



**Town of Berlin
Municipal Office Building
108 Shed Road**

**Berlin, VT. 05602
Regular Select Board Meetings
1st & 3rd Monday of Each Month**

Special Meeting

**Wednesday, June 22, 2011
5:00 PM**

Selectboard Members: Susan Gretkowski, Chair; Nancy Driscoll, Vice Chair; Roberta Haskin, Secretary; Jonathan Goddard. Absent: Brad Towne. Present: Jeff Schulz, Town Administrator; Patti Lewis, Town Treasurer. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Susan Gretkowski called the meeting to order at 5:00 p.m.

Public Meeting with Residents Affected by Flooding

Susan Gretkowski stated that **Jessica Radbord** and **Karen Richards** from Vermont Legal Aid and **George Mitchell** and **Brenda Clark** from the Department of Banking and Insurance are in attendance to help the residents. She stated that the Board has talked with **Neville Company** and received answers to some of the resident's questions. **Susan** stated that Vermont Legal Aid has sign up sheets for residents to make appointments with the representatives and the Department of Banking and Insurance has provided complaint forms for the residents.

Susan stated that Neville Company has said that they will level the trailer pads, but would not set the trailers back on those pads and they will clean out the mud underneath the trailers. She stated that there was no flood insurance on the trailer park, but the bankruptcy court has directed them to put the park land back to the original condition. **Susan** stated that Neville Company has suspended all park rents for everyone who lives in the park. She stated that Neville Company has not yet made the decision on when lot rent will be reinstated, but those individuals that abandoned trailers and those who are not returning to the park will not be charged rent. **Susan** stated that if a trailer is abandoned, Neville Company will begin the process to remove those trailers and will take their direction from the bankruptcy court. She stated that if the resident's have questions about abandoned trailers to call **Adam Miller** at Neville Company. **Arthur Hamlin**, State Dept. of Commerce, stated that, under the mobile home park law, if a mobile home is not lived in, the rent is passed due, and the owner can not be reached, the park owner may go to the Superior Court and get permission to either sell or demolish the mobile home. **Susan** stated that tomorrow **Jeff Schulz** and **Dr. Austin Sumner** from the State Health Department, will be conducting assessments of the trailers to determine which ones are habitable and would allow the Selectboard to lift the Emergency Health Order. She stated that the Town also needs to determine which mobile homes were substantially damaged under FEMA Floodplain Regulations. **Susan** stated that if the damages costs are 50% or higher of the assessed value of the home, then the home is considered significantly damaged. She stated that in order for the home to be repaired, renovated, or before a new home can be moved onto that site, the home owner would need to conduct some mitigation requirements. **Susan** stated that under the new flood hazard regulations, any home that is going into a floodplain needs to be placed above the flood level. She stated that for this particular area, the home would need to be placed on stilts to raise the home above flood level and this would be the responsibility of the home owner. **Susan** stated that the park owners will not be

allowed to bring in soil or build retaining walls in this park. She stated that a topographical survey would need to be done to determine how high to raise the home, a permit from the Town would be required to conduct this work. **Susan** stated that the regulation specialists suggested using color coded stickers for each trailer with 'red' being those home that were substantially damaged, 'yellow' for those that the Town is not sure is substantially damaged, and 'green' for the homes that were not substantially damaged. She stated that the resident could bring a contractor's estimate of the repair costs and compare it to the assessed value of the home to find out if the home was substantially damaged.

Karen Richards, Legal Aid, encouraged residents to sign up to meet with the Legal Aid lawyers on a one on one basis to discuss their legal concerns. She stated that the Legal Aid attorneys can refer the residents to attorneys that work on insurance issues on a pro bono basis. **Ms. Richards** stated that the park lease agreement states that Neville Company is not responsible for any contents of the mobile homes, is normally covered under the home owner's liability insurance. She stated that if Neville Company is negligible in their responsibilities, then the home owner's could make a claim on Neville's insurance and that is something the Legal Aid lawyers can discuss with the residents in private. **Ms. Richards** stated that under the terms of the lease agreement, Neville Company needs to give notice to the home owner before entering the lot. She suggested that the home owner's waive any notice requirement so the work can move forward in a timely fashion. **Ms. Richards** stated that because this is a flooding issue, the trailers are not abandoned. She encouraged the resident's to work with Neville Company to determine whether they will be returning to the park rather than abandon the mobile homes. She stated that Neville Company has the responsibility to provide water and sewer to the park lots, and the bankruptcy court has requested that the water and sewer lines be repaired. **Ms. Richards** stated that if a resident does not think the lot is habitable, they may call Legal Aid to discuss the options available to them. She stated that one clause in the lease that applies to the residents states that if there is lot damage or the lot is destroyed, the resident is under no obligation to pay lot rent until substantial restoration is made. **Ms. Richards** stated that if the home owner is going to terminate the lease due to the flooding, notification will need to be given to Neville Company within 30 days of the occurrence. She stated that if the Town were to condemn part or all of the park, the owner could receive compensation for the damages. **Ms. Richards** stated that all notices sent to the owner of the park should be in writing, sent by certified mail with a return receipt requested. **Jessica Radbord** distributed resident information forms for the home owners to fill out, so when they come for their appointment with Legal Aid next week, the lawyers will know something about the person.

Brenda Clark, Department of Banking and Insurance, stated that the State of Vermont regulates insurance adjusters, agents and personal property. She stated that if the residents have complaints against a Vermont Insurance company, her department would handle that complaint. **Ms. Clark** stated that complaints will be set up on the same day they are received and the insurance company has 15 days to respond. She stated that the Dept. of Banking and Insurance will look at the response to make sure that the company is adhering to all regulation in Vermont and advise the resident of what is happening with the insurance company. **Ms. Clark** stated that the Department of Banking and Insurance does not regulate FEMA, but they do have contacts within FEMA to help the residents. **Susan Gretkowski** stated that there will be another meeting next Wednesday, June 29th at 5:00 p.m. to update the residents on any progress.
For the Select Board:

Rebecca Richardson, Administrative Assistant