



**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, November 7, 2011  
6:30 PM**

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

### APPROVED MINUTES

#### Review of Warrants

Susan Gretkowski called the meeting to order at 7:00 p.m.

#### Public Comment

**Joe Cannizzaro**, resident on Route 302, stated that in the May flooding a culvert that runs across his property became plugged and flooded part of his property and driveway. He stated that this happened again during the August flooding. **Mr. Cannizzaro** stated that with a little investigation he found that the water flow through the culvert is a natural runoff stream that crosses Highland Avenue. He stated that this stream was cut off with a catch basin that was installed when Highland Avenue was developed. **Mr. Cannizzaro** stated that the Town installed the catch basin during the development of Highland Ave. and the Agency of Natural Resources has stated that you cannot interrupt a natural stream if it will affect any property downstream. He stated that he has spoken to **Jeff Schulz** and the Road Foreman to see what can be done to correct the problem and to separate the catch basin from the natural stream. **Mr. Cannizzaro** stated that he has received an estimate of approximately \$8,000 to fix the problem and is asking the Town to help unclog the culvert and redirect the stream to flow through the culvert. **Jeff Schulz** stated that the stream has been there for quite some time, but between that stream and the overflow from the catch basin, a lot of water is being funneled onto **Mr. Cannizzaro's** property. He stated that in order to fix the drainage, the Town would need to extend the ditches along the road in that area and try to divert the water from the stream, which could be difficult to do. **Jeff** stated that the Town could try to install an underground drainage system or install drainage swales along several properties. He stated that there is no easy solution to this problem and any solution would be expensive. **Mr. Cannizzaro** stated that the water is coming across Route 302 and will freeze come winter creating more of a problem. **Susan Gretkowski** suggested that the Board conduct a site visit to the area in question and asked **Jeff** to investigate how to minimize any further problems in that area before winter. **Mr. Cannizzaro** stated that he understands that any help from the Town will be limited because the problem is on private property, but he would like the Town to admit liability for the problem by installing the catch basin in the streambed.

**Susan Gretkowski** stated that she received a call from the Vice Chair of the Northfield Selectboard informing her of their intent to make a counter proposal regarding the district reapportionment. She stated that the proposed reapportionment currently puts the Town of Berlin with Northfield Falls and a portion of Northfield Village, with the remainder of Northfield Village to Roxbury. **Susan** stated that the counter proposal would put all three towns, Berlin, Northfield and Roxbury together making it a two person district. She stated that there is an informational meeting on the district reapportionment on Thursday, November

10<sup>th</sup> at 6: p.m. at the State House. **Susan** stated that no decisions will be made at this meeting and the Legislature will take up discussions on the reapportionment when they convene in January.

#### Treasurers Report

**Patti Lewis** stated that the financial statements show approximately \$650,000 in storm damage for FY12. She stated that some of this is the May flood and the remainder is from the flooding in August and there have been no revenues to offset this amount. **Patti** stated that the fund balance is \$623,000, which is significantly low due to the storm damage expenditures. **Jeff Schulz** stated that he met with representatives from FEMA and the State last week regarding the May flood. He stated that the representatives visited approximately 50 sites of storm damage, gathered the information and requested that **Jeff** start inputting the information into the FEMA datasheets. **Patti Lewis** stated that tax payments have been coming in steadily, but the Town will need to pay the School District in the near future as well as cover any outstanding bills. She stated that she may not know the impact on the fund balance until the next Selectboard meeting. **Patti** stated that if the Town needs to take out a loan to cover the administrative costs of running the Town, it could happen very quickly. **Susan Gretkowski** stated that the non-road related storm expenses are in the same line as the road expenses, and asked **Patti** to breakout the non-road related storm expenses for the Board. **Patti** stated that the warrants include refunds to the home owners that requested abatement of their property taxes. She stated that this amounts to approximately \$5,500. **Patti** stated that she had not yet received the letter from the Merchant's Bank regarding the Sewer Commission funds.

