

City Council Work Session

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

September 21, 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 844 2548 0843; Passcode 020248, 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; via Zoom, Councilors Theberge, Otis, Remillard, Higbee, Eastman, Berthiaume and Morgan.

Others present: City Manager Jim Wheeler, Fire Chief Jay Watkins, Library Director Ann Brungot, Recreation Director Terry Letarte, City Clerk Shelli Fortin, Community Development Director Pamela Laflamme, Kelsy Dumville, Ted Bezenas, Don Whittet, Tom Condon, Mindy Bubier, Erin Hennessey, and Barbara Tetreault, Berlin Daily Sun

### **EPA Lavoie Property Presentation**

Mayor Grenier introduced Tom Condon from the Boston office of the EPA. Mr. Condon confirmed that his crew just started work at 640 Hillside Avenue where their goal is to minimize any threat to the public from contamination.

Starting in the 1950's, there was an unregistered junk yard on the property. In 2004, the NHDES directed the owner to cease operations and begin a cleanup which he completed in 2011. In 2019 NHDES did a Phase II study of the property and found it to be contaminated with lead and pcb's.

The EPA did soil samples and found 3 areas of concern on site. There is an area of about 20,000 sf that is contaminated with pcbs & lead; 500 sf contaminated with moderate levels of pcb's and 10,000 sf contaminated with lead. The EPA will remove contaminated soil and backfill with clean material. Any area that cannot be cleaned will be capped. The project is expected to go on until weather causes the work to stop; it will then start again in the spring.

Councilor Remillard asked if contamination has affected the neighboring properties. Mr. Condon noted that these contaminants do not migrate with water or erosion. He will take precautions to limit dust by wetting down the area as they work. He added that one of the neighbor's yards was tested and the levels were below levels of concern. Councilor Eastman asked if, after mitigation, the property can be built on again. Mr. Condon replied that they will try to get the property to a level where there are no restrictions; however he can't be sure at this time. DES would work with the city on re-use. Ms. Bubier commented that this project is part of the Brownfield Program.

Mayor Grenier asked that if any surprises occur, the abutters will be alerted. Mr. Condon said that they would make that happen. Mr. Condon and Ms. Bubier left the meeting at this time.

### **Children's Librarian Request**

Ann Brungot asked to replace the Children's Librarian. Kathy Godin retired and the position has not yet been filled. This person is a starting point for education and plays an important role at the library. Councilor Remillard asked if the position is full time and Ms. Brungot replied that it is. There will be no change to the budget as the position is funded. Councilor moved to hire a Children's Librarian; Councilor Eastman seconded and the motion carried unanimously by roll call.

### **Recreation Resolutions**

Terry Letarte thanked Councilor Higbee for informing her of the NH Empowering Youth grant programs opportunity for middle and high school students. She reported applying for three grants: Bring on F.U.N. (Friends Understanding Needs), which is a leadership and mentoring program. Weekend Workout for Body, Mind and Soul is a program for 6-12<sup>th</sup> grade students where there will be indoor and outdoor activities with guest speakers. The Learn to Bowl Program is free and 20 students can

participate for 7 weeks starting October 19. Resolutions for the grants will be read for the first time this evening.

### **Halloween Discussion**

Mr. Wheeler noted that it is over one month to Halloween and there has been a lot of discussion over social media about potential changes. Trick or Treat hours are in the ordinance (5:00 to 8:00 p.m. on October 31). He wanted to have on the record that there has been no conversation about limiting Trick or Treat. The Governor's Task Force will be coming out with guidelines. Mayor Grenier stated that it is in the best interest of the city and public to wait for the State's guidelines and follow accordingly.

### **Armory Decision**

Mr. Wheeler explained that the environmental information on the Armory has been made available as requested and the Council wanted to make a decision about acquiring the armory in September. Mayor Grenier added that BIDPA has no interest in the building. He said that the City put a lot of money into the existing police station and changing their location is not practical. Maintenance would come with expense. Councilor Eastman stated that he went over the EPA documents and he doesn't see any reason we should take over the armory. Councilor Theberge said that several concerned constituents called him expressing that they are against moving the police station to the armory.

