

Mask Ordinance Public Hearing – October 25, 2021

Mayor Grenier opened the duly scheduled and advertised public hearing at approximately 6:30 p.m.

Present were Mayor Grenier, Councilors Otis, Eastman, Morgan, Remillard, Rozek, Higbee, and Theberge.

Also present: Community Development Director Pamela Laflamme, Finance Director Holly Larsen, Administrative Assistant Danielle Rioux, Deputy Police Chief Daniel Buteau, Officer Joseph Priest, Superintendent Julie King, Marion Moore, Gary Croteau, Erica Hoyt, Stuart Light, Jennifer Lazzaro, Theodore Bosen, Micah Bachner, Amber Bachner, Nicole Plourde, Karen Collins, Brianne Thibault, other members of the public, and William Carroll, Berlin Daily Sun. Present via Zoom were Ken Gordon and Tom Mee, CCFHS; Mike Peterson, AVH; and Angela-Martin Giroux, Health Officer for the City of Berlin.

Mayor Grenier advised that over the last 20 days, they have been in close contact with healthcare providers in the area concerning the alarming rate of infection from Covid19. Mayor Grenier shared today's report from Mike Peterson.

ED visit volume over the weekend was busy, especially yesterday / last night. Total Covid patients seen over the weekend was 6; 4 of which were admitted, all last night. 2 in the ED right now. Staffing in ED is stable.

Inpatients:

Total of 8 Covid inpatients again following last night 's admissions.

5 C+ patients on Med/Surg. 60% unvaccinated.

3 C+ patients in ICU; one on a ventilator. All are very ill. 66% unvaccinated.

Med/Surg is short staffed due to call outs. None known out due to Covid.

However, due to volumes, no beds of any kind available. AVH is status Orange right now.

Two emergent cases in the OR right now.

O2 usage is stable.

Testing volume on Friday 16% positivity rate for rapid tests. 0 PCRs returned positive from Friday. Low volume of tests scheduled for today, but phone is heating up already.

Vaccines: we gave Pfizer boosters to employees on Friday. Moderna boosters starting later this week for employees following the HAN release.

Flu shots going well; over 50% vaccination uptake so far with 4 weeks remaining until our deadline for flu vaccination.

Staffing stable following the Covid vaccine mandate deadline. Across all of NCH - we only lost 6% of our total headcount due to the mandate. (94.5% were vaccinated/compliant). We now stand at 100% vaccinated across AVH.

On top of doubling our inpatient Covid census in a matter of just 4 hours early this morning (from 4 to 8 patients admitted between the hours of 3 and 7am today), our rapid test positivity rate from today's testing spiked up to 38.8% again today. So, community transmission is very much still present.

Michael D. Peterson, FACHE
President & CEO

Mayor Grenier advised he does not like to wear a mask either, but as a community member he has a responsibility to keep others safe, keep his family safe, and take precautions to prevent further spread. Mayor Grenier asked that whether the public present was for or against the mandate, to please be respectful of each other's opinion.

Erica Hoyt of 290 Willard Street advised that she came a few weeks ago to Council to request a mask mandate due to the increasing Covid numbers. Ms. Hoyt stated that they were pleased at AVH on Friday when numbers were not so high, but they were up again today to double what they were on Friday. Ms. Hoyt stated that she knows that masks are not 100% effective, but it would help to reduce the transmission in the community. Ms. Hoyt also suggested that Halloween be cancelled.

Stuart Light of 213 High Street asked where the people have given authority to the Council to impose any such mandate. Mr. Light advised that the last mandate cited no authority whatsoever, and asked the Council to show by what authority they are allowed to mandate masks.

Theodore Bosen of 13 Bisson Road answered the question posed by Mr. Light. Mr. Bosen stated that it is the charge of state and municipal governments to protect public health. That they not only have the power, but the responsibility to do that. Mr. Bosen cited the US Supreme Court case *Jacobsen v. Massachusetts* in 1905, which was upheld as recently as 2019. Mr. Bosen noted that all students who attended public school have already received several vaccinations. Mr. Bosen stated that masks only present a minor inconvenience and asked the Council to not be bullied, but to do what they need to do.

