



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

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

**Monday, December 7, 2020
7:00 PM**

Selectboard Members: Bradley Towne, Chair; Flo Smith, Co-Vice Chair; Justin Lawrence, Co-Vice Chair; John Quinn III, Secretary; Angelina Capron. Present: Tom Badowski, Assistant Town Administrator; Diane Isabelle, Town Treasurer; ORCA; David Delcore; Wendyln Bolles, Conservation Commission; Phil Gentile, Conservation Commission; JC Earl, Conservation Commission; Keith Van Iderstine, Berlin Fire Department; Joe Staab, Berlin Fire Department; James Pontbriand, Chief of Police; "iPad". All items are unanimous unless otherwise noted.

UNAPPROVED MINUTES

Towne called the meeting to order.

FY '22 Budget Preparation

Isabelle reviewed highlights from the budget and began with the revenue portion which was provided to the board ahead of the meeting. The revenues from the state of Vermont include funds for the highways and state hospital. The hospital owes \$25,000 per year. Licenses and fees are consistent but the town clerk revenue in the budget increased \$5,000 due to increased activity. The property taxes remain the same until updates from the state which are difficult to predict. The reappraisal revenue is normally around \$12,000-13,000 and the revenue reflects an amount of \$12,500. Pilot revenue remained at \$185,000. Interest reflects a lower amount than in years past to reflect realistic numbers. Isabelle reviewed miscellaneous revenues which are predicted to remain the same.

Quinn asked what revenue is received from the highway department. Isabelle explained that each quarter, the town receives funds from the state for Class 2 and class 3 roads. There is a slight increase this year. Isabelle then moved to the general fund budget and expenses. The wages she based on a general increase plus a larger increase for town administrator. Office supplies decreased as a savings measure. Clerk and Treasurer training also decreased to \$500 to account for mandatory training only. No new computer equipment needs are anticipated so the budget reflected a decrease. The clerk copier lease decreased and the budget reflects that change. Records restoration and postage remain the same. Overall, this section shows a 2% increase due to payroll.

The assessing department reflects a 1.5% increase although the fees have not increased the last 2 years. The increase is precautionary. Legal fees are reduced to \$100 because legal fees are rarely needed and if they are needed then it is for errors and omissions. The tax maps reduced \$500. Isabelle noted that tax maps have been prepared annually and suggested the board consider having them prepared every other year for future budgets.

Town meetings and elections reflects a 22% decrease because of fewer elections. Insurances are currently the same as she awaits FY 22 rates to update the budget. The budget reflects an estimated 7% increase in health insurance which may decrease depending on the plan utilized by the new town administrator. FICA budget reflects costs associated with payroll. There is a fixed increase to unemployment due to an increase enacted by the state. The pension plan reflects a 12% increase.

The zoning department reflects an overall decrease of 52%. The secretary fee decreased to reflect the fact that the current secretary charges a lesser fee than the previous secretary. The budget is now in line with the

actual fee, a 70% decrease. Legal fees were gain reduced as they are very rarely needed. Planning commission remains the same at \$21,000.

Isabelle then discussed other boards and commissions. The Recreation Board has a reserve account of \$8,000 so there is no amount in the budget as they have access to funds. The Conservation Commission asked for \$2,000 to have work done to Irish Hill Trail system. However, the Conservation Commission does have \$47,000 in reserve so could potentially use those funds instead. Green Up day remains the same. Emergency management asked for \$1,400 in the budget; \$1,200 for fire dispatch and \$200 for animal disaster response. Normally, \$10,000 is put aside for the cemeteries. Normally about \$7,000 is spent on mowing and maintenance. Some need attention, so the budget remains the same.

In taxes and assessments, Isabelle left \$40,000 for county tax. The new rate will be provided in the next two months. The ambulance increased 7% to reflect the actual anticipated increase. Humane Society decreased by \$500 as there are not normally many fees from them. Central Vermont Solid Waste reflects a new rate. Central Vermont Economic Development remains at \$500. Isabelle has not received the new VLCT dues. The Regional Planning Commission also has not provided new rates.

For the town offices, the janitorial services remain at \$8,500 despite paying under \$5,000. Isabelle expressed a desire to put that service out to bid. Supplies reflect a decrease. Admin training remains \$1,500, assuming the next town administrator will need to attend trainings. The town copier is at \$1,650. The admin advertising reduced. Software support is \$11,500 which may not be enough. The servers are no longer serviced so the tech company is suggesting an update. Isabelle will send information about that to the board for a future discussion. Website and cloud storage remain the same. Isabelle will be looking into increased fees for backup storage fees through Amazon as charges have increased dramatically. Building maintenance did decrease some though there are needs within the building. Isabelle put in an amount of \$0 for the vehicle. She does not think there is a need for the office vehicle. It needs repairs and will be less expensive to reimburse mileage in personal vehicles. Heating and utilities remain the same. Internet increased to reflect fees. Equipment contracts now are at the correct amount.