#### Old Business

##### Flood Damage Update and Discussion

**Pat McDonald** stated that the removal of mobile homes from Weston's Mobile Home Park ran into some issues with asbestos in some of the homes. She stated that this issue should be resolved and all of the damaged homes removed by next Monday. **Pat** stated that there are two homes that require some help to remove debris from the flooding, and there is approximately \$1,500 to help pay for a dumpster. She stated that a licensed electrician had received donations to help homeowners with electrical problems due to the August storm. **Ms. McDonald** stated that the electrician has worked with two homeowners on electrical issues, and the homeowners are very appreciative of the help. She stated that there are three homes with tires that need to be removed and disposed of and asked **Jeff Schulz** to look into the cost of disposal of the tires. **Ms. McDonald** stated that she has volunteers to remove the tires. She stated that the biggest issue is housing, there is one individual and one family with special needs that need housing and there may be several others. **Ms. McDonald** stated that Community Action is working on an agreement to disperse funds that have been donated, and she has asked for a determination of the remaining funds. **Susan Gretkowski** stated that there is an agreement in the packets dealing with this issue, and the Town Attorney has reviewed and approved the document. She stated that **Jeff** has signed the document and the Board is now waiting for Community Action to approve the agreement. **Ms. McDonald** is seeking additional funds to help residents affected by flooding. She stated that funds donated through fundraisers are being distributed by the Regional Long-term Recovery Group and does not believe that plans for distribution have been finalized. **Ms. McDonald** stated that **Lenny's** and **Carhartt** have been wonderful with the food and boot donations.

##### Flood Hazard Mitigation Grant Program – 20 Muzzy Road – FEMA

**Jeff Schulz** stated that FEMA and Vermont Emergency Management have a program called the Flood Hazard Mitigation Buyout Program. He stated that this program is designed for properties that have been repeatedly damaged by flooding. **Jeff** stated that FEMA and the State will fund 75% of the buyout with the property owner providing the remaining 25% of the funds. He stated that the Town needs to be involved in the process and will end up owning the property. **Jeff** stated that, typically, no Town funds are used for this purpose. He stated that the property in question is at the corner of Muzzy Road and Vermont Route 12 and has been flooded in the past. **Jeff** stated that the property owners are interested in having the Town involved in the process and he has invited **Dr. Richard Downer** and other representatives from FEMA to help explain what is involved with the program. **Susan Brennan** stated that the property has flooded twice, the first time the foundation was compromised and the heating unit destroyed; the second time was in August and there was four feet of water in the first floor. She stated that they have flood insurance, even though the property is not in a flood plain. **Ms. Brennan** stated that they have two small children and do not want to move them back into the house and they would not feel right about selling the property to

another person. **Dr. Richard Downer**, FEMA, stated that the Hazard Mitigation Grant program is a State run program through Vermont Emergency Management. He stated that FEMA has been tasked with gathering the information. **Dr. Downer** stated that a property owner may not apply for this program, that the Town has to apply on their behalf and there would not be a charge against the Town. He stated that this is a voluntary program and is considered a real estate deal with no money changing hands until the closing. **Dr. Downer** stated that the Town will need to complete the paperwork for this program and the 75% State funding and 25% match are based on the total project cost. He stated that the Town would need to gather bids on clearing the land of the buildings and the property must have a clear title to comply with the Grant program. **Dr. Downer** stated that the work on clearing the property cannot be started until after the closing. He stated that the only other fee involved is the tipping fee to dispose of the buildings. **Dr. Downer** estimated that it would cost approximately \$180 per ton to dispose of a house and the Town must do so within 90 days of the closing. He stated that FEMA would then reimburse the State and the State would reimburse the Town up to 75% of the total cost. **Dr. Downer** stated that after the program has run its course, the Town will own the land with some deed restrictions. He stated that the land could not be built on and the Town would be unable to sell the land. **Dr. Downer** stated that the Town could create a park with the land, transfer it to a Conservation non-profit agency, or transfer the land to the U.S. Forest Service. He stated that the Town could enter into a maintenance agreement with an adjacent property owner and the adjacent property owner would maintain the property for the Town. **Dr. Downer** stated that the Grant program starts with the assessed value of the property from the tax cards and divide that by the Common Level of Appraisal. He stated that if the property owners do not agree with the Town assessed value, they may request an appraisal be conducted from a certified Vermont Appraiser. **Dr. Downer** stated that the Town is the final arbiter of this appraisal and if the appraisal is too high, the Town can request an outside appraisal. He stated that the Town must submit the application to the State by January 20, 2012. **Dr. Downer** stated that the Town or the property owners may back out of this program at any time before the closing. **Greg Davis**, property owner, stated that they have talked to a real estate broker and was advised that the property would be very difficult to sell, even at a reduced price. He stated that any renovations would cost more than what the property is assessed at and the mortgage company has advised them to go through foreclosure on the property. **Mr. Davis** stated that the best option for them was to have the Town agree to apply for this grant program. **Angela**, FEMA, stated that the State would like to have a letter of intent from the Town by the end of the year, to move forward with the program. She stated that the Town would be responsible for the administration costs in hours. **Angela** stated that there are foundations and possibly State Flood funds that could help cover the cost of the match for this program.