Councilor Remillard disagreed noting that the City should pick up the building and look for a small industry to occupy the building and put it on the tax role. We could winterize it and put it on the market in the spring. Councilor Higbee said that he agrees with Mayor Grenier and he doesn't see the point of acquiring the building. He went through the environmental documents and he feels he would need someone to decipher. The City should not be the agent for this building.

*Councilor Remillard moved to accept the building; Councilor Rozek seconded.* Councilor Theberge noted that there is too much money involved. Councilor Rozek clarified that he is not in favor of moving the PD to the armory. Mr. Wheeler stated that he asked what the State would do with the building if the city does not want to take it. The State would winterize and would put the building on the market. Councilor Higbee commented that BIDPA has paid a lot of money for the upkeep of 121 Main St and ultimately it will be torn down. Councilor Remillard stated that the armory is a good opportunity.

In the roll call vote that followed, Councilors Rozek, Remillard and Morgan voted to take the Armory and Councilors Eastman, Higbee, Theberge, Otis, Berthiaume and Mayor Grenier voted against. The motion did not pass.

### **Hutchins Street Project**

Mr. Wheeler reported that there were two bids for the Hutchins Street Mill and Overlay project with the lowest being from Pike Industries at \$266,880. for the base bid and bid alternate. For the next meeting, we can have prices for other areas of the city such as a section of East Mason; Pleasant Street around Veteran's Park; Pleasant Street coming south. These are heavily travelled areas of the city that could use paving at this low bid price; however more money may be needed for demolition of Princess Theater. Councilor Higbee mentioned adding sidewalk to complete Hutchins Street and Councilor Theberge agreed. Councilor Eastman noted that there are trees growing out of the sidewalk on Washington Street.

**Agreement for Fire Station**

Mr. Wheeler brought a contract from HEB Engineers/Alba Architects for the Council's review. The contract will allow us to go forward with improvements to the Fire Station starting with the roofing and window replacement, then moving on to the reinforcement of the concrete floor. Councilor Eastman questioned a \$3,600 cost for the engineering of the replacement windows. Mr. Wheeler noted that anticipated construction cost is estimated at \$598,000 and the engineering comes out to about 10% which is industry standard. He added that we don't have anyone on city staff to do this work.

Mr. Wheeler reminded the Council that it was their decision to package all of the work at the FD into one project. Mayor Grenier noted that it takes someone to prepare the spec, to put the project out to bid, and to manage the project. Councilor Rozek commented that these are large projects and the engineer involved takes on liability and the job gets done professionally. Paying for that service is part of government doing business. Councilor Higbee agreed adding that the engineering is more than windows, there are steel columns supporting the fire engine. The engineering is essential to certain parts of the projects.

Councilor Theberge moved to accept the agreement with HEB and Alba Architects; Councilor Morgan seconded and the motion carried all voting in favor with the exception of Mayor Grenier who abstained because his son is an employee of HEB

**Segregated Funds Resolution**

Mr. Wheeler stated that the resolution for segregating the prior year's funds for capital projects is on the agenda for first read.

There being no further business in Work Session, Mayor Grenier moved on to the Regular Meeting.

**Non-Meeting**

On a motion by Councilor Higbee, seconded by Councilor Morgan, the Council voted to enter into non-meeting per RSA 91-A:2, I (b) at 8:37 pm. So moved, the motion carried unanimously by roll call vote.

**Non-Public Session**

Councilor Higbee moved with a second from Councilor Eastman to go into nonpublic session per RSA 91-A:3II (a) the dismissal, promotion or compensation of any public employee; (e) consideration or negotiation of pending claims.

Mr. Wheeler discussed the issues.

(e) Pending Claim

(a) The dismissal promotion, or compensation of any public employee

At 9:35 Councilor Higbee moved to come out of non-public session; Councilor Eastman seconded and the motion carried unanimously by roll call.

Councilor Higbee moved to seal the minutes as releasing them would make the action taken ineffective; Councilor Theberge seconded and the motion carried unanimously by roll call.

Councilor Rozek moved to adjourn; Councilor Higbee seconded and the motion carried unanimously by roll call. The meeting ended at 9:37 p.m.

Respectfully Submitted,  
Susan Tremblay  
Administrative Assistant

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