



**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, October 19, 2009  
7:00 PM**

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

### APPROVED MINUTES

**Brad Towne** called the meeting to order at 7:00 PM.

#### Public Comment

**Norb Rhinerson** asked the Board to be as open as possible with the public. **Shirley Fortier** asked who was the liaison with the Road Crew. **Brad Towne** responded that **Jeff Schulz** acts as liaison for the Road Crew. **Shirley** stated that Crosstown Road is not always plowed during a storm and she has difficulty driving home on that road at night.

#### Treasurer's Report

**Patti Lewis** reviewed the September budget status report. **Patti** stated that she spoke with the auditors and NEMRC software support regarding what the Town could do differently than Montpelier. She suggested that **Jeff** and the Board review the bank statements and budget status report and question anything that stands out. **Patti** stated that she provides the outside auditors all of the checks written in a year and they randomly review and follow that check through the process. She stated that the auditors also review all Town contracts for any discrepancies. **Roberta Haskin** suggested that the Selectboard start their meeting earlier to give them time to review the warrants and budget status sheets. **Patti** stated that she would like to move all Town funds to Merchant's Bank for a number of reasons. She stated that the team she has worked with at Bank North is now at Merchant's Bank and Merchant's has a better percentage of interest than other banks at this time. **Patti** stated that the determination of the tax appeal for the Central Vermont Shopping Center has been received and was lowered by over \$1,000,000, which results in an approximate loss of \$21,738 for FY08 and FY09. She stated that for fiscal year 2008 the Town will lose the municipal and education tax portions which amounts to approximately \$17,460 and as long as the grand list is adjusted before being finalized in December the Town should only lose the municipal tax portion.

#### Old Business

##### Climate Action 350 Bicycle Ride

**Shirley Fortier** stated that she was appointed last week to be the Berlin representative for the proposed bike ride along US Rout 302. She stated that **Jeff Schulz** had been contacted by the committee for this bike ride and that they have requested a police escort from Berlin. **Jeff Schulz** stated that he had talked to the committee and to the Police Chief and that the Berlin Police will be on hand to help control traffic. He stated that he had received an amusement permit application and the Chief had reviewed the application and added his recommendations. **Jeff** stated that if the Board is comfortable with the level of planning that had been done regarding this bike ride he would recommend approving the amusement permit application. Motion by **Jonathan Goddard** to approve the amusement permit application for the Climate Action 350 Bicycle Ride along Route 302 on October 24<sup>th</sup>. Second by **Roberta Haskin**. Motion carried 4-0.

##### Ancient Roads – Paul Gillies

**Paul Gillies** stated that he has been working on the Ancient Roads study for the past year. He stated that he has reviewed all the road records back to 1962, transcribed and plotted them and tried to isolate and identified all of the roads. He stated that he is now comparing those records to today's roads in Berlin and tracking any alterations and discontinuations. **Paul** stated that up until 1962 there were 126 road layouts and 40 different alterations with 30 discontinued roads, leaving a number of roads classified as ancient roads or unidentified corridors. He asked how the Board wanted him to move forward with at this point. **Paul** stated that a decision on this study would need to be done before February 10, 2010. The Town would lose the opportunity of taking unidentified corridors, that were properly laid out, and putting them on the highway maps through the certificate of highway mileage. He stated that Coos Trail was the first road in Central Vermont. **Paul** stated that if the Board elects not to go forward with the ancient road study by February 10, and would like these unidentified corridors placed on the map as they are discovered, it would require a full survey of the road and public hearings. He stated that the advantage to moving forward with the study is that it clarifies where the Town right of way is on the ancient roads. **Paul** stated that the majority of Berlin's roads were laid out in the 1850's. There was discussion on getting the documentation on the website. **Paul** stated that he had started getting the unidentified corridors in map form. **Paul Gillies** stated that he needs the Board to decide whether to move forward with this project. He stated that he would send his research to the Board so that they may be able to make a more informed decision.

#### Solid Waste District - Matt Levin

**Matt Levin** stated that the Central Vermont Solid Waste District has significant financial issues. He stated that the majority of these issues arose from the state of the economy. He stated that the district has increased the rates at a number of depots. **Matt** stated that the question now is does the district raise the per capita rate from \$3.10 to \$5.10 per person for the next year. He stated that this increase would not go into effect until July 2010. **Matt** stated that unless the Solid Waste District raises significant funds it will not be able to continue on the depot system. He stated that he needs direction from the Board on how to vote in December regarding any increases for the Solid Waste District. He stated that the State requires the Town to develop a long term waste management system or delegate this to a Solid Waste District. **Betty Jaworski** asked how many Berlin residents use the depot per year. **Matt** responded that he has not yet been able to get that information and suggested that **Jeff Schulz** may have better luck in asking for that information from the Solid Waste District. **Matt** stated that the per capita rate is for developing and implementing a long term waste management plan, tracking and reporting recycle usage to the State, developing and enforcing municipal or reasonable regulations to ensure that waste is handled in appropriate ways, ensuring that all residents have options for waste disposal and holding hazardous waste pickups and keeping this waste away from the waste stream. **Matt** stated that he would gather additional information and plan to attend the Selectboard meeting on November 16, 2009.