For general expenses, the legal services remain \$15,000. CPA services normally increase \$500 per year and increased due to anticipating a single audit. Payroll services remain the same. Selectboard minutes show a decrease to an amount consistent with expenditure. The emergency generator is a 2008 model that still works but does sometimes need service. There is \$2,000 budgeted for that. The total is an increase of 1.85%.

The next area for review was the capital expenditure budget. Equipment needs are not expected for items that do not have a reserve fund. Highway structures and equipment has \$250,000 per year set aside. The police department reflects expenses that cannot be avoided as they are set expenses. There is a 7% increase to capital expenditures.

Additions and Changes to the Agenda

Tim Davis was unable to attend the meeting. Removed that item and the Fisher Road culvert topic.

Public Comment

None.

Treasurer's Report

Isabelle reported that she hopes to have the audit report done by the end of the week. She has been in contact with the auditors who gave her four adjusting entries to make, everything looked acceptable.

Conservation Commission

1. Illegal Tapping on the Town Forest

Phil Gentile confirmed that the board received a memo sent from the commission. He expressed the Commission's concern reflected in the memo. J.C. Earl spoke to the board about their work and findings. The Commission was unable to hire Rose Bede but hired a state forester out of Northfield. He determined about 12 acres of trees in the Berlin Town Forest, comprised of approximately 1150 taps, have been tapped for 2 seasons. The damage was difficult to determine so the forester looked at timber values then the

commission considered lost rental fees plus expenses incurred. The Commission is interested in discussing the issue with the town attorney. The Commission does not recommend giving the individual the option to lease the rights to tap trees, feeling instead that reparations are appropriate and that the individual should be expelled. Towne asked about a dollar figure for the damage. The Commission explained that the number is very grey due to a number of factors. It was recommended that the Commission send information to the town attorney. Towne recommended providing the town attorney with the estimate of cost per tap and expenses so that he has some information regarding the potential damages. Gentile said that the starting point for cost of tap is \$1.29 per tap per year. The Commission would like a cease and desist order be prepared. The board agreed that sending the information to the town attorney for consideration and the preparation of a cease and desist letter is the best course of action.

2. VAST Application for Use of Town Land

The Conservation Commission would like to discuss use of town land with other recreational users interested in the opportunity. They also would like a steering committee formed to discuss the VAST use and recreational land users generally, including other groups like mountain bikers. They would like to avoid frequent re-writes of the management plan as more groups become interested in the opportunity. Wendy Bolles spoke about the memo prepared by the Commission and the level of detail involved in looking at recreational uses such as the VAST trail.

Josh Walker discussed the bridge repairs and costs. Materials are estimated at \$2,700. Snowmobile clubs would provide labor. Brush along the trail would be cut back to allow about 10 feet for the width. Walker explained that the snowmobile club would maintain other features such as water bars. Walker has an appointment with Pat Ross from the Agency of Natural Resources to view bridges on the trails to discuss standards. There is a property owner at the Northfield end requiring the snowmobile clubs put a gate up so that in the off season larger vehicles are not accessing the trail. The same would be done on the Berlin side to keep large vehicles off town forest trails. There was discussion of the area where the trail enters Northfield. Members of the Commission asked for a map of the trail. Walker offered to ribbon the proposed trail and walk it with members of the Conservation Commission. The Commission explained their interest in including other interested groups to limit the number of trails that exist on the town forest for the sake of equity amongst multiple groups. Gentile acknowledged the desire of VAST and local snowmobile groups to expedite the process but the need to ensure all stakeholders are allowed consideration in the update of the management plan.

Berlin fire Department enquired regarding the weight and width of the bridge and if it would support ATVs for emergencies. Walker answered that it will. The location of the gates will be finalized with the Conservation commission.

Quinn and Lawrence expressed feeling as though the Conservation Commission is delaying the process. JC Earl explained that if the parcels in question did not have easements with the Vermont Land Trust then the conversation would look much different; however, the VLT requires the type of process they are pursuing when creating management plans. A public hearing dedicated to this topic will be posted and advertised in advance.

Quinn then asked if there would be opposition from the selectboard to open roads previously opened to snowmobile traffic. He referenced Crosstown Road, Black Road, and Brookfield Road. Lawrence moved to approve the applications for roads for VAST, the existing approvals and to sign the landowner permission slip for the Crosstown Road section, Brookfield Road section, and Black Road section. Seconded by Capron. Passed unanimously.

Quinn moved to allow up to \$3,000 to replace the existing bridge at the beginning of the Irish Hill Trail with a wider bridge that meets public safety and recreational standards. Seconded by Lawrence. The standards will be provided by Pat Ross from ANR at the above mentioned meeting. Passed unanimously.

