



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

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

**Monday, December 21, 2009
6:30 PM**

Selectboard Members: Brad Towne, Chair; Susan Gretkowski, Vice Chair; Roberta Haskin, Secretary (arrived at 7:30 PM); Jonathan Goddard, Absent: Nancy Driscoll. Present: Jeff Schulz, Town Administrator; Patti Lewis, Town Treasurer. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Review of Warrants

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

Public Comment

There was no public comment.

Treasurer's Report

Patti Lewis stated that she did not have anything for the Board.

Old Business

Special Appropriations Request – Project Graduation

Jeff Schulz stated that representatives from U-32 Project Graduation are requesting an increase in special appropriation funding. He stated that last year the Town approved \$200 in special appropriation funding for Project Graduation, and they are asking to increase the amount this year to \$500. **Jeff** stated that the Special Appropriations Policy states that any increase in funding requires approval by the Selectboard or a petition. He stated that representatives are here to address the Board regarding the request for an increase in funding. The attending students from U-32 stated that every year it gets harder to fundraise the amount of money needed for Project Graduation, which is a sponsored event for the graduating class. Susan Gretkowski stated that this is a difficult financial year for everyone, and with this requested increase on the ballot for Project Graduation, the students run the risk of not receiving any funding should the voters deny the funding request. The students acknowledged that they understood the risks involved in asking for the increase in funding from the voters. Motion by **Jonathan Goddard** to accept the request for funding increase for Project Graduation and add it to the March 2010 ballot. Second by **Susan Gretkowski**. Motion carried 3-0.

Veterans Exemption

Jeff Schulz stated that the Board had received a letter from a Veterans' group requesting an increase in the Veterans Exemption on property taxes from \$10,000 to \$40,000. He stated that currently State Statute and the Town allows for disabled veterans to receive \$10,000 exemption on the appraised value of their property. He stated that **Patti Lewis** gathered a list of 13 residents that receive this exemption and the results in approximately \$500 of tax dollars that is shifted to other property owners. If the Board approves the increase, the shift would be approximately \$2,000. **Jeff** stated that this item would need to be put on the ballot and voted on at Town Meeting in March. **Jonathan Goddard** asked if this request was being made across the state or just in Berlin. **Jeff** responded that it is his understanding that this Veterans group has reached out to the majority of towns throughout Vermont. He stated that the Board would need to word the article on the ballot such that if the increase of the Veterans exemption did not pass at Town Meeting they

would not lose the current exemption. Motion by **Susan Gretkowski** that the Board not approve the request for an increase in funding but invite the Veterans group to come forward with a petition to put this item on the Town Meeting ballot. Second by **Jonathan Goddard**. Motion carried 3-0.

Request to Work in ROW – Gerry Markham

Gerry Markham asked the Board if any decision had been reached regarding the snow road and Town right of way. **Brad Towne** responded that the Board has received a letter from the Town Attorney regarding this matter. **Jeff Schulz** stated that several weeks ago the Board received an application from **Mr. Markham** to work in the right-of-way near his property and there was some question if this area was a Town right-of-way. **Jeff** stated that the road in question is not a Class 2 or Class 3 road and could potentially be a Class 4 Ancient Road; however, the status of the road is still unclear. He stated that **Rob Halpert**, Town attorney, stated that the road has the appearance of an ancient road and the Board needs to determine whether to continue this as a Class 4 road and decide if there is any interest in keeping the road on the books. **Jeff** stated that the Road Superintendent did not comment on the request as there are no clear parameters for this road. He stated that if the Board approves the work in the right-of-way, that the Board make it clear that the Town is not responsible for maintaining the culvert or the road. **Judy Markham** reviewed the background regarding the application to work in the right-of-way. She stated that after reviewing the road maps at VTrans, the Town owns the road and 25 feet of right-of-way. **Judy** stated that the current owner of the property adjacent to theirs has removed a culvert and interrupted standing water rights to the properties. She stated that she felt that it was not their responsibility to re-install that culvert. **Jeff** stated that the Board would need documented evidence that someone had removed a Town culvert in order to enforce the issue. **Judy** showed the Board a map she had procured from VTrans which shows the road in question and the Town right-of-way. **Jeff** stated that he would get more information from **Richard Tetreault**, Road Superintendent, regarding the road and the removal of the culvert. **Brad Towne** stated that whether or not this road is a Town road, no one has the right to remove a culvert without prior approval from the Town. **Rob Halpert** stated that the Town has until 2015 to make decisions on ancient roads, and whether to preserve the Town right-of-way on that road. He stated that if the Town does not want to preserve the right-of-way, then there is nothing else to do at this time.