Brianne Teaboldt of 28 Grandview Drive advised that she works at CCFHS and considers herself a part of this community. Ms. Teaboldt advised that over the last year, the City has done everything it could to alert the community to the threat. Ms. Teaboldt advised that although the Covid numbers are going down nationally, they are not here in this county. Ms. Teaboldt stated that it is our responsibility to inform neighbors and loved ones that this is a real threat and make sure people realize how serious it is. Ms. Teaboldt stated that it will not get better right away, and the mandate is needed for the next few weeks.

Nicole Plourde of 111 Washington Street advised that it is critically important that we listen, as there is despair among the healthcare workers. Ms. Plourde urged the Council to pass the mandate.

Karen Collins of 840 Second Avenue advised that it is our responsibility to listen to our elected leaders and that the mandate will force people to accept the issue, which will save lives.

Micah Bachner of 59 High Street noted that we use protective equipment for many things, and shared a story of a Kevlar neck piece on his helmet that saved his life while in the service. Mr.

Bachner noted that those who are against the mandate cannot see the logic in using personal protective equipment.

Julie King of 410 Alpine Street advised she is for a mandate in times like these, as the community is being hit hard. This is especially hard on the hospitals. Ms. King pointed out that we all have freedoms, to recreate and use ATV's, and that AVH needs to be available for any injuries that people may sustain as well as for Covid patients. Ms. King stated that masks provide an extra layer of protection for all of us. Ms. King stated that they have seen that masks work in the school system, and they want to do everything they can to keep the students in school.

Karen Collins spoke again and advised that her son attends the ELC and when they were remote, he struggled. Being in person again this year, he had the best progress report he has ever had, and she would hate to see the school go remote again. Ms. Collins also stated that she liked the example of PPE that Mr. Bachner used.

Ken Gordon of CCFHS spoke via Zoom and stated that the region continues to have the highest rates in New England, which puts pressure on the healthcare system in the North Country. Mr. Gordon advised that earlier today there were no beds available at AVH. They are hoping to preserve the capability of the healthcare system and advised that the staff is exhausted. Mr. Gordon advised that they are still giving immunizations, including booster shots. Mr. Gordon advised that we have an obligation to protect children and those with compromised immune systems and asked the Council to consider passing the temporary mask mandate.

Dr. Daniel Van Buren noted that if people want to understand the impact of Covid on the workers at AVH, they should watch them walk to their cars after a shift. They are physically and emotionally exhausted. Dr. Van Buren advised that regardless of the decision tonight, they will continue to care for the community, but need the community to do their part as well.

Mike Peterson of AVH advised that it takes a village to get through a crisis and their staff is committed to fighting, however they need help to get through this current surge to keep businesses open and schools open. Mr. Peterson noted that it takes sacrifice for the common good and urged the Council to consider the mandate, even temporarily, for the good of public health.

Angela Martin-Giroux, Health Officer for the City of Berlin, also noted that we are coming into flu season, and when we wore masks the number of cases decreased significantly.

Written comments were read into the record by the City Clerk:

To City Council,

I am unable to attend in person the public hearing on 10/25 in regards to the proposed mask ordinance. I would like my opposition to the proposal known.

I've been following the evolution of what has brought us here and as a man of common sense, a few things come to mind that make me scratch my head.

1) There seems to be a lot of input to the council from the president of AVH in favor of this mandate. But shouldn't someone make the connection that AVH is claiming lack of staffing as a crisis in this "surge". But, at the same time aren't they firing perfectly qualified employees for not taking an experimental medication therapy.

2)I also read recently in the paper that the mayor said "this is not about freedom". I would simply say that shouldn't we have freedom in America Mr. Mayor? Shouldn't I have the freedom if I wanted to travel across the country to a large gathering of tens if not hundreds of thousands of people from across the country? Where people aren't wearing masks? Or is that not a wise use of freedom?

3)I've personally been a part of numerous community and privately sponsored events in which large groups (hundreds) of people have been gathered in very close proximity to each other without masks. Often in a single room to be exact. All of them intelligent, sensible, upstanding members of this community. I just struggled equating the picture I saw at these events, knowing those same people will make their children wear masks all day long without pause.

