

City Council Work Session

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

November 2, 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 864 4636 8161; Passcode 119305, 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 and in the room with City Manager James Wheeler; via Zoom, Councilors Higbee, Berthiaume, Rozek, Morgan and Eastman who noted they were alone in their respective rooms; Councilor Theberge was excused.

Others present: City Manager James Wheeler, Community Development Director Pamela Laflamme, Bruce Luksza, City Clerk Shelli Fortin, Fire Chief Jay Watkins, Superintendent of Schools Julie King, Police Chief Pete Morency, Craig Luksza, Jon Rokeh, Wastewater Superintendent Jon Goodreau, Barbara Tetreault, Berlin Daily Sun and public.

Proposed Campground Development

Ms. Laflamme introduced Bruce Luksza who will be coming to the Planning Board to share ideas to take the campground that he bought on Route 110 to the next level. Mr. Luksza stated that he bought an existing campground with a lot of established roads. In Phase One of his project, he wants to establish more camp sites and in Phase 2, he would provide hook ups and comfort stations. He noted that he will be going through state permitting for the hook ups. Once city permitting is adopted, he will go ahead with the State. Mayor Grenier congratulated Mr. Luksza adding that he has the full support of the Mayor.

Councilor Eastman thanked Mr. Luksza and welcomed the investment and wished him the best. Councilor Rozek asked what the timeline is on getting the project complete. Mr. Luksza replied that he expects to invest \$1 million per year for five years. He mentioned wanting to move the entranceway of the campground.

Upgrade to SCADA System

Jon Goodreau reported that the Wastewater Treatment Plant's SCADA system is operating on Windows 7 and upgrades have not been done since 2014. The hardware is outdated and won't support the update to Windows 10. The existing system is a GE and they were consulted for pricing. A one year contract for an upgrade is \$18,263 but there is a promotion for a 3 year contract for an additional \$500. Wright Pierce has put together a scope of work to upgrade the system for a not to exceed price of \$48,500. Mr. Goodreau asked to forego the bidding process and to hire Wright Pierce to do the project. In response to a question from Mayor Grenier, Mr. Goodreau confirmed that the not to exceed price of \$48,500 is all inclusive. Councilor Higbee noted that the SCADA system monitors the wastewater plant and makes corrections and holds all information for permitting.

Councilor Eastman moved to waive the bidding process and award the SCADA upgrade to Wright Pierce for a not to exceed price of \$48,500; Councilor Rozek seconded and the motion carried unanimously by roll call.

New Sewer Truck

Mr. Goodreau stated that the truck for the sewer crew is a 1989 and we are putting a lot of money into it. He is looking to order a 1 ton truck for \$43,561 that will carry the crew and its equipment. The truck would come from Candia Trailers and Grapone Ford who have this year's State bid.

Councilor Rozek moved to approve the purchase of a truck for the sewer crew from the State Bid at Grapone Ford; Councilor Higbee seconded. In discussion, Councilor Otis voiced that he is disappointed that this expense was not in the capital plan. In the vote that followed, Councilor Otis voted against and the remaining Councilors voted affirmatively by roll call vote. The motion carried.

State of Pandemic in Androscoggin Valley

Mr. Wheeler reported that things have evolved quickly with an increase in COVID cases. On the city side, there are 19 employees quarantined, meaning that they may have been exposed to someone who either has it or may have it. We will allow people to return to work as safely as possible. In some

departments there are not big benches of back up which may affect services. Ms. King added that the schools moved to remote learning for 2 weeks. There are four students and one staff member on isolation that tested positive; as well as 33 students and 10 staff on quarantine. This will be reevaluated at the end of the week.

Chief Watkins reported that Coos County has done 600 tests in a week and most have come back to one positive case. He emphasized the importance of wearing masks and social distancing. Chief Morency noted that they had one employee who tested positive, and they are now up to 17 who have been tested.

Mayor Grenier stated that Council received a proposed ordinance to require mask wearing. He commented that we need to protect the most vulnerable citizens and business community. Gorham may want to mirror what we are doing. He added that the entire community has to look after each other.

