

City Council Work Session

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

October 26, 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 849 4640 2641; Passcode 4195509, or by clicking on the City Council agenda on the City's website, [www.berlinnh.gov](http://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](mailto: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 and Councilor Rozek at City Hall and in the room with James Wheeler; via Zoom, Councilors Theberge, Higbee, Remillard, Otis, Berthiaume, Morgan and Eastman who noted they were alone in their respective rooms.

Others present: City Manager James Wheeler, School Business Administrator Marion Moore, Community Development Director Pamela Laflamme, School Operations Manager Bryan Lamirande, City Clerk Shelli Fortin, School Superintendent Julie King, School Board Members Matt Buteau and Louise Valliere, Barbara Tetreault, Berlin Daily Sun and public

### **School HVAC Plan**

Ms. King reported that the Schools had an assessment done on their HVAC systems over the summer. It was found that there are failed systems in the Middle/High school and in the elementary school. The estimate for a mechanically ventilated system with labor and replacing filters is \$160,000. There is a Capital item budgeted for replacement of a fire alarm panel where the expense could be charged with the Council's support. There are grant monies available and coming from the State; however the timeline is not defined. Councilor Eastman asked if the money would be replaced in the budget and Ms. King indicated that would be the intent. She added that she hoped the CARES Act funding would come in time to pay for the HVAC repair. Mayor Grenier clarified that the Council needs to authorize the expense of Capital money by a 2/3 majority if it is to be spent on a project other than what was intended.

Ms. King noted that she will continue to do everything possible to see that COVID costs are covered. Councilor Remillard asked if the motion could specify that funding will be returned to the fire panel capital project. Ms. King stated that a PO will be issued to TRANE for the HVAC systems. Councilor Rozek asked for details of the scope of work. Mr. Lamirande reported that the elementary school HVAC is 16 years old and it has approximately six or more years of life. The gym's HVAC is original construction of the building and offers no circulation of outside air. Half of the money will be put into a new system in the gym which will be good for years. At the high school, HVAC is from the 70's and it was a temperature control system with no consideration for bringing in fresh air. The repairs at the high school and at the Library will get us by; however they will have to be replaced in a few years.

Councilor Remillard moved with a second from Councilor Eastman to transfer funds from the School Department Capital Fire Alarm Panel account to HVAC and that the funding will be returned to the Fire Alarm Panel when the grant funds come in. The Council voted unanimously in favor by roll call. Mayor Grenier declared that the 2/3 majority was met and the motion carried.

School Department Board members and representatives left the meeting at this time.

### **Shelby Street**

Mr. Wheeler explained that we received favorable pricing for paving Hutchins Street from Pike and there was some discussion about paving Shelby Street. The estimate was just under \$35,000. The bid amount was competitively bid and they will be using high strength asphalt. He suggested adding 10% to the number as it is an estimate and it will be paid for out of the Sewer Fund. Councilor Higbee moved with a second from Councilor Rozek to have Pike pave Shelby Street at a cost of up to \$38,000 to be paid for from the Sewer Fund. So moved, the motion carried unanimously by roll call.

Councilor Rozek commented that the road to the treatment plant gets exceptional truck traffic. He added that privately owned tracked vehicles have caused some of the damage. Mr. Wheeler confirmed that the owners do not want to participate in paving cost. Councilor Rozek added that when damage occurs from one of these vehicles, they should be sent a bill. Councilor Theberge mentioned pipelines that run along the road and Mr. Wheeler noted that they are aware.

### **I & I Engineering Contract**

Mr. Wheeler presented a contract with Wright Pierce for the engineering that would tear down tax deeded buildings that contribute to I & I. The City would receive 15% of the principle forgiveness on the loan. The lots will have to remain green space for the term of the loan. Councilor Rozek asked if the property could be sold to an abutter under the condition that it remain green space and Mr. Wheeler stated that it needs to stay in public possession for public use. Councilor Eastman asked what the term of the loan is noting that we would be paying for grass cutting over the term of the loan. Mr. Wheeler said that it is 15 to 20 years with no prepayment penalty. Councilor Eastman said that he is in favor as long as we use Burgess money to pay down the loan. Councilor Remillard moved to award the engineering contract to Wright Pierce; Councilor Higbee seconded and the motion carried unanimously by roll call.