#### Fee Schedule – Waiver of Fees

**Jeff Schulz** stated that this issue was discussed at a previous meeting and discussions centered on waiving the Zoning fees for development due to the recent flooding. He stated that the Town Attorney has reviewed the issue and is comfortable with the Board waiving the fees. **Susan Gretkowski** stated that she had attended a VLCT conference and asked what other towns are doing in this instance. She stated that a lot of Vermont towns are waiving development permit fees for those affected by the flooding. Motion by **Roberta Haskin** to waive zoning application fees for residents in the town who are required to obtain zoning approval for repairs/replacement of their homes caused by Tropical Storm Irene. Second by **Jonathan Goddard**. Motion carried 4-0.

#### Select Board Vacancy

**Jeff Schulz** stated that there is a vacancy on the Selectboard and the process requires that the Board advertise the vacancy and appoint an individual to serve in that position until the next election. He stated that the vacancy has been advertised and the Town is fortunate enough to receive a letter of interest from **Ture Nelson** for this position. **Jeff** stated that **Mr. Nelson** has lived in Town for nine years and has served as Berlin's Emergency Management Director for the past five years. **Ture Nelson** stated that he is looking for an opportunity to serve the Town and learn how the administration of the Town works. Motion by **Brad Towne** to appoint **Ture Nelson** to the Selectboard. Second by **Jonathan Goddard**. Motion carried 4-0.

#### Treasurer Hiring Process – Committee Appointment

**Jeff Schulz** stated that vacancies on the Treasurer Hiring Committee has been advertised and he has received four letters of interest. He stated that the individuals interested are **Tom Pelham**, **Wanda Baril**, **Robert Wernecke**, and **Kathryn Lagerstedt**. **Jeff** stated that the committee is made up of four residents

and three Selectboard members and he requests that the Board appoint the four individuals that are interested in serving on that committee. Motion by **Jonathan Goddard** to appoint **Tom Pelham, Robert Wernecke, Wanda Baril and Kathryn Lagerstedt** to the Treasurer Hiring Committee. Second by **Roberta Haskin**.  
Motion carried 4-0.

**Susan Gretkowski** asked for volunteers from the Selectboard to serve on the Hiring Committee. She stated that she would be willing to serve on the committee. **Ture Nelson** and **Jonathan Goddard** volunteered to serve on the Treasurer Hiring Committee. **Jeff** stated that the next step is to schedule a first meeting to review some advertisements and to come up with an advertisement for a Treasurer. He stated that he will make sure that the advertisement is posted and in the newspaper and the Committee will be responsible for interviewing interested individuals. **Jeff** stated that the goal is to have someone appointed by Town Meeting in March and the Board wanted to have someone appointed by mid-February.