Berlin Volunteer Fire Department

Keith Van Iderstine and Joe Staab joined the board to discuss the Fire Department budget. Staab reviewed highlights. Facility rental income is increasing \$4,000 for the four corners building. Insurance will remain the same as well as retirement benefits. Utilities are not changing substantially but the Fire Department will be added to town sewer and water with an increase. Communications and dispatch shows a 4% increase. Vehicle repairs are anticipated to reduce but since it is difficult to predict the budget has not changed. The

Department is satisfied with the current gear and do not anticipate large expenditure. Equipment remains the same with the exception of hose testing. The Department currently has a loan that requires periodic payments. There are reserves available to pay off that loan which would result in savings. Total expenses for FY '22 are \$325,220 which is \$27,000 less than the FY '21 or about 8% decrease. Lawrence and Quinn thanked the Department for responding to the suggestion that all town departments make budget cuts due to the pandemic. Staab acknowledged the appreciation and also warned that some of the budget cuts will hurt if sustained over time but they also do not need to increase over what the previous budget was. Quinn acknowledged that they may be temporary cuts. Towne asked if there will be an effect on services. No effect is anticipated. Much of the 8% decrease comes from paying the loan off with reserve funds and the fact that there is not a major need for new equipment though that will likely change in the next few years. Lawrence brought to the board's attention that there is an ongoing study into the potential benefits or drawbacks of joining a regional department; he also brought forward the idea of having the town treasurer do the bookkeeping for the Fire Department as well, noting that it would need to be explored after the establishment of a new Town Administrator. Capron asked if the merger would allow for a paid position within the Fire Department. That is a possible outcome.

Emergency Medical Services – Contract Award – Van Iderstine/Badowski

The emergency services RFP returned one bid from Barre Town. Quinn moved to approve the recommendation for an ambulance contract with Barre Town. Seconded by Lawrence. Passed unanimously.

VTrans Alternative Transportation Grant – Badowski

The application was timely submitted. VTrans will announce grant recipients in March.

Berlin Planning Commission Public Hearing – 12.16.2020

The Planning Commission scheduled two public hearings for December 16. The first is for proposed zoning changes related to the new town center designation and the second is for an official map. If no major opposition is received, the Planning Commission will send the material to the Selectboard for its own public hearings before adoption.

Cannabis Regulation Act – Capron

Capron discussed receiving a message from a community member regarding an act passed that allows towns to permit cannabis retailers to operate within the town. It has to be voted on in town meeting. The community member asked that the item be added to the ballot. Capron moved to add an item to the town meeting ballot regarding allowing cannabis retailers to operate in the town pursuant to Act 164 for the March 2021 ballot. Seconded by Lawrence. Passed unanimously.

Minutes: November 2, 2020; November 10, 2020; November 11, 2020; November 24, 2020

Capron moved to approve the minutes of November 2, 2020. Seconded by Quinn. Passed unanimously. Lawrence moved to table the minutes of November 10, 2020 so that board members have opportunity to review them as amended by the Conservation Commission. Seconded by Capron. Passed unanimously. Capron moved to approve the minutes of the special meeting held November 11, 2020. Seconded by Quinn. Passed unanimously. Quinn moved to approve the minutes of November 24, 2020. Seconded by Smith. Passed unanimously.

Use of Town Owned Coos Trail Property

Following the last meeting, Badowski contacted the party who inquired about permission to use the property as a landing for a logging project. He explained that a certificate of insurance and \$2,000 performance bond are required to move forward. Those have not yet been produced. Capron moved to table the topic to the next meeting. Seconded by Quinn. Passed unanimously.

Licenses, Permits, Vouchers & Applications

Lawrence moved to approve payroll warrant 21-11 for payroll from November 8, 2020 to November 21, 2020 and paid November 25, 2020 in the amount of \$43,350.03; payroll warrant 21g11 with checks 20720-20742 in the amount of \$53,626.05; payroll warrant 21g12 with checks 20432-20746 in the amount of \$2,537.10; November reconciled bank statements for the general fund, sewer commission, and water division. Seconded by Quinn. Passed unanimously.

Round Table

Capron discussed a conversation she had with Wayne Lamberton at which time he explained the confusion regarding the town center designation; he did not anticipate further problems given the public record that now exists.

Executive Session

Lawrence moved to adjourn the Selectboard and enter executive session for personnel and contract. Seconded by Quinn. Passed unanimously.

Capron moved to exit executive session and reconvene the regular Selectboard meeting. Seconded by Smith. Passed unanimously.

Lawrence moved to adjourn. Seconded by Quinn. Passed unanimously.

For the Select Board:

Bethany A. Towne