

City Council Work Session September 27, 2021

Present were: Mayor Grenier, Councilors Eastman, Remillard, Morgan, Theberge, Berthiaume and Otis. Councilor Rozek was absent.

Others present: City Manager Jim Wheeler, Community Development Director Pamela Laflamme, City Clerk Shelli Fortin, Finance Director Holly Larsen, Chief of Police Peter Morency, Deputy Chief of Police Dan Buteau and William Carroll, Berlin Daily Sun.

Mayor Grenier called the meeting to order at 6:30pm.

Polling Hours

City Clerk Shelli Fortin requested Council set the polling places and polling hours for the municipal elections on November 2, 2021. She stated places and hours remain the same as prior elections. Mayor Grenier confirmed the polls will open at 8:00am and close at 7:00pm per State Law mandates. Mayor Grenier stated at the National/State elections last November, the use of absentee ballots was relaxed. He questioned if those relaxed regulations have expired. Ms. Fortin advised people are still allowed to request absentee ballots if they're concerned for their health, COVID would apply to that. Councilor Theberge moved to set the polling hours for the November 2, 2021 municipal elections from 8:00am to 7:00pm, Councilor Higbee seconded and the motion carried by majority in favor.

IT Vendor Selection

Ms. Laflamme informed Council that an RFP for Technology Services was put out back in July. She stated three proposals were received. Two were from large national companies and one from our current vendor Secured Network Services. She commented that Jennifer Cloutier from the Police Department and Autie Hamilton, IT Director at the Berlin Public Schools helped review the proposals received. She commented all three vendors could do the job, so finer details in the proposals were reviewed. The two national companies each have one New England office which is in Boston. SNS's proposal was the one closest to the City's budget at \$69,000/year, the second proposal from Better World Technology came in at \$152,400/year and the third one from MGT consulting which varied based on different categories and they're hourly rates were really high compared to the other proposals came between \$125,000-\$150,000/year. Ms. Laflamme commented with SNS being local to us with an office in Littleton, more clients now closer to us, including the Coos County Nursing Home, they're very easily accessed even between the regular onsite, Herself, Ms. Cloutier and Mr. Hamilton felt this outweighed the criteria set even knowing all three companies could do the work. She stated the service we get with SNS right now is great and we're happy with it and would recommend continuing with them. The RFP was for a five-year contract and the contract price stays the same for year one, two and three, increased by 3% for year four and another 3% for year five ending up with \$73,000. Mayor Grenier questioned what was budgeted for this service. Ms. Laflamme responded about \$77,000. Mayor Grenier commented about his positive experience with SNS at Coos County. He stated they were very professional and how satisfied Coos County was with their services. Mayor Grenier asked Chief Morency if he was satisfied with SNS's services. Chief Morency responded yes, they do a very good job complying with the requirements the Police Department need to meet with Federal standards and Federal mandates. Councilor Eastman moved to award the IT contract to Secured Network Services, Councilor Morgan seconded and the motion carried by majority in favor.

Ms. Laflamme requested to discuss an item related to IT. She commented she's been doing further work on livestreaming the meetings again. She received a proposal from a local gentleman who looked at the space for both rooms and put together a mid-level proposal and then a higher-level proposal with

some work on the walls to break down the sound in the Council Chambers. She commented both proposals were still closely in line with the first proposal she brought to Council a couple months ago. She stated one thing she hadn't realized as we've been Zooming in the last couple weeks during work sessions is we can actually livestream the work sessions already with no problem at no extra cost. She stated if Council is supportive of this, meetings that happen in that space, can start being livestreamed which would give an idea for budgeting for the next budget to outfit the Council Chambers so both the work sessions and regular meetings can be livestreamed. Mayor Grenier commented he feels it would be very helpful for the Public to see what goes on, instead of taking the word of somebody else. He fully supports livestreaming the meetings. Ms. Laflamme commented the livestreaming will begin again next week during work session. Mayor Grenier commented that given what's going on with the ransomware situation, will users viewing the livestreams from their homes give them back door access to our system. Ms. Laflamme commented not through Zoom. She stated Zoom itself has been working through a lot of different security protocols so that doesn't happen and Zoom is usually used outside of the City's network.