#### Partridge Road Acceptance

**Jeff Schulz** stated that the developer requests that the Town accept Partridge Road. He stated that there are several reasons why the Town has not accepted the road as yet. **Jeff** stated that he has had **Rob Halpert**, Town Attorney, reviewing the legal documentation regarding the actual transfer of ownership to the Town and **Rob** is comfortable with these documents and is ready for the Town to sign them. He stated that there has been some difficulty in determining the approved plan and whether the road was built to the Town's standards. **Jeff** stated that he had talked to the State regarding any violations and found there were no violations regarding stormwater runoff. He stated that the road is holding up well and he has the engineer signature letter stating that the road was built to the specifications required. He stated that he wants to talk with Ed Stanek, ACT 250 Board, to find out whether there are any reasons the Town should not accept the road.

#### Charter Changes

**Jeff Schulz** provided the report on the research he had conducted into what it would cost to hire an appraiser for the Listers position. He stated that if the Board wanted to move forward with the Charter Changes, it would require public hearings that must be warned thirty days in advance. He stated that the warning for the zoning changes was not signed in time and the Board needs to vote on a new date and sign the warning and he asked if the Board wanted to put both the Charter Changes and Zoning Changes on the same warning. **Nancy Driscoll** clarified that if the Town were to hire an appraiser it would require approximately \$8,000 - \$10,000 more per year than the current Listers budget. There was discussion on

what should be put on the warning other than the Zoning Changes. **Jeff** stated that the first order of business was the Charter Changes and whether the Board wanted to vote on a date for the first of two public hearings. **Brad Towne** stated that if they could hold a public meeting on the Charter changes and incorporate the Water Supply discussion in that hearing as well that might be better. Motion by **Nancy Driscoll** to schedule the first of two public hearings on the Charter Changes to consider eliminating the elected Listers position and creating an appointed position, Water Supply Project and a Special Pre-Town meeting on the Zoning Changes to be held on November 23<sup>rd</sup> at 7:00 PM. Second by **Jonathan Goddard**. Motion carried 4-0.

#### New Business

##### Personnel Policies

**Jeff Schulz** stated that the Board has been discussing the update of the Personnel Policies. He stated that one of the areas he was asked to work on was a smoking policy. **Jeff** stated the Board has some options regarding a smoking policy, to leave it the way it is, to set up a designated smoking area or ban it from the property entirely. **Jonathan** suggested there could be a minimum distance from the front entrance for smoking. **Roberta Haskin** suggested the Board seek input from the people most affected by this policy and try to determine a suitable designated area for smoking. **Nancy Driscoll** stated that she has noticed the smoking in the front of the building and the office serves the public and should not have to deal with smoking if they do not wish to, and she suggested the south side of the building as an alternative smoking area. **Patti Lewis** stated that she is for banning smoking completely on the property and she would not be comfortable having the smoking area on the north side of the building outside her office. **Jeff** suggested that the Board think about how to word a smoking policy and he would reach out to employees to seek their input.

##### Request to Work in ROW – Wayne Lambertson

**Jeff Schulz** stated that **Mr. Lambertson** has purchased a portion of the Dodge Farm property and is seeking to put in a driveway on that property. He stated that **Richard Tetreault**, Road Superintendent, has reviewed this application and recommended that the driveway be 40 feet wide for safety reasons. Motion by **Nancy Driscoll** to approve the application to work in the right of way on Airport Road by **Wayne Lambertson** with the conditions set forth by the Road Superintendent. Second by **Jonathan Goddard**. Motion carried 4-0.

##### Town Administrator Report – Jeff Schulz

**Jeff Schulz** stated that he had received correspondence from **Rob Halpert**, Town Attorney, to **Mr. Mark McCloud**. He stated that Rob still has not heard from **Mr. McCloud** regarding the documentation that the Board had requested in order to start an investigation into his complaints.

**Jeff** stated that the Berlin Fire Department had given the Board an overview of their EMS proposal but were hesitant to provide specific information and they had suggested maybe this could be discussed in Executive Session. He stated that he had discussed this issue with the Town Attorney and he felt that this issue does not qualify for an Executive Session discussion.

**Jeff** stated that he had received correspondence from Pike Industries proposing to reclaim and repave a portion of Airport Road in exchange for the Town allowing Pike to haul material from the Airport, down the Airport Road, to a VAOT road project in Barre Town. He stated that this was not on the Agenda to give representatives from Pike Industries and Barre City to attend a meeting to hold discussion concerning Airport Road traffic. **Jeff** stated that he would need time to look into how much longer Airport Road would hold up with the reclaiming and repaving being done by Pike Industries.

##### Approval of Licenses, Permits, Vouchers and Applications

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

##### Approval of Minute(s) of Previous Meetings

After review of the minutes of October 6, motion by **Roberta Haskin** to approve the minutes as presented. Second by **Nancy Driscoll**. Motion carried 4-0.

Roundtable

**Jonathan Goddard** stated that he went as a chaperone on a full school hike on Irish Hill. He stated that it was approximately a three mile roundtrip hike and everyone enjoyed themselves.

**Roberta Haskin** suggested the Selectboard meeting start at 6:30 PM in order to look through the vouchers. **Brad Towne** stated that the Town Office is open at 6:30 PM and any of the Board members are welcome to come in at that time to look through the vouchers and not necessarily have to warn the meeting early.

Executive Session

Motion by **Nancy Driscoll** to enter into Executive Session at 10:30 PM to discuss personnel issues. Second by **Jonathan Goddard**. Motion carried 4-0.

Motion by **Nancy Driscoll** to exit out of Executive Session at 10:45 PM. Second by **Roberta Haskin**. Motion carried 4-0.

Adjourn

For the Select Board:

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Rebecca Richardson, Administrative Assistant