



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

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

**Monday, November 16, 2009
6:30 PM**

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

UNAPPROVED MINUTES

Call to Order

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

Public Comment

Mark McCloud stated that he was renewing his complaints against the Police Department. **Jeff Schulz** stated that the Town Attorney, **Rob Halpert**, had sent Mark a letter requesting written documentation regarding his complaints against the Police Department. He stated that the Town has not yet received this documentation. **Brad Towne** stated that until **Mark** gets the documentation to the Board, there is nothing the Town can do regarding his complaints.

Treasurer's Report

Patti Lewis reviewed the financial statement and that the Town is on track for this fiscal year. She stated that some of the State Tax Appeals have been returned and that the tax revenue will fall short by approximately \$26,802. Also, there will be a shortage of approximately \$1,164.43 from the Board of Civil Authority decisions. **Patti** stated that she expects more State Tax Appeal decisions at some point.

Old Business

Airport Project – Pike Industries

Jay Perkins and **Mark Peloquin**, Pike Industries, stated that at the previous Selectboard meeting Pike Industries proposed that if the Town of Berlin allowed them to use a portion of Airport Road to transport material from the Airport Project to the Barre Town line, they would reclaim and pave that portion of Airport Road. **Jay** stated that after conducting core drillings along Airport Road, they have identified additional options for fixing any damages to Airport Road. The options would be to pave with cold mix and hot mix as stated in Pike's proposal for Scott Hill Road; to cold plane 2 inches of pavement and put down 6 inches of hot mix and overlay the pavement with cold mix; or put a heavy skim for Airport Road from Sambel's Restaurant to the Berlin Town line, this would rejuvenate approximately 4 – 5 miles of Airport road. **Jay** stated that with any of these options should make the road last approximately 5 – 10 years without repair. **Jeff Schulz** asked if there were any foreseen obstacles in hauling material to the Bond Auto site in Barre Town. **Mark Peloquin** responded that there could be obstacles during any process but that the contingency plan is to haul the material through Barre City to another site, and that these options to repair Airport Road is contingent upon ACT 250 approval. Motion by **Nancy Driscoll** to approve the use of Airport Road by Pike Industries to haul material from the Airport project. Second by **Susan Gretkowski**. Motion carried 3-0.

Solid Waste District – Matt Levin

Matt Levin stated that he had some additional information regarding the Solid Waste District. **Jeff Schulz** stated that he had asked the Solid Waste District for the number of Berlin residents serviced by the District and that the numbers were not available at this time; however, representatives from the District did state that very few Berlin residents use the depots. **Matt** stated that the Solid Waste District has known for some time that the depot system is not a financially viable option, and that the Solid Waste District has put out a request for proposals for private contractors interested in managing the depots. **Matt** stated that the District's RFP is for the proposed contractor to contract with participating municipalities. He stated that there were enough responses to the RFP that all of the depots will have viable commercial options. **Matt** asked for the Board's advice regarding the vote on which budget option to choose and what per capita rate to charge. He stated that this vote will be on December 1, 2009, and is recommending charging the lower per capita rate and pursuit of an agreement that will benefit the depot towns. **Matt** stated that the Board has two options: keep the per capita rate at \$3.10 to support the core services of the District which would allow the District to create a budget while shrinking services and transition the depots to a for profit entity; or increase the per capita rate to \$5.10 which would enable the District to institute a plan to support the depots, which the District has stated would only work for approximately one year. **Matt** stated that the infrastructure of the depots has fallen into disrepair due to lack of maintenance by the District. The Board suggested that **Matt** vote for the lower per capita option and make the depots a for profit entity.

Water Supply Project - Well Testing Bids

Jeff Schulz stated that he had received three proposals for the well testing. He stated that the testing has two components: the well drillers element which includes labor intensive and technical aspects and the engineers element which includes collecting the data, preparing reports and submitting the reports to Agency of Natural Resources (ANR). ANR determines if the water quantity and quality is sufficient to support a Community Water Supply. **Jeff** stated that the other component is funding which consists of a loan from the State of Vermont and the Town has requested an increase in the loan amount to cover the costs of the testing. **Nancy Driscoll** read the bid from **Tri State Water Systems** from Dummerston at \$56,208, which includes the monitoring of 23 surrounding private wells. She stated that the proposal includes a price of \$175 per well to be monitored above or below the 23 wells. **Susan Gretkowski** read the bid from **Johnson Artesian Wells** from Montpelier at \$48,330 for the pump test and \$350 per well to monitor the 23 surrounding wells for a total cost of \$56,380. **Jonathan Goddard** read the bid from **Manosh Corporation** from Morrisville at \$60,575, which includes the cost of \$675 per well for monitoring the 23 surrounding wells. The Board tabled the acceptance of a proposal for well testing until their next regularly scheduled meeting.

