

City Council Work Session August 19, 2019

Present were: Mayor Grenier, Councilors Theberge, Otis, Rozek, Higbee, Gentili, Morgan, and Remillard; Councilor Berthiaume was absent

Others present: City Manager Jim Wheeler, City Clerk Shelli Fortin, Community Development Director Pamela Laflamme, Police Chief Pete Morency, Superintendent of Schools Julie King, Public Works Director Ben Hall, Middle High School Principal Mike Kelley, Steve Dion, Board of Assessors Mike Eastman, Barbara Tetreault, *Berlin Daily Sun* and public

Mayor Grenier opened the meeting at 6:30 p.

Mr. Wheeler introduced Ben Hall as the new Public Works Director

Middle High School Traffic Pattern Change

Chief Morency reported that, with the middle school students going to the high school, traffic in that area will increase. In an effort to prepare, Principal Mike Kelley, Public Works Director Ben Hall, City Manager Jim Wheeler, and Chief Morency met to come up with a possible solution. The proposal is to restrict traffic on Willard Street from Carl Street to the High School, with the exception of buses and local residents. The buses would arrive at the bottom parking lot and this would reduce traffic congestion from 7:00 a.m. to 7:30 a.m. and 2:00 p.m. to 2:30 p.m. The Police Department will have an officer there for a few days so that people will learn the pattern. Crossing guards will be shifted to get traffic in and out.

Chief Morency noted that there will surely be challenges; but this is the best plan at this point. Mr. Wheeler indicated that this change will be made under the Chief's authority and for a trial period. If it works, an ordinance can be created. Mayor Grenier said that eventually students will be dropped off on Carl Street and only buses will be allowed on Willard Street during those hours. Councilor Theberge asked if teachers will be allowed to go by and Mike Kelley said that if they come to school after 7:00 am, they will be cut off as well. Councilor Allain noted that Carl Street is not wide; she asked if parking will be allowed. Chief Morency agreed, adding that Carl Street will be posted with "no parking" signage.

Mayor Grenier confirmed that the Traffic Safety Committee will be apprised of progress and complaints. Chief Morency said that this plan is for the high school; there are no options for changing traffic patterns for the Middle School. He encouraged anyone with concerns to let the PD know.

Wright Pierce I & I Contracts

Mr. Wheeler reported that there are two contracts from Wright Pierce for I & I work which has been approved by the City Council. There is a pipeline project for \$848,620 which will be for work in the street. At a later date there will be another project for demolition. Finishing the design is expected to cost no more than \$49,110.00 and bidding, and construction administration, \$140,915. A High Street sewer line is being added to this project. Mr. Wheeler noted that we will apply for 20% SAG funding but that program often pays years after the project is complete. Funding will be from the Sewer Fund.

Councilor Rozek moved to approve the two Wright Pierce contracts for an amount no to exceed \$190,025; Councilor Gentili seconded and the motion carried with all voting in favor

Election Ordinance

City Clerk Shelli Fortin explained that the City's ordinance directing how to run for elected office is not the same as state law. State Law allows a person to file for office with the City Clerk's office but not in person. The City's ordinance specifies that a person will sign up to run for office in person. Mayor Grenier asked about residency requirements and how we will follow through.

Ms. Fortin added that to run for Council, one has to be a registered voter and a resident for a full calendar year; for Mayor it is two years. Councilor Remillard confirmed that the rest of the State does it this way. Mayor Grenier questioned someone filing for office with a signed document, who is to say it is truly their signature?

Ms. Fortin indicated that in election law, a local ordinance cannot be more restrictive than State Law and Berlin's is. Mayor Grenier asked that Ms. Fortin verify that Manchester, Franklin and any other non-partisan communities conduct their filing this way. Ms. Fortin assured that anyone filing for election is a registered voter and has produced the proper identification to vote. Councilor Allain affirmed that the filing period is two weeks at the end of September and early October. Final passage of the ordinance will not be until the September 3 meeting.

Communication from NH Lottery Commission

Mr. Wheeler referred to an excerpt from HB480 which authorizes sports betting and defines a local option to elect. The process is the same as when Keno was allowed. The Council would vote to allow the question to be placed on the ballot. Within 15 days of the election, but not more than 30 days, the Council would hold a public hearing. If the option passes at the election and if someone wants to have sports betting at their establishment, it would have to be approved by the Lottery Commission and the city. Council conceded that they would like to hear from the Lottery Commission on September 3. Mayor Grenier noted that the VFW, Fagin's Pub and the Berlin Bowling Center, have Keno and perhaps would apply for sports betting as well.

BTLA Filing

Mr. Wheeler informed the Council that Steve Dion sent a filing to the BTLA which is very similar to that of Marc Lauze. At the last meeting there was a letter from the Board of Assessors asking for the city to authorize separate legal counsel. The letter will be read into the record at the regular meeting.

Councilor Rozek read a quote from the BOA letter from City Attorney Chris Boldt saying that he does not represent the BOA and Councilor Remillard added that the City Manager and or Mayor directed the City Attorney not to represent the BOA. Mayor Grenier clarified that he has no legal authority to direct anyone. City Council as a group directs the city manager. Councilor Rozek asked if someone directed the city attorney to deny legal counsel to the BOA and Mr. Wheeler noted that no such direction was given. He added that it is not uncommon for Planning Boards to have their own counsel.

Councilor Remillard moved to agree to retain legal counsel for the Board of Assessors from the firm Gallagher Callahan and Gartrell, at the expense of the City, on the matter before the BTLA and for the city to pay the \$5,000 retainer; Councilor Rozek seconded and the motion carried.

Councilor Higbee asked about a limit to the legal expenses. Mayor Grenier said that there could be little spent or it could go over the amount retained. Councilor Otis confirmed that the board does need legal counsel; the city's attorney has been consistent that the BOA has its own legal counsel. The Board

will have to answer the BTLA's order. Mr. Wheeler noted that the City is not actively asking the DRA to do anything. The issue is in the hands of the BTLA as the Board of Assessors requested.

Councilor Higbee asked how we are responding to the BTLA's order and Mr. Wheeler stated that the City's response will come through the BOA.

Councilor Rozek commented that Mr. Dion claimed that he was not allowed to attend the BOA hearing; however Barbara and the City Clerk were there. He asked if that that will be investigated as well. Mayor Grenier said that the BTLA will get to the bottom of it and we will have to live with the results.

There being no further business in the 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.