



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

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

**Monday, June 6, 2011  
6:30 PM**

Selectboard Members: Susan Gretkowski, Chair; Roberta Haskin, Secretary; Brad Towne, and Jonathan Goddard. Absent: Nancy Driscoll, Vice Chair. 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 7:00 p.m.

#### **Public Comment**

**Catherine Donnis** thanked the Board for getting the road crew out to fix the road due to the flooding as soon as possible.

**Brad Towne** stated that **Jim Ackerman** was concerned that the water could wash out his drive if the storm drain is overwhelmed again. **Jeff Schulz** stated that he and **Richard Tetreault** could conduct a site visit to see what is appropriate for the Town to do in that area.

#### **Treasurers Report**

**Patti Lewis** gave the Board a preliminary financial report and noted that not all of the bills from May have cleared as yet. She stated that she has not received many flood damage bills as yet, but is trying to keep those bills separate from the rest. **Patti** stated that the current year fund balance is \$211,651 which is good for this time in the budget year. **Richard Tetreault** stated that the flood damage costs so far are approximately \$225,000. **Susan Gretkowski** suggested tabling the review of the budget and financial sheets until the next meeting of the Board. **Patti** stated that the warrants include the final payment of the education taxes. She stated that the rate of taxes being paid is still at 95%-96% and she is sending out letters for delinquent taxes to be paid. **Patti** stated that she is seeing good results from sending out these letters.

#### **Old Business**

##### **Flood Damage Update**

**Jeff Schulz** stated that last Thursday there was significant flooding in Berlin, and he has asked **Richard Tetreault**, Road Superintendent, to give the Board an update on the roads that were damaged and the repairs to date. **Jeff** stated that he has also asked **Chief Bill Wolfe** to give the Board a quick summary of the issues pertaining to the Mobile Home Park. **Mr. Tetreault** stated that the road crew has been working hard on getting the roads back to normal. He stated that Bartlett Hill Road and Widow Moses Road are back to two lanes of traffic, but still needs some work. **Mr. Tetreault** stated that they have been working on the ditches on Rowell Hill Road and are almost done with that work. He stated that on Wednesday they will begin the repaving of Paine Turnpike. He stated that the Road Crew will start grading tomorrow. **Mr. Tetreault** stated that they will also be resurfacing Vine Street. He stated that a culvert had plugged on Crosstown Road and some minor washouts that should be fixed this week. **Mr. Tetreault** stated that all of the Town roads are passable, although some of the roads are rough and need resurfacing. **Jeff Schulz**

stated that he and **Mr. Tetreault** will conduct site visits and put together a package to submit to FEMA, once the declaration has been approved.

**Chief Bill Wolfe**, Berlin Police Dept., stated that his department helped evacuate the River Run and Berlin Mobile Home Parks and they are patrolling River Run Manor as much as possible to keep looting to a minimum. He noted that the residents of the Mobile Home Park should call them if they see anything out of the ordinary near them, especially after 7:00 p.m. when there should be no individuals near the trailers that have been damaged. **Chief Wolfe** stated that he had to call in more personnel to help with the evacuation. **Susan Gretkowski** stated that the Town has placed a storage container on the property of **Jennie Thompson** for any individual to place their salvageable belongings into, and **Ms. Thompson** has the key to the storage container. A River Run Park resident asked what is being done to help those individuals that cannot live in their mobile homes? **Jeff Schulz** stated that the Town is working with different agencies that are assessing the damages in the mobile home park before any decisions can be made on that issue. **Susan** stated that the Berlin website has a few links for residents to gain help in finding alternate housing and the Barre Housing Partnership is willing to help as well. She stated that River Run is managed by a receiver company, **Neville Company**, and the Town is in discussions with them regarding the issues with the park. A resident asked who they contact to find out if their trailer is salvageable? **Chief Wolfe** stated that the Town website has some helpful contacts for the residents use for damages to their property. **Jeff Schulz** stated that the Town Offices could print off the webpage for the residents so that they may have those contact numbers. A resident asked what recourse the residents have to get the owner or receiver company to step forward and help? **Susan** suggested that they call Legal Aid for a legal opinion as to the resident's best course of action. A resident asked if the Town or Neville Company could do something about raising the river bank? **Jeff Schulz** stated that it is difficult for the Town to require something like that be done as it is an existing neighborhood, but he could investigate that question further to find out if there is anything that could be done.

**Bruce Pollock**, Red Cross, stated that the Red Cross started the shelter at the Barre Auditorium on Thursday. He stated that since then the Red Cross has sent trucks out to provide clean up kits to the residents, which include buckets, gloves, shovels and other materials that would be needed to clean up. **Mr. Pollock** stated that the Red Cross is also providing meals, water and other essentials for residents that need these services. He stated that the **Southern Baptist Group** is in the area to help residents muck out their homes, but that residents must call 211 in order to be placed on a list and sent out to all the agencies that will help. **Mr. Pollock** encouraged all the residents to contact Economic Services and Central Vermont Community Action to seek help. **Justin Pickel**, Animal Control Officer, suggested that the residents that own pets contact the Humane Society and other non-profit agencies to help with the care of their pets. **Susan** suggested setting up a meeting with all of the Social Services agencies in one place at the school to allow the residents to make those contacts. **Roberta Haskin** suggested holding this meeting at the Barre Auditorium instead of the school.