Emergency Medical Services

Jeff Schulz stated that previously the Board had discussed issuing an RFP for Emergency Medical Services and asked if the Board wanted to move forward with an RFP. **Susan Gretkowski** stated that she is not comfortable leaving the decision on Emergency Medical Services to a proposal, considering the efforts of the Berlin Volunteer Fire Department's proposed EMS Service. She stated that she would rather that the Board take an in-depth look at the Fire Department's proposal before moving ahead with an RFP process. The Board agreed that the public should be involved in the decision regarding EMS services. **Susan Gretkowski** stated that if the Town went forward with the RFP process, she would like to hold public hearings on the outcome of that process before making any decisions. The Board discussed the RFP and decided on some amendments including: add the underlying assumptions for projections to #3; add commercial insurance reimbursements to #7; add all associated costs to #8; and a list of all current equipment, vintage of equipment and expected repairs, replacement or future purchases to #9. The Board also discussed the service area and wanted to clarify the start up costs to the Town. The Board authorized **Jeff Schulz** to send out the RFP as amended.

Nancy Driscoll reported on the Regional Services Committee. She stated that at this point the committee is taking the discussions and input them into a document that the different representatives may take back to their respective towns for inputs and recommendations. **Nancy** stated that the vision statement is to come up with a public safety service that is affordable and has quality service for all communities involved. She stated that the document should be ready for presentation by February 2010.

Town Vehicle Use Policy

Jeff Schulz stated that the Board asked him to put together a policy on Use of Town Vehicles. He stated that they had discussed this at the previous Selectboard meeting and clarified the policy. Motion by **Susan Gretkowski** to approve the Use of Town Vehicle Policy as presented. Second by **Nancy Driscoll**. Motion carried 3-0.

FY 11 Budget

Jeff Schulz stated that **Patti Lewis**, Town Treasurer, has put together the budget worksheets and distributed them to all departments. He stated that the timeline for the budget process will start in early December and would require a number of special meetings in December and January to review and finalize the budget.

New Business

Access to Berlin Pond – Rick Sanborn & Rick Barnett

Jeff Schulz stated that he had distributed an email request by Rick Barnett expressing interest in accessing Berlin Pond across a parcel of land owned by the Town of Berlin. **Rick Barnett** distributed a summary of restrictions to Berlin Pond that he has researched. He stated that all the restrictions are based on State Law that promotes recreation on Public Water Supplies. **Rick** stated that there is a parcel of land #38 which goes from Berlin Pond Road to the waters edge of the pond that is owned by the Town of Berlin and is the only land not owned by the City of Montpelier abutting the pond. He stated that he has spoken to all State departments regarding Berlin Pond as well as the City of Montpelier and the Town St. Johnsbury and the only opposition is from the City of Montpelier. **Rick** stated that he is asking for a boat launch from the parcel owned by the Town of Berlin for access to the pond by boaters. **Brad Towne** stated that this issue needs to be brought to the attention of the Town Attorney for clarification. **Jeff Schulz** stated that a concern would be parking in that area and whether the Town would allow for parking on the parcel of land or on the road and the liabilities involved. **Rick Barnett** stated that he has parked his vehicle on the side of the road in that area and conducted measurements which concluded that there would be no obstruction to traffic for vehicles to be parked on the roadside. Nancy Driscoll asked if there were restrictions for source protections. Rick responded that there were none belonging specifically to the City of Montpelier, however the State set regulations for Berlin Pond that include: vessels powered by motor are not to exceed 5 miles per hour; personal watercraft, defined as Jet Skis, are prohibited; personal aircraft are prohibited from May 1 – Nov. 30 except where authorized

Request to Work in ROW – Gerry Markham

Jeff Schulz reviewed the application to work in the right of way by **Gerry Markham**. **Gerry** is proposing to replace a culvert on a snow road on his property. **Jeff** stated that the road or right of way called a snow road was established in 1907 and a plan appears in the Town Highway records. He stated that the road may fall under the category of ancient road and could be considered a class 4 road or trail. **Jeff** stated that **Richard Tetreault**, Road Superintendent, declined comment as this issue is unclear. **Jeff** stated that if the road is deemed a class 4 road the Town could allow a culvert but he does not see a public purpose in the Town installing the culvert. The Board decided to table this issue pending inputs from the Town Attorney.

Town Administrator Report – Jeff Schulz

Jeff Schulz stated that the Board has received an invitation to the Methadone Clinic's first open house on November 20, 2009 from 11:00 a.m. – 2:00 p.m. He stated that the clinic is located at 300 Granger Road in Berlin.

Jeff stated that he has sent letters to the abutting property owners regarding the public meeting on the water supply on November 23, 2009. He stated he has also warned the Special Pre-Town Meeting for the Zoning changes and the Public Hearing for the Charter Changes.

Jeff stated that the Road Crew is now working their winter schedule which is Monday – Friday and gearing up for the winter season.

Approval of Licenses, Permits, Vouchers and Applications

Motion by **Nancy Driscoll** to approve the licenses, permits, vouchers and applications as presented. Second by **Susan Gretkowski**. Motion carried 3-0.

Approval of Minute(s) of Previous Meetings

After review of the minutes of November 2, motion by **Susan Gretkowski** to approve the minutes as presented. Second by **Nancy Driscoll**. Motion carried 3-0.

Roundtable

Executive Session

Motion by **Nancy Driscoll** to enter into Executive Session at 9:35 PM. Second by **Jonathan Goddard**. Motion carried 3-0.

Motion by **Susan Gretkowski** to exit out of Executive Session at 9:55 PM and adjourn the Selectboard meeting. Second by **Nancy Driscoll**. Motion carried 3-0.

For the Select Board:

Rebecca Richardson, Administrative Assistant