Now I'm not trying to be antagonistic at all. That is absolutely not my intent. I just think people should absolutely have the freedom to make an informed decision based on the evidence presented before them. Here's the truth, this virus is here, and it's not going away. What we do is now is decide how to live moving forward. If you want to take a regular course of drug treatment that some are calling a vaccine...fine. If you want to maintain that course of treatment with booster shots...fine. If you want to wear a mask...fine. If you want to wear two masks...fine. If you want to avoid people...fine. If you want to do NONE of those things...FINE.

At some point we need to move on in life, and live free in this country again. At the same time I ask people to simply be kind and respectful about each other's choices.

Thank you for your time, Zach Howry

Hello,

I'm typing this as a concerned member of this community. As we all know, Covid is at its highest it's been in our community, and there are some things that are concerning. There is a concert/event that I've seen advertised around town and on social media that is being held indoors at the VFW next weekend. A lot of people (who are probably not going to be wearing masks or social distancing) will be drinking and partying as they listen to this concert. Are these people going to practice safe measures? Probably not. A lot of people were alarmed that RiverFire still happened, what (if anything) is being done about events such as this one in our community? I've heard a lot of talk around town that people are very scared, and frustrated that such events that are especially held indoors, are happening like there's not a huge spread of Covid in our community. This is very alarming. I hope that something will be done and put into place to help minimize the spread of this virus in our town.

Thank you.
Emme Garret

There being no further comments, Mayor Grenier declared the public hearing closed at 7:10 p.m.

Special Meeting

Mayor Grenier opened the special meeting at 7:10 pm.

Roll Call

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

Absent: Councilor Berthiaume

1. 2021-02 Emergency Ordinance for Face Coverings

Mayor Grenier asked that a copy of the Ordinance be readily available at the Clerk's office.

In the year of our Lord Two Thousand Twenty-One

AN EMERGENCY ORDINANCE amending the CODE OF ORDINANCES, Chapter 7. Health, by creating ARTICLE V, Face Coverings Required.

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

The CODE OF ORDINANCES, Chapter 7. Health, ARTICLE V, Face Coverings Required is hereby adopted as presented in response to the current rise in transmission of the COVID-19 virus for 30 days.

WHEREAS, there is active spread and transmission of the Coronavirus Disease 2019 (COVID-19) within the City of Berlin; and

WHEREAS, in order to:

- Minimize the impact to limited healthcare resources, and
- Protect the City's most vulnerable citizens, and
- Promote an environment in which students are able to attend in-person classes, and
- Promote an environment in which businesses are able conduct and sustain their day to day operations, and
- Minimize the significant expense of public funds associated with quarantining and isolation of public sector employees, and
- Ensure that critical services can continue to operate, and

WHEREAS, Public Health Officials have determined that it is well established that an individual infected with COVID-19 can transmit the disease whether or not they are exhibiting any symptoms (an asymptomatic carrier); and

WHEREAS, it is clinically established that the best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social/physical distancing, covering one's mouth and nose by wearing a face covering, and frequent and proper hand washing; and

WHEREAS, social/physical distancing by keeping a distance of at least six feet between yourself and others also greatly protects against the spread of our respiratory droplets and aerosols, whether an individual is indoors or outdoors; and

WHEREAS, face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings as they reduce the spray of respiratory droplets and aerosols, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

WHEREAS, it has been determined that the virus which causes COVID-19 spreads very easily and sustainably between people, particularly within indoor environments with limited fresh air

exchange but also amongst persons in close physical proximity, indoors or outdoors, who cannot adequately social distance; and

WHEREAS, as previously noted, COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore are unaware they are infected. It is therefore important that everyone wear face coverings in public settings whether or not they are feeling ill; and

WHEREAS, the City of Berlin has an interest in protecting all persons within the community from unnecessary exposure to COVID-19 with its risk of contracting a devastating illness that may prove fatal for our most vulnerable citizens, it follows that the wearing of a face covering under certain circumstances is crucial; and

WHEREAS, the more closely a person interacts with others and the longer that interaction occurs, the higher the risk of COVID-19 spread; and

WHEREAS, the City's Health Officer, authorized under Chapter 147 of the State Statutes, has considered this matter in detail while keeping current with the latest guidelines put forward by the Centers for Disease Control and Prevention (CDC) and other trustworthy organizations and recommends the following emergency ordinance measures to the City Council for adoption; and

WHEREAS, because COVID-19 presents a clear and present danger to the general Berlin population it behooves the community for the City Council to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health.

