

City Council Work Session

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

September 9, 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 894 1574 8000; Passcode 358330, or by clicking on the City Council agenda on the City's website, 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

- 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, at City Hall; via Zoom, Councilors Remillard, Higbee, Eastman, Berthiaume, Otis, and Morgan. Councilors Theberge and Rozek were absent

Others present: City Manager Jim Wheeler, Police Chief Pete Morency, Recreation Director Terry Letarte, City Clerk Shelli Fortin, Fire Chief Jay Watkins, Community Development Director Pamela Laflamme, three veterans from the VFW including spokesperson, Floyd Burlock, and Barbara Tetreault, Berlin Daily Sun

Veteran's Park Rules

Mayor Grenier asked to allow the 3 VFW members present to speak and the Council conceded. There was a recent issue in the vicinity of Veteran's Park where a political rally was held. The VFW had reserved a road toll for the same day as the rally. The VFW cannot be associated with any political party and after attempting to talk with the organizers, the road toll had to be disbanded. Mayor Grenier was contacted and another day was scheduled for a road toll on the 24th of September. He added that he asked Mr. Burlock to write a letter outlining the events of the day which was then forwarded to the Police Chief.

Chief Morency thanked the veterans. He made the point that people have a right to free speech and to assemble. The PD spoke with Mr. Evans who attended the rally and he was cordial. He acknowledged that the veterans have an important cause and he hoped they could come to a mutual agreement.

Mr. Wheeler reported that he sent an e-mail to NHMA asking if the City Council can designate that no political demonstrations can be held at Veterans Park; or on the sidewalk surrounding Veteran's Park. If the city cannot prohibit the activity, can the City designate the hours through a permitting process.

In reply, NHMA noted that NH has robust free speech laws, to include sidewalks and parks. It is permissible to close a public forum during times where the park would be closed. Any content based restrictions are almost always unconstitutional. NHMA's staff attorney is cautioning against regulating.

Mayor Grenier said that he was incensed by what happened. He suggested that the lower half of Veteran's Park could be deeded to the VFW where it would be owned by the veterans. The City would continue to maintain the upper part of the park where the gazebo is. They deserve the piece of land to honor those who served this country. Terry Letarte commented that she and the City Clerk will coordinate the road tolls and the use of the park.

Councilors agreed that that the lower part of the park should be given to the VFW. Mayor Grenier added that the land will be surveyed, and there will be a resolution. He wanted to be sure that the transaction is memorialized so that the expectations are known going forward. He thanked Chief Morency and Community Development Director Laflamme for setting the direction and he thanked VFW members. The VFW representatives left the meeting at this time.

Emergency Operations Plan

Chief Watkins explained that prior Chief Lacasse started the process of updating the Emergency Operations Plan and it has recently been completed. Through a grant, June Garneau from Maps assisted in finalizing the plan. There are signature pages for the Mayor, City Manager to sign. Mayor Grenier indicated that he reviewed the plan and as long as the Chief is comfortable, he is as well. Chief Watkins stated that he is comfortable though the plan is not fool proof; it is a guide through a major emergency. Mr. Wheeler clarified that this is an improvement upon a plan that's been in place for many years; it is

updated every 5 years. Councilor Eastman went through the plan and commented that it is thorough, comprehensive and he is very comfortable adopting it.

Councilor Higbee moved with a second from Councilor Remillard to authorize the Mayor and City Manager to sign on behalf of the Council for the adoption of the Emergency Operations Plan. The motion carried unanimously by roll call.

Election Cost

City Clerk Fortin reported that the Council wanted to know what the increase in payroll would be when election workers were paid more. The difference is an increase of about \$1200. Mayor Grenier commented that it is money well spent. He then asked if everything at the polls went well and Ms. Fortin replied that it went as well as it could go during a pandemic. She thanked Councilors Eastman and Higbee for working the polls. Councilor Eastman thanked the City Clerk saying that she and the election crew did a great job.

Proposed Skate Park Rules

Council had a marked up version of the Skate Park Rules reflecting that helmets must be worn by skaters 16 years old and younger. Chief Morency said that was his understanding of what the Council wanted. The rules will be made official and will be posted at the park.

Councilor Higbee questioned that users 12 and under must be supervised by a parent. Mr. Wheeler stated that when these were drafted, they came from another skate park and there is nothing preventing us from changing them. Councilor Remillard commented that we should go with what we have and see how it works out. Chief Morency stated that the intent is to be flexible with families so the kids enjoy the park safely. Councilor Remillard moved to adopt the rules as presented; Councilor Berthiaume seconded and the motion carried by roll call with Councilors Higbee, Otis, and Morgan voting against and Councilors Remillard, Eastman, Berthiaume and Mayor Grenier voting for.

North Country Growers

Ms. Laflamme explained that BIDPA met earlier this evening and agreed to a new purchase and sale agreement with North Country Growers. They had severed their agreement; however NCG came back with an offer of \$640,000; they are putting \$35,000 down as a deposit; and they have until 12/31/20 to complete sale. We are expected to get the p & s by September 18th which will allow the investor to close. Councilor Remillard noted that the original price was \$680,000 and she asked why the reduced price. Ms. Laflamme stated that BIDPA acknowledged that NCG has put down \$80,000. already.

Councilor Higbee moved that regarding the sale of 169.9 +/- acres of land located on East Milan Road known as Lot 3 on a "3-Lot Subdivision Plan of Tax Map 404, Lot 17 to North Country Growers, LLC, I move to authorize the City Manager to sign all necessary closing documents, including the Purchase & Sale document, the Deed, and any other necessary documents (with the exception of a potential PILOT agreement), subject to the finalization of the Purchase and Sales Agreement and the review and approval of all documents by the City Attorney; Councilor Morgan seconded and the motion carried unanimously by roll call.

Non-Public Session

Councilor Higbee moved with a second from Councilor Morgan to go into nonpublic session per RSA 91-A:3II (d) consideration of the acquisition, sale, or else or 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.

Mr. Wheeler discussed two land matters with the Council and no decisions were made.

Councilor Higbee moved to come out of non-public session; Councilor Morgan seconded and the motion carried unanimously by roll call.

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.