#### FY 11 Audit

**Jeff Schulz** stated that the Treasurer is still waiting for the findings and answers to several questions from the Auditors. **Susan Gretkowski** suggested letting the Auditors know that the Board is requesting those documents by November 21, 2011.

#### New Business

##### Electronic Banking Transfer Agreement

**Jeff Schulz** stated that the Merchant's Bank is requesting that the Town sign an electronic banking transfer agreement. He stated that the Town Attorney has reviewed the agreement and does not have any concerns, other than the bank having access to other accounts in the event that the Town has overdraft issues. **Jeff** stated that the agreement is a standard agreement that any bank would ask to have signed. **Susan Gretkowski** stated that the Board may want to see if the bank would be willing to revise the overdraft clause in the agreement before signing the electronic banking transfer agreement. **Jeff** stated that he and **Patti Lewis** will send the attorneys comments to the bank and apprise the Board of the outcome.

##### FEMA Sub-Grant Agreement – August Flooding

**Jeff Schulz** stated that VAOT requires a standard sub-grant agreement for communities that request reimbursement from FEMA and the State for flood related damages. He stated that the sub-grant agreement details the Town's obligation for receiving any funding for the repair of town infrastructure. Motion by **Jonathan Goddard** to authorize the Town Administrator to sign the VAOT sub-Grant Agreement. Second by **Roberta Haskin**. Motion carried 4-0.

##### Town Administrator Report - Jeff Schulz

**Jeff Schulz** stated that the Development Review Board reviewed the application from Weston's Mobile Home Park LLC to conduct flood hazard mitigation and replace the damaged homes within the park. He stated that the Board approved the application and **Mr. Packard** is set to move forward with the work and should be ready to replace mobile homes shortly.

**Jeff** stated that Pike Industries has completed the paving project on Junction Road.

**Jeff** stated that he will be working with CVRPC and consultants to conduct a road surface and culvert inventory. He stated that they will be touring the Town to gather information for the inventory.

**Jeff** stated that the budget sheets will be going out to departments and committees and will start the budget meetings at the beginning of December.

**Jeff** stated that Vermont Mutual has issued an invitation to elected officials to a ribbon cutting at their new building on Industrial Lane.

**Jeff** stated that the public hearings on the Revised Zoning Regulations and Town Plan is scheduled for December 19<sup>th</sup>.

**Jeff** stated that **Chief Bill Wolfe** is requesting Board approval to replace a police vehicle. He stated that the Police Department has approximately \$20,000 in the Capital Fund to be used for the replacement of a vehicle. **Jeff** stated that **Chief Wolfe** would like to replace the 2005 Ford Expedition due to mileage and costly repairs.

**Susan Gretkowski** asked if there was any feedback on the Mall drainage issue? She asked **Jeff** to place the appointment of an Emergency Management Director on an upcoming agenda. **Susan** asked to have the updated Emergency Operations Plan for the Board at the next scheduled meeting. **Jeff** stated that he has been working with CVRPC on the Hazard Mitigation Plan and the plan should be ready by the end of this week for the Board to review. He stated that this plan must be in place prior to receiving any funding from FEMA.

**Jeff** stated that the Berlin Pond Ordinance Committee has been working on the ordinance as it should work for Berlin and have sent the document to the Town Attorney for review.

Approval of Licenses, Permits, Vouchers and Applications

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

Approval of Minute(s) of Previous Meetings

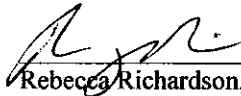
After review of the minutes of October 17<sup>th</sup>, **Susan Gretkowski** noted a minor change on page two. Motion by **Jonathan Goddard** to approve the minutes with changes. Second by **Brad Towne**. Motion carried 4-0.

Executive Session – Contract, Personnel

Motion by **Brad Towne** to enter into Executive Session to discuss contract and personnel issues. Second by **Jonathan Goddard**. Motion carried 4-0.

Motion by **Brad Towne** to exit out of Executive Session and adjourn the Selectboard. Second by **Jonathan Goddard**. Motion carried 4-0.

For the Select Board:



Rebecca Richardson, Administrative Assistant