NOW, THEREFORE BE IT RESOLVED that the City of Berlin, through the City Council resolves that Article V - Face Coverings Required be appended to Chapter 7 Health of the City of Berlin's Ordinances and that the Chief of Police, will take action as deemed appropriate to ensure that persons wear facial coverings under the conditions listed below within the City of Berlin.

WEARING OF FACIAL COVERINGS IN THE CITY OF BERLIN:

1. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
2. Members of the public entering any business, including without limitation, any outdoor area where business of any sort is conducted, work site, or government building must wear a face covering, such as a fabric mask, scarf, or bandana over their nose and mouth.
3. Members of the public entering a restaurant for the purpose of picking up food for take-out or any other purpose must wear a face covering over their mouth and nose. Members of the public dining indoors or outdoors at a restaurant may remove face covering while seated at their table.
4. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces.

5. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household material.
6. Notwithstanding the above this order does not require children under 5 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
7. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.
8. All businesses open to the public, including restaurants, retail stores, service providers, and places of amusement and recreation, and residential and commercial buildings of greater than two (2) units shall post at each public entrance a notice stating “FACE COVERINGS REQUIRED.”

This Ordinance shall be in full force and effect from and after passage. This Ordinance, unless readopted shall sunset 30 days after passage. The City Council may decide to rescind the ordinance at any Regular Meeting or Work Session of the City Council.

Councilor Remillard moved, with a second by Councilor Morgan, to read Ordinance 2021-02 by short title. So moved, the motion carried by roll call vote. Eastman- yes, Rozek- yes, Theberge- yes, Remillard- yes, Otis- yes, Morgan- yes, Higbee- yes, Grenier- yes

Councilor Remillard moved, with a second by Councilor Morgan, to read Ordinance 2021-02 by short title for a second time. So moved, the motion carried by roll call vote. Eastman- yes, Rozek- yes, Theberge- yes, Remillard- yes, Otis- yes, Morgan- yes, Higbee- yes, Grenier- yes

Councilor Remillard moved, with a second by Councilor Morgan, to amend Ordinance 2021-02 by adding “for 30 days” at the end of the first paragraph. So moved, the motion carried by roll call vote. Eastman- yes, Rozek- yes, Theberge- yes, Remillard- yes, Otis- yes, Morgan- yes, Higbee- yes, Grenier- yes

Councilor Remillard moved, with a second by Councilor Morgan, to suspend the rules that the Council usually operates by. So moved, the motion carried by roll call vote. Eastman- no, Rozek- yes, Theberge- yes, Remillard- yes, Otis- no, Morgan- yes, Higbee- yes, Grenier- yes

Councilor Remillard moved, with a second by Councilor Morgan, to read Ordinance 2021-02 as amended by short title for a third time. So moved, the motion carried by roll call vote. Eastman- yes, Rozek- yes, Theberge- yes, Remillard- yes, Otis- yes, Morgan- yes, Higbee- yes, Grenier- yes

Councilor Remillard moved, with a second by Councilor Morgan, to pass Ordinance 2021-02 as amended.

Councilor Eastman asked if this was the same wording as in the Face Covering Ordinance passed last year and was advised it is.

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

Mayor Grenier requested that the City and the AV Chamber of Commerce send a communication to businesses in the community advising them of the Ordinance that will be in place for 30 days.

Councilor Rozek moved, with a second by Councilor Theberge, to adjourn the Special Meeting at 7:29 pm and enter the Work Session.

Respectfully Submitted,

Shelli Fortin
City Clerk