### **Commercial Solar and Zoning Changes.**

Ms. Laflamme reported that she has been talking with different entities about solar. It is in demand and our ordinance is limiting. There is interest in large unfragmented tracks of land. In 2017, the City's ordinances limited solar to the industrial zone and to a special overlay zone for rural residential. Councilor Remillard asked if a specific project would have to go before the Planning Board and Ms. Laflamme confirmed that it would. The Board would review scale, place, sound, and if it is not an appropriate location, the applicant would be so advised. Mayor Grenier confirmed that a first read of an ordinance would come at the next meeting.

### **Route 110**

Mr. Wheeler noted that the Council set tonight as a follow up date to the Route 110 urban compact discussion. The Council received bridge reports from DOT as promised. BIDPA discussed sending a letter to the DOT for consideration of extending the 40 mile per hour zone.

Councilor Eastman moved to extend the urban compact to the Jericho Park entrance; Councilor Rozek seconded. In discussion Mayor Grenier stated that he is not supporting this proposal without agreements in place from the state. He suggested getting the State's commitment to road improvements in writing. Councilor Eastman said that a letter should be done immediately. There are projects waiting and an investor ready to spend money. The City needs to show commitment. He outlined that we want the bridges taken care of; culverts and drainage done, as well as resurfacing. The State could put off paving for 2 years. He added that when the City takes possession, we will have control and the City is more business friendly than the State.

Mayor Grenier reminded the Council that there is an active motion on the floor. He suggested withdrawing the motion and the second, sending the letter, and then having a public hearing. Councilor Remillard agreed. Councilor Eastman withdrew his motion; Councilor Rozek withdrew the second.

Mr. Wheeler explained that if we take the road over, the service will be different. The State has a black pavement policy where they use 100% salt to get the road to black. Our policy is not a black pavement policy and some people will not like that.

Councilor Eastman moved to have the City Manager write a letter to DOT informing them that the City wants to move forward and wants the details of road improvements in writing; Councilor Remillard seconded.

In discussion Councilor Higbee commented that he is very concerned about taking over a mile roadway to maintain for decades to come. If we consider what it will cost to mow vacant properties, we should also consider what it will cost to maintain the road. Councilor Theberge agreed.

Councilor Eastman showed a list of items that were said by DOT. He made the point that the potential investment could add an additional \$2 million of tax revenue and that far outweighs the cost to plow. Mayor Grenier indicated that once the roadway is in city limits, the State will not be providing anything.

Councilor Rozek asked to move the question and in the vote regarding sending a letter to DOT, Councilors Theberge and Otis voted “no” and the remaining Councilors voted in the affirmative by roll call vote. Mayor Grenier declared the motion passed.

#### **Other**

Mr. Wheeler asked to replace Sue Tremblay’s position; she is retiring in March. Councilor Rozek moved to fill the position; Councilor Theberge seconded and the motion carried unanimously by roll call.

Councilor Higbee stated that BIDPA had a discussion about sending a letter to DOT asking to extend the 40 mile per hour zone on Route 110 out to Jericho Park. Ms. Laflamme noted that there is a letter in draft form and the Chamber of Commerce is not ready to sign off just yet. BIDPA would ask DOT to consider a one year trial and the Chamber would work to educate the public. This would allow for access and offers a solution that would be “no cost” and BIDPA would take on the cost of signage and installation. This would offer access without taking over the compact. The City could still extend water and sewer.

Such a letter was supported and voted on by BIDPA and it would be stronger if it were done in conjunction with the Chamber. Councilor Berthiaume clarified that one person from the Chamber did not support. Councilor Higbee noted that in no way does this preclude extending the urban compact. Mayor Grenier commented that BIDPA is entrusted with economic development in the City. It’s important for everyone to work together.

Councilor Rozek moved to adjourn; Councilor Higbee seconded and the motion carried. The meeting ended at 7:55 p.m.

Respectfully Submitted,  
Susan Tremblay  
Administrative Assistant

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