#### Public Hearing - Amendment to Animal Control Ordinance

**Jeff Schulz** stated that this is a public hearing on the amendments to the Animal Control Ordinance. He stated that the original ordinance was adopted some years ago and the revisions are recommended by **Justin Pickel**, Animal Control Officer. **Jeff** stated that the revisions include a definition of when a dog may be at large, and a definition of an at large dog as a dog that is not under physical restraint or control. **Mr. Pickel** stated that currently the ordinance does not address dogs running into traffic and causing a safety hazard. He stated that this occurrence is not currently a violation of the Animal Control Ordinance. **Mr. Pickel** stated that a leash law would affect those dogs that are not on their owners property, but dogs on other properties or Town property. He stated that the revisions are inline with the Animal Control Ordinance in surrounding towns. **Doug Hill** stated that under the current ordinance the Animal Control Officer has the authority to cite the owners of a dog that is running into traffic. He stated that he owns land on both sides of a Town road, and under the revised ordinance he would need to leash his dog to cross the road to get to the rest of his property. **Mr. Hill** stated that the revised ordinance will make violators out of quite a number of law abiding citizens in Berlin. He asked what necessitates the revisions to the ordinance? **Mr. Hill** stated that the ordinance already regulates these items and all it needs is enforcement. **Laura Plude** stated that every few years the Board tries to enact a leash law, and every year it gets voted down because Berlin is a rural community. She stated that the language is already in the current ordinance

and just needs enforcement. **Budd Shedaker** stated that the new language seems to be against the users of the road around Berlin Pond and he does not believe this is right. He stated that many people use Berlin Pond to walk or run with their dogs. Paul Irons asked how an at large animal was addressed in the current ordinance? **Mr. Pickel** stated that the current ordinance determines that any animal that disturbs the rights of, threatens the safety of, or injures a member of the general public, or repeatedly allowed to damage other properties is in violation of the current ordinance. He stated that he routinely gives one verbal warning before citing a resident in violation. **Susan Gretkowski** stated that there seems to be three different issues under discussion, having animals on a leash, under the owners control and the way the current ordinance is worded. She stated that the residents in attendance seem to favor the current ordinance language. **Jeff Schulz** stated that the Board is under no obligation to make a decision on this issue tonight, the Board may table this item to another meeting. **Susan** stated that she is inclined not to move forward with the Animal Control Ordinance as it has been presented tonight. **Jeff** stated that he could work on the language in the ordinance before bringing it back to the Board. He stated that the language on the fines is set forth in statute and should propose no problem to adopting the ordinance with that language included. **Susan** suggested taking out the language which defines at large and to move forward with the ordinance to include the revised fine structure. **Jonathan Goddard** stated that he would like to see a draft of what the Board will be voting on instead of what is currently in front of the Board. **Susan** stated that the Board will not act on the revised Animal Control Ordinance tonight, that **Jeff Schulz, Justin Pickel** and **Doug Hill** will revise this draft to be brought forward to a public hearing at a future date.

#### Public Hearing - No Smoking Ordinance

**Susan Gretkowski** stated that there is a proposed ordinance on smoking within 100 feet of the Municipal Building. **Brad Towne** stated that the State prohibits smoking within 50 feet of an entrance and he does not think a 100 foot buffer is necessary when 50 feet should be far enough away from an entrance. **Roberta Haskin** asked where the 100 foot mark would be on municipal property? **Jeff Schulz** stated that the 100 feet from the main entrance of the municipal building would put the mark approximately at the telephone pole at the edge of the pavement. **Jonathan Goddard** agreed that 50 feet should be far enough away from the entrance. **Susan** recused herself from voting on this as her company represents R.J. Reynolds. Motion by **Brad Towne** to adopt the Smoking Ordinance with the amendment of 50 feet from the Municipal Building. Second by **Jonathan Goddard**. Motion carried 3-0 with 1 abstaining. **Jeff Schulz** stated that the next steps is to advertise a summary of the ordinance in the newspaper and if there is no opposition to the ordinance, it would become law within 60 days.

#### Municipal Building Improvements

**Jeff Schulz** stated that an RFP was advertised for energy related improvements to the Municipal Building. He stated that he had received one proposal, which he passed on to **Andrea Chandler**. **Jeff** stated that **Andrea** and **Geoff Wilcox** have been reviewing the proposal. He advised the Board to table this item until **Andrea** comes forward with further information on this item.

#### New Business

##### Appointment of Police Chief

**Jeff Schulz** stated that the Town Charter has provisions to appoint the Police Chief on an annual basis and recommends the Board appoints **Bill Wolfe** as the Police Chief for another one year term. Motion by **Jonathan Goddard** to appoint **Bill Wolfe** as Chief of Police for a one year term. Second by **Roberta Haskin**. Motion carried 4-0.

