

**City Council Work Session
August 5, 2019**

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

Absent: Councilor Otis

Others present: City Manager Jim Wheeler, City Clerk Shelli Fortin, Superintendent of Schools Julie King, Community Development Director Pamela Laflamme, Wastewater Superintendent Jon Goodreau, Member of the Board of Assessors Mark Eastman, Pastor Robert Haynes, Gina Welch, Peter Estabrooks, Esther Leiper, and Barbara Tetreault, *Berlin Daily Sun*.

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

Sewer Abatement - Roy

City Manager Wheeler advised the Council that attachments were included for the sewer abatement for Normand Roy of 1 Alice Street. There were three properties that the Council requested more information on, and only one provided additional information. The other two were contacted multiple times and did not respond. City Manager Wheeler advised there were notes on the photos provided, which show that the water went into the basement and was absorbed into the dirt floor.

Councilor Higbee moved to grant an abatement for one half the sewer bill, \$936, to Normand Roy of 1 Alice Street; Councilor Morgan seconded and the motion carried.

Councilor Berthiaume moved to deny the abatements for Emile Vendette of 167 Norway Street and Donna Silk of 8 Perkins Place, as no further information was provided; Councilor Morgan seconded and the motion carried.

WWTF Operator Position and Capital Improvement Request

Jon Goodreau advised the Council that the Maintenance Operator has been filled with an in-house candidate. Jeff O'Neil was awarded the position effective today. Goodreau advised that he would like to move forward with filling the open Operator position. Goodreau stated that they currently have three employees who are eligible for retirement, and would like to train new staff before they leave.

Councilor Rozek moved, with a second from Councilor Berthiaume, to allow the Wastewater Treatment Facility Superintendent to fill the open Operator position. So moved, the motion carried.

Jon Goodreau provided a PowerPoint presentation to the Council on his request for Capital Improvements. Goodreau is requesting to replace the security fencing, which is 40 years old and missing sections, for an estimated cost of \$100,000. Goodreau is also requesting to replace the Sewage Ejector System, which is essentially the lift station at the main office. One of the pumps has already failed, and if the other was to fail, there is an estimated \$1,344,622.00 of equipment that could be lost. The estimate to rebuild the pump is \$100,000. Steps have been taken for backup in the meantime. Councilor Rozek mentioned that money was spent on engineering when this was designed, and they should have taken into account the available space to lift the assembled pumps. The Council asked if grants were available and the State Aid Grant program was suggested. Goodreau advised he has also looked into grants from Homeland Security for money for the fencing, but nothing is available at this time. The third proposed project is the VFD and Control Panel upgrade at the Dairy Bar and Armory pump stations. The VFD's are not readable anymore and the cost to retrofit for a replacement would

be the same as new. The estimated cost is \$130,000. Mayor Grenier asked about the time frame for the projects and Jon Goodreau advised he would like to do it within the year, but the design and bid process does take time.

Councilor Rozek moved, with a second from Councilor Morgan, to allow the Wastewater Superintendent to proceed with the Capital Improvement Requests for fencing, the Sewage Ejector System, and the VFD and Control Panel upgrade at the Dairy Bar and Armory pump stations. So moved, the motion carried.

Letter from Rev. Robert Haynes re: Brown School Playground

Pastor Haynes advised the Council that since the playground equipment at Brown School was purchased with funds raised by the parents, he would like to move the equipment to the High Street side of the new elementary school. Haynes advised this will be done with volunteers from the community, and will not create cost for the City. Haynes stated that he was hoping to do this before school opens this year, but time may be an issue, and next spring would be realistic. Until that time, the equipment could be removed and stored, allowing the City to proceed with the sale of the building. Haynes advised that he has spoken with the Superintendent of Schools and that since it is hard for children to transition to a new school, it would be nice for them to have something familiar. Haynes advised that he would like to take the equipment, the wood chips, and the fencing. Julie King stated that she is grateful for the help, the only stipulation is that she wants to be sure that whatever is done is up to code. King advised that there is still a lot of work left to do before school opens, and the priority at this point is to be sure the current playground is safe. Mayor Grenier suggested that the equipment be left in place until spring, to lessen the chance of damage from moving it twice and storage. Councilor Remillard suggested that new fencing be considered, and Councilor Rozek suggested that it be commercial grade.

