as a public institution of education to educate, support and guide students in the right direction for not only academics, but behaviors, social learning, emotional learning and dealing with trauma for not only students, but families also. She commented all students pass through

milestones in each of those areas. In a perfect world, all students would be at the level they should be in all those areas, but this is not the case. As a school district, and this is all across the State and Country, systems of support have been put in place in schools to help support students who have deficits in any of those areas.

Ms. King explained in 2010 the NH law changed, it then included some of the Country's toughest, strictest bullying laws. Educators and Administrators were trained on this law. She read the definition of bullying from the NH law RSA 193-F:3. Most of the items addressed in the definition occur on school property, but the law doesn't stop there which is why it contained one of the strictest one in the Country. It included out of school behaviors. If they cause any of those problems, schools can address out of school behaviors. The definition also includes imbalance of power and cyberbullying. The law also includes a retaliation clause and students are counseled on that during the investigation process. Should anybody try to retaliate against them for making a report, that will be handled in a separate way. Part of this law entails annual trainings for educators and administrators. Soon after the new law was in effect, the school developed an investigation form which is included in the procedures part of the policy (JICK-R). Ms. King explained that once the form is filled out, along with supporting investigation documents, it is submitted to her. At the end of the school year, each school must complete a DOE safety survey which includes a section to report the number of reports received, if there was an investigation and how many were founded. She presented to Council two spreadsheets with reporting numbers. One for the Elementary School which showed 9 cases of bullying reported between school year 2019-2021 with none founded. The other was for the Middle High School which showed 56 cases of bullying reported between school year 2017-2021 with 29 founded. She commented there is no evidence of this being a widespread problem for many reasons including but not limited to; the data doesn't point to that and the student's behaviors and what they are doing in the community. In general, we have a very accepting group of students.

Councilor Robert Theberge questioned if the annual trainings are done in person or virtually. Ms. King responded since the law changed in 2010 it's been done in a variety of ways. At the beginning they were in person, but now go through an online platform called Global Compliance Network which once educators complete the training, she receives the certificates confirming they've completed the full training. Councilor Eastman thanked Ms. King for her presentation and asked what percent of time do teachers spend on academics and what percent is spent on social/emotional issues. And what can parents do to help. Ms. King advised she can't tease out for the percentage of each, but commented the time teachers are dedicating to behaviors, social/emotional deficit and trauma has increased. As far as what parents can do is work as a team with the schools. Mayor Grenier thanked Ms. King for her presentation and stated when he said the other night that he had a hard time to believe she would have ignored a student, he meant it. He knows her heart is with the school system and education and care of the kids as for our staff and Board of Education Members. He completely despises the insinuation that the Board of Education, the Staff, the Superintendent and Council as a City don't care about the kids. This is the furthest from the truth.

SB249

Mayor Grenier commented there is a typographical error on the agenda where it reads HB249, it should read SB249. Ms. Laflamme commented we were contacted last week by an individual who is helping rally the communities to speak out against this senate bill. She explained this bill is around short-term rentals. SB249 is proposing taking away local regulations around short-term rentals and coming up with what they are basically calling a one size fits all set of regulations so that communities can't tailor to their needs. A while back, the Planning Board spent some time looking at short-term rentals and possible need for regulations around a set of complaints. They came back with a recommendation to Council indicating that what they felt was really needed wasn't so much Planning Board permitting but a very small set of regulations that would just register a contact person for the short-term rental in a very simplified process. Councilor Robert Theberge commented there is a meeting on April 7, 2022 and as a Representative, he intends to testify. He also read the [SB249](#). He is interested in getting more information from the Planning and Zoning Boards and how they wish he testifies in front of the committee. Councilor Remillard moved, seconded by Councilor Morgan to have the City of

Berlin go on record and send a communication stating we stand in opposition to SB249. Councilor Eastman commented he feels the communities should have their own rules and not a State mandate. Councilor Higbee commented the City might want to consider a registration form locally. So moved, the motion carried unanimously by all in favor.

SB271

Councilor Robert Theberge advised this bill deals with the Burgess Bio Power Plant. Senators are bringing forward the bill to protect the interest of the City. He commented there was a Zoom meeting this past Friday and a plan of action moving forward was discussed. They will be advocating the economic benefits of the plant throughout the State. He stated the Burgess Bio Power Plant is the largest in New England, it brings in to the City, including water and sewer, approximately \$3,000,000. He commented the bill will be heard on April 12, 2022 and he plans, along with others to testify in favor of this bill. Councilor Remillard move to send a communication in support of SB271 to the House Science, Energy and Technology Committee, Councilor Higbee seconded and the motion carried by all in favor.

IRS 2022 Mileage Reimbursement Rate

Ms. Laflamme commented there hasn't been a formal vote to update the rate since 2019. She commented this is because no one was really traveling due to the pandemic. The 2022 rate is set at .5850 per mile. Councilor Higbee moved to approve the IRS 2022 mileage reimbursement rate of .5850 per mile moving forward, Councilor Morgan seconded and the motion carried by all in favor.

Resolution 2022-15 edit

Ms. Laflamme stated resolution 2022-15 which was discussed last Wednesday night at the budget meeting is a request from Public Works to purchase a pavement roller. It is essentially re appropriating funds they have set for a sidewalk tractor lease to a new account for the purchase of the roller. In further discussions, it was discovered that the current trailer Public Works has is undersized and for the last two years, Brian King has been lending a piece of equipment to the City. We are in need of purchasing our own trailer to move forward with the purchase of the pavement roller. She is asking for slight edits that say "pavement roller from Milton Rents and a trailer" and instead of the amount of \$15,800 an even \$20,000 to purchase both pieces. Mayor Grenier commented since it hasn't been read yet, the City Clerk can read the edited version as a first read during tonight's regular meeting.

David McGloughlin – Presentation

Mrs. Lynne Mercier of 26 Pinecrest Avenue spoke on behalf of her son David McGloughlin who was also present. She stated her son is a senior in high school and has been involved with the CTE program for welding since he's been in high school. Recently he was awarded the golden medal at the State skills welding competition. As a result of this award, he's been invited to attend the National competition which will be held in Atlanta, GA this coming June. He will represent the State of NH, the City of Berlin and the School's CTE program. She commented this is a once in a lifetime opportunity that will definitely propel his career in the welding field while instilling confidence and pride which every student could use more of. He will be surrounded by over 4,000 other students from various trades celebrating their success through many events and ceremonies and of course competing in their specific trade's competition. While this is a great opportunity, it comes with many expenses such as airfare, food, hotel, registration fees and required uniforms. Mrs. Mercier and her son David McGloughlin are asking the City of Berlin to make a monetary donation to help this awesome experience become reality. Mayor Grenier addressed Mr. McGloughlin stating he is very proud of him for representing the CTE program for the City of Berlin and the State of NH. Councilor Remillard moved to donate \$1,000 from Council Contingency to David McGloughlin for the National welding competition. Councilor Morency seconded and the motion carried with all in favor.

At 7:39pm, Mayor Grenier requested to enter in Non-Meeting per RSA 91-A:2, I; (b) Collective Bargaining. Councilor Morgan moved with a second from Councilor Roland Theberge to enter into Non-Meeting per RSA 91- A:2, I; (b) Collective Bargaining. So moved, the motion carried unanimously by roll call.

At 8:00pm, Mayor, Council and Staff came out of Non-Meeting.

At 8:01pm, there being no further business in Work Session, Mayor Grenier recessed before moving on to the Regular Meeting.

Respectfully Submitted,
Danielle Rioux
Executive Assistant

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