East Milan Road Landfill-CMA Service Agreement-Amendment 1

Mr. Wheeler directed Council to the agreement included in their packets which is an agreement to continue on with CMA managing the gas issue at the East Milan landfill. He reminded Council that the City started using CMA when North Country Growers were talking with the City about the purchase and sale agreement, which had to layout the subdivision plan that carved the landfill out, create some easements so additional gas testing could be done if needed. More recently, the City received a letter of deficiency from DES which essentially requires the City to do something about gas migration across the property. The new agreement from CMA is for continued work to address the letter of deficiency which will result in a construction project that will put a system in place that will collect gas at the landfill and most probably send it to the atmosphere. Mr. Wheeler stated 40% of the cost will be charged to other communities that use the landfill and 60% would remain the City's. The total cost is at \$17,000 to date and this amendment is for \$26,000. The biggest piece of this amendment is to work on the gas mitigation system so that gas is not leaving the landfill, crossing the property line along East Milan Road and getting to the Bureau of Prison's property. Mr. Wheeler stated the City budgeted \$200,000 for this so the funds are available. Councilor Remillard questioned how long does the City have to mitigate this and it will have to be budgeted for again in future years. Mr. Wheeler commented originally the contacts at DES were listening to the City's common-sense approach that yes gas is getting to the property line and crossing the road but was going to a large wooded parcel which didn't affect anybody. The original plan was to put in wells and monitor. There are new contacts in the solid waste division at DES and they're enforcing by the letter of the rules which prohibits gas crossing the property line. He commented to answer Councilor Remillard's question, to the degree he understands it, you fill up a landfill, at some point it starts creating methane gas and that methane gas will increase for a time, ride high, then ultimately come back down. We will be able to monitor through the years, but not sure how many years it will take to get to the trigger which is below 50% of the lower explosive limit. He's guessing about 10 years. Councilor Remillard questioned if the gas levels are still increasing, Mr. Wheeler commented he feels it is peaking and not increasing. Councilor Remillard moved to add \$26,000 to the scope of services with CMA for the work on gas mitigation at the East Milan landfill, Councilor Higbee seconded and the motion carried by majority in favor.

HEB Fire Station Structural Improvements Bid Review Letter

Mr. Wheeler advised HEB provided a concise letter. He commented one of the items he had asked them to speak to is in the Discussion and Recommendations paragraph of the letter which states "As Stated in 2015, It does not appear that the structure is in immediate danger of failure, and can be used with routine monitoring and continued progress toward resolution." Mr. Wheeler advised it's now 2021, it's concrete and steel with some rust. He commented this could not be let go forever and what HEB is

saying is it doesn't need to be fixed tomorrow, but still need to get done. He stated there is still time as long as the City is proactive by continuing to pursue a resolution or fix. Given two options, one of them was mentioned the last time it was discussed which would be to rebid the current scope of work and give contractors more time and flexibility, a lower bid might be received, but no guarantee. The second option is to basically forget the floor reinforcement, there still would be some minor work done on the floor, but it wouldn't involve all the heavy structural steel members that were contemplated in the plans. He commented if you abandoned that then it would move on right to phase 2 that Alba had laid out in their study which was a new slab on grade building to the left of the current fire station including four bays. The upgrade option to the current building which was going to cost less, would have given the fifth Bay needed. If the updates to the current building don't get done, then a five-bay building will be needed. The estimated cost for the four-bay building Alba had provided was around \$900,000. He's not sure what the cost would be to add a fifth bay, but guessing about \$1,200,000. He commented in his conversation with Chris Fournier, it was mentioned there is a multitude of companies that make slab on grade steel buildings and a project like that may come in closer to the estimate as opposed to the rehab work on the existing fire station. He advised Council this sums up the two options.

