

City Council Work Session January 20, 2020

Present were: Mayor Grenier, Councilors Rozek, Higbee, Gentili, Otis, Theberge, Remillard, Morgan and Berthiaume

Others present: City Manager James Wheeler, Police Chief Pete Morency, Councilor Elect Mark Eastman, Mrs. Eastman, City Clerk Shelli Fortin, Barbara Tetreault, *Berlin Daily Sun* and public.

Mayor Grenier opened the meeting at 6:30 p.m.

Proposed Zoning Ordinance Change

Ms. Laflamme explained that the Planning Board discussed changing the zoning for the Armory property. The zone is currently Rural Residential and they considered best and highest re-use of the building as something other than residential. Uses in the current zone are quite limiting. There was some question about spot zoning and that would be true if there is a use already in mind. The Planning Board is thinking ahead, of future possible uses and they voted to propose an ordinance to rezone the one lot. Mayor Grenier asked if this would stand the test of a legal challenge and Ms. Laflamme assured him that it would. The ordinance will have a public hearing and the Planning Board was thinking ahead for future best and highest uses. When assigning new zones, its best practice to add to an existing zone. This would join the Industrial Business zone that is just across the river. Mayor Grenier confirmed that the new zone will encompass the whole lot. He added that a business opening in the building would be subject to site plan review. Councilor Remillard, who is a member of the Planning Board added that the highest and best use would be best achieved by changing the zone to Industrial Business which is a zone that is just across the river.

Mayor Grenier asked to add one item to the agenda regarding a ruling on the Richard Poulin v. COB case. Councilor Rozek moved with a second from Councilor Higbee to add the item to the agenda. All voted in favor of the motion.

Census Award Grant

Ms. Laflamme indicated that she was approached by the Charitable Foundation to see if she could use grant money to promote the Census in Coos County. Berlin's Tract 3 on the East Side had one of the lowest response rates in the County. It's important to get all communities to respond so that we don't lose representation. The Foundation will support a joint, united effort promoting similar messaging throughout the County. Identical banners and posters will be purchased for each community with the exception of the community name such as "Berlin Counts"; "Groveton Counts". The posters will be distributed at local businesses to reach the populations that don't normally respond.

Ms. Laflamme noted that census takers take an oath to not share information including to other government agencies. It is important for all to get counted for education, and for public assistance. For the first time, people will be able to respond to the census on line and the Berlin Library will be a site where a census worker will be available to assist one day a week. Mayor Grenier asked if there is enough money to do a mailing and Ms. Laflamme said she would check into it.

HEB Contract for Mason St Bridge

Mayor Grenier indicated that he would recuse from the discussion and from voting because his son is an engineer at HEB. Mr. Wheeler reported that we've known about issues with deterioration of the

Mason St Bridge and we were able to inspect the underneath of the bridge during shutdowns when the water in the penstock is lowered. He showed photos of the deterioration.

The City's purchasing ordinance says that projects over \$10,000 are to be bid; however there is the provision to waive. In this case HEB has been reviewing the bridge and it would not make sense to have someone else design the repair. The proposed contract for design is for \$24,100. Once designed, the repair can be put out to bid so that there are final numbers for the budget. The design can be such that the most important things such as abutments and seals will be priced and other work that should be done can be added.

With regard to bridge aid, the program has changed, and this work is considered preservation or maintenance which does not qualify. Councilor Rozek noted that one Mason Street Bridge is over an Eversource penstock and they don't participate in the bridge's upkeep. Councilor Rozek observed that the granite in the pictures was in good condition and he asked if granite could be used instead of concrete. Councilor Higbee confirmed that HEB will craft a bid so that the work can be pieced out. Councilor Remillard moved with a second from Councilor Theberge to waive the requirement of the purchasing ordinance and to execute the contract with HEB for engineering of repair to the Mason Street Bridge. All voted in favor by roll call with Mayor Grenier abstaining.

Order to Raze or Repair 469 Hillsboro St

Mr. Wheeler updated the Council on 469 Hillsboro Street. The Governing body can order the repair or removal of a hazardous building The City had the property cleaned out and it has been inspected by Fire, Code and Health and they worked with legal to produce the order. Section 5 lays out the corrective action required. The owner will have to present a written plan on how he will remove the violations. He will have to engage an electrical engineer and mold abatement company and provide proof that he's done this. If he is able to, we will go through the plan. If not, then we would move with the court. Councilor Berthiaume questioned why the police are not signing as well. Mr. Wheeler explained that the crux of the order is based on the inspections done by Code, Fire and Health. Councilor Rozek moved to authorize the City Manager to proceed with a 155-b 2 order on 469 Hillsboro Street and to authorize him to sign the order on behalf of the Council; Councilor Morgan seconded and the motion carried.

Correspondence to Ted Lacasse

Mr. Wheeler reviewed his response to Mr. Lacasse regarding abatements and the city's relationship with AVRDD. He included information about tipping fees and provided Sharon Gauthier's contact information. Councilor Higbee moved to send the letter to Mr. Lacasse answering his 12/16/19 communication; Councilor Rozek seconded and the motion carried.

HB1421

Mr. Wheeler noted that this was discussed a few weeks ago and the Council wanted to revisit tonight. The bill is with the Municipal and County Government Committee. The bill would treat utility companies like every other taxpayer. A motion was made by Councilor Remillard to support HB 1421 for the City Manager to provide a letter to the Committee upon final approval of the Council; Councilor Higbee seconded and the motion carried. Mayor Grenier confirmed that Bob Goddard will be copied.

Ward Selectmen Requirement at Polling Location

Ms. Fortin reported that she went to an Election training where she learned that the Ward Selectmen role at elections is to be filled by City Councilors. They would need to attend the election on Election

Day. Councilors can appoint someone to take their place for the day; three ward selectmen and a moderator are needed at each polling location. Ms. Fortin stated that she will ask the Secretary of State's Office if some of the people who are already there, like greeters, can be appointed. She will also call to see how other cities handle and report back.

Richard Poulin V COB

Chief Morency thanked the Council for standing behind his department. He went on to say that in the case of Richard Poulin v. the City of Berlin, the City has prevailed. Through the attorney we asked for a summary judgement and it came back that the city was right and Mr. Poulin does not have a case. The message is clear that the Berlin PD did nothing wrong. Mayor Grenier asked for a brief description of the suit.

Mr. Poulin was renting a downtown property to someone who was dealing drugs and guns in the community. It took time of the PD and other participating agencies to put a case together. A search warrant was executed and with the evidence found, arrest warrants were issued. There is a subject who is in jail for 8 years. The case has connections to NY. Mr. Poulin complained of the use of force, overextending search and seizure, challenging information, overextending authority, and damage to reputation. The PD was cleared of all charges. Mayor Grenier stated that he is happy and proud of the Police Department and the way they conducted themselves professionally.

There being no further business, Mayor Grenier moved on to the Regular Meeting at 7:25 p.m.

Respectfully Submitted,
Susan Tremblay
Administrative Assistant

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