##### Appointment of Highway Superintendent

**Jeff Schulz** stated that the Town Charter has provision for the Board to appoint the Highway Superintendent on an annual basis, and recommends that the Board appoint **Richard Tetreault** for a one year term. Motion by **Jonathan Goddard** to appoint **Richard Tetreault** as the Highway Superintendent for a one year term. Second by **Roberta Haskin**. Motion carried 4-0.

##### Request to Work in ROW – Joseph Landry – Highland Ave.

**Jeff Schulz** stated that this application to work in the right of way to change the orientation of a culvert on Highland Avenue by **Joseph Landry**. He stated that **Richard Tetreault** has reviewed the application and recommends approval with the condition that the culvert comply with the Berlin Road Standards. **Mr.**

**Landry** stated that the grade of Highland Avenue is at or below the top of the culvert and creates a hump in the road. He stated that reorienting the culvert would mitigate any damages to the road and the culvert in the future. Motion by **Brad Towne** to approve the application to work in the right of way by **Joseph Landry** on Highland Avenue. Second by **Jonathan Goddard**. Motion carried 4-0.

Town Administrator Report - Jeff Schulz

**Jeff Schulz** reminded the Board that the next meeting will be a public hearing on the streetlight inventory and will be held at the Elementary School. He stated that a letter has been sent to all residents and businesses in the affected areas. **Jeff** stated that he has received three emails from residents in response to the letters.

**Jeff** stated that there is a proposed agreement with the Central Vermont Humane Society. He stated that the Town has been entering such agreements with the Humane Society for a number of years and pays the Humane Society a stipend of \$2,000 per year. **Jeff** stated that the Humane Society provides a place for the Animal Control Officer to bring stray pets and companion animals until the owners can be identified. He stated that the only change in this agreement is the fee amount for the first day which increased from \$25.00 to \$50.00.

**Jeff** reminded the Board that the Emergency Management Team has scheduled a tabletop exercise for next Monday. He stated that a venue has not been decided upon and he would let the Board know where it would take place.

**Jeff** stated that the Assessor has filed the abstract with the Town Clerk and has scheduled grievances for today. He stated that an advertisement regarding the grievances was not given to the newspaper, but was posted around Town. **Jeff** stated that advertising in the paper was not mandated by Statute, but was the general practice in the past. **Patti Lewis** stated that after a resident gets the notice of change in appraisal they have 14 days to file a grievance with the Assessor, the Assessor has 14 days to hold the grievances and 7 days after the Assessor closes the grievance period to file the grievance letter. She stated that the resident has 14 days after they receive the grievance letter to file an appeal with the Board of Civil Authority.

**Jeff** stated that at a previous meeting the Board had appointed a number of residents to the Fire District Advisory Committee. He stated that he needs to notify those individuals that they have been appointed to this committee and he believes that the outline of what the committee is responsible for should go along with the letter. **Susan Gretkowski** stated that the Board needs to make it clear that the goal of the committee is to make a recommendation to the Board, which can then be passed on to the Fire District.

**Jeff** stated that the Union Committee will be meeting on Wednesday. **Susan Gretkowski** stated that the Berlin Fire Department, the Barre Town EMS and the Dispatch Service were going to discuss their issues and get back to the Board. **Jeff** stated that he has not heard anything from those entities as yet. **Susan** stated that the Board needs to appoint someone as Emergency Management Director as **Ture Nelson** has resigned that position and advised **Jeff** to advertise that vacancy.

Approval of Licenses, Permits, Vouchers and Applications

Motion by **Jonathan Goddard** to approve the licenses, permits, vouchers and applications as presented. Second by **Brad Towne**. Motion carried 4-0.

Approval of Minute(s) of Previous Meetings

After review of the minutes from May 16<sup>th</sup>, **Susan Gretkowski** noted some corrections. Motion by **Jonathan Goddard** to approve the minutes with changes. Second by **Brad Towne**. Motion carried 4-0.

After review of the minutes from May 30<sup>th</sup>, **Susan** noted some corrections. Motion by **Brad Towne** to approve the minutes with changes. Second by **Jonathan Goddard**. Motion carried 3-0 with 1 abstaining.

Roundtable

**Jonathan Goddard** thanked the Road Crew for all of the work done to repair the roads and culverts in Town damaged in the flood.

**Roberta Haskin** thanked the Police Department for the quick response to homeowners in Berlin and their help in evacuating residents.

**Patti Lewis** stated that Vermont Emergency Management has noted that Berlin does not have a current hazard mitigation plan in effect. She stated that such a plan would potentially address some of the issues at the River Run Mobile Home Park as to relocating or preventing future flooding in that area. **Patti** stated the VEM has contacted Central Vermont Regional Planning Council regarding helping Berlin develop this plan. She stated that CVRPC will be in touch with **Jeff Schulz** regarding a Hazard Mitigation Plan.

Executive Session – Contract, Personnel

Motion by Brad Towne to enter into executive session. Second by **Jonathan Goddard**.

Motion carried 4-0.

Motion by **Jonathan Goddard** to exit out of executive session and adjourn the Selectboard. Second by **Roberta Haskin**. Motion carried 4-0.

For the Select Board:

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Rebecca Richardson, Administrative Assistant