Councilor Higbee established that government has a responsibility to impose such an ordinance and we need to give up some to protect fellow citizens. Councilor Rozek asked if you have to wear a mask when you come out of the house or driving in the car. Mr. Wheeler replied that items 1 to 7 were in Nashua's ordinance and they have been tested in Court and upheld. He read the conditions:

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 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 10 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.

Councilor Rozek asked if there would be a fine and Mr. Wheeler said that the ordinance does not have a fine at this time. Chief Morency stressed that the PD needs some flexibility. Ms. King said that there have been no cases within the school buildings; a parent is the source and the virus was passed on to children. Referring to the proposed ordinance's age limit of children over 10 having to wear a mask, all children in the schools, ages 4 and up are wearing a mask.

Mayor Grenier advised that he would like to introduce the ordinance at this meeting and pass it in two weeks; if we don't take action, it will be out of control. Councilor Remillard supported the ordinance and added that it should be amended to children age 5 and up will have to wear a mask. As for a fine, she wanted the PD to decide.

Chief Morency noted that a fine can be from \$50 to \$1,000. We are looking to gain compliance. He determined that it may not be possible for officers to wear a mask in all situations especially if drugs or alcohol may be involved. Councilor Remillard asked if a business owner does not enforce, will they be subject to a fine. Chief Morency replied that the AG's office has handled and they go after the business license and administer substantial fines.

Mayor Grenier established that the ordinance is not on the agenda and he would like to add it under 6a for first reading, a public hearing and final reading can be done at the next meeting in two weeks. Councilor Berthiaume agreed with lowering the age limit to 5 and she asked if this can go forward tonight. Mayor Grenier resolved that there needs to be public hearing where the public will be given the opportunity to speak. Councilor Higbee agreed. The consensus was to hold a special meeting on November 9 where a public hearing will be held and the ordinance can be passed.

Councilor Higbee moved to add the proposed face covering ordinance as item 6a to agenda; Councilor Remillard seconded and the motion carried by roll call with Councilors Rozek and Otis voting against and the remaining councilors voting affirmatively (see subsequent reconsideration).

Governor Sununu's Comments

Mayor Grenier commented on Governor Sununu's interview reported in the Berlin Daily Sun October 28, 2020. The Governor toured Deflex and in his interview, he had unkind words to say about the community not spending funds properly. Mayor Grenier asked the Council if they would approve sending a letter to the Governor encouraging him to hire an auditor at his expense.

Councilor Higbee moved to send a letter telling the Governor to hire an auditor at his expense and to send to Governor Sununu, Senate President and Speaker of the House; Councilor Morgan seconded and the motion carried with Councilor Otis voting against and the remainder of the Council voting affirmatively by roll call. Councilor Higbee added that the Governor's comments were an insulting statement to City and to staff.

Letter from DOT re: Conway Bypass

Mayor Grenier read a letter from the DOT informing of their intent to present a resolution to the Governor and Executive Council to formally dissolve the Conway Bypass project layout. There were no comments from the Council

Governor Sununu's Comments Reconsideration

Councilor Berthiaume moved to reconsider the motion to send a letter to Governor Sununu; Councilor Higbee seconded and the motion carried unanimously by roll call.

Councilor Higbee moved to send a letter telling the Governor to hire an auditor at his expense and to send to Governor Sununu, Senate President and Speaker of the House; Councilor Morgan seconded and the motion carried with Councilor Berthiaume abstained; Councilor Otis voted against; and the remainder of the Council voting affirmatively by roll call. The motion carried.

Other

Mr. Wheeler commented that Mr. Hamill, the owner of Exile Burrito, had to meet the conditions of an agreement to have taxes associated with another owner waived. The conditions have been met and the City will remove the tax lien.

Solar Ordinance

Ms. Laflamme referred to Ordinance 2020-05 which is on the agenda for first reading, saying that it aligns with Ordinance 2020-04 making solar fall under bulk power supply. This will further clean up the Zoning Ordinance.

At 7:47, 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.