Request for Access to Berlin Pond

Jeff Schulz stated that a request for a public access to Berlin pond across land owned by the Town of Berlin. The Board had asked **Jeff** to bring this issue to the attention of **Rob Halpert**, Town Attorney, to determine the legalities involved in this endeavor. **Rob Halpert** stated that Berlin Pond is the water supply for the City of Montpelier and there are questions regarding Montpelier's authority over the pond. He stated that the City of Montpelier does not own Berlin Pond, it is a navigable waterway and no entity can own a navigable waterway. He stated that the State owns and maintains those waterways. **Rob** stated that the Board of Health used to oversee the waterways for the State and there are some old orders regarding the waterways put forth by the Board of Health, such as, no boating, fishing and no human contact with the waterway. These are the regulations that **Mr. Sanborne** and **Mr. Barnett** are challenging. **Rob** stated that the jurisdiction has shifted to the Agency of Natural Resources and the Water Resources Panel to enforce the regulations on Vermont's waterways. He stated that according to **Mr. Sanborne** and **Mr. Barnett**, the regulations put forth by the Department of Health do not make sense in today's world with the chlorination of water and the current filtration plant. He stated that the City of Montpelier believes that those regulations are still valid. **Rob** stated that he believes that the regulations are still valid until either Legislature, the Agency of Natural Resources or the Water Resource Panel changes the regulations. **Rob** recommended that the Town wait on a decision pending the outcome from a law suit instigated by the City of Montpelier regarding access to the Pond. A member of the public asked that since the Agency of Natural Resources oversees the water supplies in Vermont, and their regulations states that Berlin Pond is compatible with fishing, boating, and swimming, what is the problem with people using the Pond. **Rob** responded that many State agencies have looked into the regulations regarding this issue and it is not surprising that there are some inconsistencies. The City of Montpelier is looking to uphold the Health Orders to protect their investment of Berlin Pond as it is their main water supply. **Roberta Haskin** stated that a few years ago, after Montpelier had built the filtration plant, the City tested the water wells of residences around the pond. She did not understand what they were looking for at that time. **Rob** stated that they were probably concerned about pollution of the water source protection area. **Norb Rhinerson** stated that the easy solution would be to not allow access through the Town of Berlin parcel. **Mr. Barnett** stated that the parcel that Berlin owns is not posted in any way and he could park in the road and walk down to the water

to put in his kayak. He stated that he is not asking to use the land, just to cut a pathway through the brush to gain access to the pond. The Board agreed to wait for the outcome on the health orders and any lawsuits concerning this issue before making any decision regarding use of Town land to access the pond.

New Business

Annual Report Bids

Jeff Schulz stated that he had received two bids on the annual Town Report. He stated that the Town typically budgets approximately \$3,000 each year for the Annual Report and are planning to decrease that funding for FY11 as the School now shares in the cost of the Annual Report. **Roberta Haskin** read the bid from **Accura Printing** of South Barre at \$2,395. **Jonathan Goddard** read the bid from **L. Brown & Sons** of Barre at \$2,340. **Jeff Schulz** stated that L. Brown and Sons printed last years Town Report and there were no problems with the printing and the met the specifications of the RFP. Motion by **Susan Gretkowski** to approve the bid from **L. Brown & Sons** to print the Annual Town Report. Second by **Roberta Haskin**. Motion carried 3-0.