Mayor Grenier commented there are FEMA funds available for fire stations. He questioned if it would be prudent for the City to advertise a request for qualifications for an architect/engineer to look at the fire station site so there's at least stamped drawings available to present to pursue grant money. Mr. Wheeler responded anytime you are shovel ready that gives you a leg up. Mayor Grenier commented to keep in mind that it cost \$50,000-\$60,000 just to do the plans. Councilor Remillard questioned when the FEMA funds are available. Mayor Grenier commented it was always available, but they don't pay for retrofits, they much rather pay for new. Councilor Eastman questioned if it could be verified that the FEMA funds are available as he'd hate for the City to spend \$50,000 on plans to find out it's not going to happen. He suggested in the meantime, put the project back out to bid to do the fix as we have time. Mr. Wheeler commented he actually hasn't heard of full boat FEMA funds. He commented what comes to mind in funding related to the fire station is the Rural Development money which is typically a loan and grant component. Mayor Grenier commented he thinks for the purpose of maximizing tax payor value he agrees with Council Eastman to put this out for rebid and see what happens. Mr. Wheeler advised the expense to HEB to put this back out to bid is about \$5,000-\$6,000. Councilor Eastman questioned if HEB looks at the FEMA funds and not the City. Mr. Wheeler responded he was referring to the expense of HEB for rebidding the design which is typically \$5,000-\$6,000. Councilor Eastman commented the only change would be the dates and questioned if they would be charging \$5,000-\$6,000 for this. Mr. Wheeler responded that is typically what they charge. Councilor Eastman suggested verifying this as it seems like a lot of money to re date documents. Mr. Wheeler commented HEB does conduct and attend the bid opening and they contact the bidding contractors and evaluate them so there is time associated with this. Councilor Eastman questioned if it's bided out by the hour. Mr. Wheeler responded it can be done anyway preferred. It can be done by the hour, but we typically do a lump sum. HEB will bill by the hour if that's what the City requests. Councilor Eastman asked for an estimate of how much time it would take for HEB to update the changes and what they would charge per hour. Mr. Wheeler commented he has the hourly rate sheet from HEB and will send it. Mr. Wheeler confirmed with Council they didn't want this rebid and want him to obtain numbers from HEB. Councilor Remillard stated Council does want this to be rebid and she thinks Councilor Eastman is just looking at if it would be cost effective. Mayor Grenier suggested voting as everybody wants all kinds of different things. Councilor Remillard moved for HEB to rebid the proposed fire department floor structural improvements and an estimated cost from HEB for processing the bid documents and making a recommendation to the City, Councilor Higbee seconded and the motion carried by majority in favor.

Sewer Abatement Requests

Mr. Wheeler discussed the memo and attachments presented to Council. He advised there were seven requests in total, five were clerical in nature which were reviewed, found to be in order and dealt with. The two others that were different in nature, for instance faulty pipes need to come to the sewer user appeal committee. He stated the two presented to Council were both of that type. One is from 60 Poplar Street and one from 73 York Street, it turns out both cases were for faulty plumbing. Councilor Remillard moved to deny the sewer abatement requests from Victoria Bouchard and from Robert & Lucie Patry due to faulty plumbing, Councilor Otis seconded and the motion carried by majority in favor.

Other

Ms. Laflamme requested to discuss with Council the Public Hearing on Wednesday night. She informed Council that 51 abutter notices were sent out, it has been posted on the City website, it was posted last week in the Berlin Daily Sun and again tomorrow. She commented that the majority of the notices sent out were returned so people have been made aware. She stated in putting together the power point, some questions were raised as to what Council wants to be included in the presentation. Mayor Grenier commented he feels it will be helpful to present to the Public as there is already a predisposition within some people in the community. It's important to educate the Public this is a 5-year lien period and that the road will be resurfaced, any faulty culverts will be repaired and that stretch of road will be put in the 10-year plan. It gives the community an opportunity to be able to do development on Route 110 which is not quite as restrictive as State Statue. Mayor Grenier gave an example of if someone would want to curb cut, they would obtain a permit from the City which is an easier process that going through NHDOT. Councilor Remillard commented she would like the presentation to show how much potential land there is in acres for development.

Ms. Laflamme commented on the meeting that was held last week in regards to the 10-year plan with NH DOT and Councilor Kenney. This was the first notification that was received from NH DOT that Berlin was put in to the 10-year plan to redo the road from the Cleveland Bridge up into downtown. This is scheduled out in 2032, but to start work in 2027.

Councilor Berthiaume questioned if there will be a public vote at Wednesday's hearing. Mayor Grenier responded no, Wednesday's public hearing is only to get the Public's input as this is a legal process the City has to go through when considering accepting a piece of road from the State. Councilor Berthiaume commented she would have to recuse herself when the vote takes place due to conflict of interest.

At 7:17pm, Councilor Morgan moved with a second from Councilor Remillard to enter into non-public session per RSA 91-A:3 II; (e) Consideration or negotiation of pending claims. The motion carried unanimously by roll call.

An update on the legal action against the City was discussed.

At 7:34pm, Council and Staff came out of non-public session.

Adjournment

There being no further business, Councilor Remillard moved to adjourn; Councilor Otis seconded and the motion carried by majority in favor. The meeting ended at 7:35 p.m.

Respectfully Submitted,
Danielle Rioux
Executive Assistant

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