Councilor Rozek moved, with a second from Councilor Morgan, to commit to allowing Pastor Robert Haynes of Harvest Christian Fellowship, along with volunteers from other churches, to move the playground equipment from Brown School to the new school. Councilor Higbee suggested checking the fencing before purchase, to be sure black tape will not be needed to wrap around the top for safety. So moved, the motion carried.

Letter from Pat Lefebvre re: Bobby Haggart Memorial

A letter was received from Pat Lefebvre suggesting that the River Walk project be named in memory of Bobby Haggart and that a granite bench will be donated from Local 1088. Mayor Grenier asked about the funding for the River Walk project and Pam Laflamme advised that \$250,000 was received from Northern Borders and between \$700,000 and \$800,000 from DOT. The estimated cost is \$1.5 million, and an additional \$182,000 is needed at this time. Councilor Berthiaume was concerned that the River Walk is a huge project to name after just one person, as special as Bobby was. Councilor Berthiaume suggested having an area along the River Walk in memory of Bobby, where the bench could be placed. The Council agreed that they would like to see Bobby's name attached to something, and the idea of a statue in the downtown area was also suggested. Councilor Berthiaume stated that vandalism is something that will also need to be considered. City Manager Wheeler will send a letter to Lefebvre accepting the donation of a bench in memory of Bobby, with a location to be determined.

Chapter 71:B BTLA

Councilor Remillard spoke to the Council about the decision made at the last meeting to look into the complaint about the Board of Assessors. Remillard stated that she felt it made the Board look guilty

before the Council did their homework. Remillard stated that she reviewed the packet from Bob Goddard, along with the handouts from the City Manager, and called Anne Stelmach at the BTLA to discuss the letter received from Marc Lauze. Remillard felt that the City Attorney should not have been involved, and Mr. Lauze should have been directed to file his complaint with the BTLA under RSA 71-B:16. Remillard apologized to the Board and stated that she felt an injustice was done in taking the steps they did. City Manager Wheeler provided copies of the emails he exchanged with Stelmach at the BTLA, and pointed out that originally he was told that they do not give advisory opinions and that the taxpayer would file under paragraph 1, however this was incorrect. After a phone call with Stelmach, with both Wheeler and Remillard present, this was clarified. City Manager Wheeler advised that Steve Dion has now filed a complaint under Paragraph 2, as it should be filed, however the City has not been given a copy of the complaint. Councilor Higbee stated that if he was ever to be accused of wrongdoing, he would want the big guns called in. Higbee took offense to Remillard's view, and stated that the reason the Council is looking into the matter is to clear things up with an independent party, and there was not any exploitation. Councilor Rozek stated that this is the 3rd or 4th time in 36 years that he has filed an abatement, and he has served on the Council for 12 years. Rozek stated that he has been asked to leave the non-public session tonight and he is furious, but trying to be professional. Rozek stated that this affects his wife, too, who was asked to serve on the Board of Assessors by the Mayor and didn't do anything wrong. Mayor Grenier advised Rozek that the law states you may not sit in on a non-public session when it concerns you. Councilor Rozek left the meeting. Councilor Higbee advised that the Council's hope is to prove that what occurred was above board, and Mayor Grenier advised that very little has been spent on attorney fees. Councilor Berthiaume asked that the Council consider putting something in place so that this will not happen again. Mayor Grenier advised that when City Manager Wheeler spoke with Lauze, he advised him to put his complaint in writing, which he did. Remillard again remarked that an attorney should not have been contacted and the taxpayer should have filed with the BTLA. City Manager Wheeler stated that even if the City had known about RSA 71-B:16 at the time, the attorney still would have been notified. Mayor Grenier stated that information was never withheld. Councilor Berthiaume again suggested that a safeguard be added to prevent this same issue in the future.

Other

Councilor Remillard asked about the inspection needed at Ron's Variety. City Manager Wheeler advised that it is scheduled for this Thursday. Unfortunately, the supplier could not be there for the hood test when the inspection was attempted last week. Councilor Remillard asked when the request for the inspection was made and Pam Laflamme stated it was in person at the window on July 24. Councilor Remillard asked why the Fire Department was not handling the requests or calling the Fire Marshal for assistance and City Manager Wheeler advised that Peter Donovan was supposed to take over the inspections when Chief Lacasse retired, but it has become a union issue. Wheeler advised he has already met with the union and it will be discussed in a non-meeting this evening.

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

Respectfully Submitted,
Shelli Fortin
City Clerk

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