FY 11 Budget

Jeff Schulz stated that the Board had discussed the budget at their last meeting and **Patti Lewis** has level funded as many items as possible for the FY11 budget. **Patti Lewis** stated that she had given the Board the wish lists from the various departments for the new budget. She stated that the Board had asked her to level fund the departments where possible, and they would ask the various departments to come in to defend any proposed increases. **Patti** stated that she had run some numbers for health insurance rates and calculated that with the 1500 deductible plan, and a 20% increase in the second six months of the year, the total rate for all departments would be approximately \$284,708. This figure includes level funding the buy back for the employees that are not on the Town health plan, even though the premiums would increase. She stated that the \$2,200 deductible plan the Board was looking at would cost the Town a total of \$217,213 for all departments. **Patti** stated that VLCT is offering a new plan this year—the \$1,500 Value Plan would cost the Town approximately \$207,220. She stated that if there are funds remaining in the deductible line item she proposes to reserve it to offset the Tax Rate for next year. **Jeff** stated that he had some feedback from some of the committees and that the Economic Development Committee agreed with level funding their budget of \$1,000 for FY11; the Water Supply Committee was fine with level funding their budget at \$2,500. **Patti** reviewed the budget line items that were level funded for FY11. Susan Gretkowski asked where the budget stood with combining the summer and winter wages for the Highway Crew. **Jeff** stated that the reason those two items were separated out was directly linked to filing for State Aid.

Town Administrator Report – Jeff Schulz

Jeff Schulz stated that the next scheduled public hearing on the Charter Changes is set for January 11th at 7:00 p.m.

Jeff stated that the Police Chief has told him that the majority of stop signs in Town are not in the Traffic Ordinance and is asking the Board to amend the ordinance to include all of the stop signs. He stated that if there is no disagreement with amending the Traffic Ordinance, he will warn a public hearing on the amendment and then the Board may adopt the amended Ordinance and it will become effective within 60 days.

Jeff stated that the State and Pike Industries has submitted an application to amend the ACT250 permit to include the new trucking route along Airport Road. He stated that he received a site plan for TJ Maxx in the Ames Plaza Shopping Center.

Jeff stated that one of the Listers has requested an additional computer. He stated that he does have the authority to buy a new computer but that there has been some serious debate within the Listers Office as to whether another computer is needed. **Jeff** stated that if the Charter Change is voted in a computer could be used in another office. The Board decided that if the Listers could buy a new computer for the \$500 that is in the Listers budget they could move forward with buying the computer.

Jeff stated that he had received a request from the Road Foreman to give half the day Thursday, December 24th as a paid holiday for the Road Crew. **Brad Towne** stated that the Road Crew should use their vacation time to take time off that is not a designated paid holiday and if the Board was to approve the time off as

paid holiday for the road crew, they would need to do the same for the other employees of the Town. The rest of the Board agreed. **Jeff** stated that he would recommend not giving the time as paid holiday but to have them used accrued personal and vacation time instead.

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 3-0.

Approval of Minute(s) of Previous Meetings

After review of the minutes of December 7th, motion by **Susan Gretkowski** to approve the minutes as presented. Second by **Jonathan Goddard**. Motion carried 3-0.

After review of the minutes of December 14th, motion by **Susan Gretkowski** to approve the minutes with changes. Second by **Roberta Haskin**. Motion carried 3-0 with 1 abstaining.

Roundtable

Roberta Haskin wished everyone a Happy Holiday.

Motion by Susan Gretkowski to adjourn the Selectboard meeting at 9:30 PM. Second by Roberta Haskin. Motion carried 3-0.

For the Select Board:

Rebecca Richardson, Administrative Assistant