



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

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

**Monday, June 15, 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: Dana Hadley, Town Administrator; Diane Isabelle, Town Treasurer. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Call Meeting to Order

Chair Towne called the meeting to order.

Changes to Agenda

Town Administrator Hadley asked to remove the discussion of the grader to move to a later date.

Public Comment

None.

Treasurer's Report

Town Treasurer Isabelle had a notice from Jill Remick of the state property valuation and review division. It was indicated that school tax rates would be available by July 1st. It is expected that the assessors will have the amount of the grand finalized so the town can set its tax rate by July 1st. It is hoped that bills can be mailed by July 15th in order to preserve cash flow. Isabelle also mentioned since due date of the HS122 form was delayed which will likely result in more revised bills being issued. Quinn asked about the status of delinquent taxes at this point. Isabelle responded that delinquencies are a few thousand dollars higher than usual.

Approval of Licenses, Permits, Vouchers, and Applications

Smith moved to approve general fund accounts payable warrant number 20g23 with checks 20247-20298 in the amount of \$239,517.10; payroll warrant number 20-25 for payroll from May 24, 2020 – June 6, 2020 paid on June 10, 2020 in the amount of \$42,690.31; May reconciled bank statements for the general fund, sewer commission, and water division; May journal entries and May budget status report, trial balance, and delinquent tax report. Seconded by Lawrence. Passed unanimously.

J.C. Earle – Town Forest

Earle, who is a member of the Berlin Conservation Commission and met with the Board to discuss concerns that he and other members of the Conservation Commission have regarding the request to tap trees in the Town Forest. He understood that it possibly is the same individual who has tapped trees in the adjoining lot that belongs to the Town of Northfield. In that case trees were tapped before permission was

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granted. When confronted with the mistake the individual claimed he did not to know about boundary lines and offered to enter into an agreement. The individual has a lease with the town of Northfield for tree taps and the Conservation Commission gathered information before coming to the board with concerns over any offer to enter into a lease with the individual. Concern comes from devaluation of the value of the trees. A maple is worth more for veneer when it has never had a maple tap in the tree. Once the tree is tapped it negatively impacts the value of that wood substantially. Damaging the timber value of a tree is considered theft of the value under the Timber Theft Act. The current encroachment of tapped trees covers about 12 acres of the Berlin Town Forest. Rose Beatty, forester from Northfield, has the experience to value the theft. Earle reported that she charges \$70 per hour and her services would take a day's work. Photographs showed that the corner post representing the line between Northfield and Berlin property sits at a tree that was used as a corner so the person tapping is likely to have seen that marker. Earle discussed conversations he had with the county forester who warned that the Northfield contract was not ideal because in that instance the individual had already tapped so the lease agreement was formed after the fact. If Berlin wishes to lease property, the county forester recommended a bond and a designated individual to ensure the tap numbers comply with any agreement. The Conservation Commission's recommendation is to pursue having the individual remove the material from the town forest and potentially provide damages as well. The commission is against preparing a lease. Towne pointed out that the Vermont law provides for triple damages – whatever the damage value is tripled against the person who performed theft. Quinn voiced support of having a forester value the damage. The person who has approached Berlin about leasing land for tapping is not the same individual who has already tapped trees. Quinn moved to expend up to \$700 out of the Conservation fund to have Rose Beatty further investigate the 12 acres of tapped trees in the Berlin Town Forest. Seconded by Lawrence. Towne asked if any members of the board having the conservation commission take the lead on this issue and there was no objection. Passed 4-0 with 1 abstained (Towne utilizes services of the same forester and abstained).

Tim Bingham – Concerns Regarding Use of Town Property by Private Entity

Bingham, a resident on Shed Road, asked for the board to consider the number of times that trucks travel the road to bring sand and allowing companies or individuals to use the town office land (example – construction companies). Bingham explained that the trucks shake his house and the staging of construction companies increases traffic. He is concerned about quiet enjoyment of his property given the noise, dust raised by vehicles, and disruption from the trucks shaking his house. Hadley suggested formulating a policy that addresses the use of town land for commercial companies.

Budget Review

Isabelle provided members of the board with the fiscal year budget report. She did not find anything alarming in the report. Grant funds were down. Revenues are up some, Isabelle pointed out the borrowing of \$150,000 for a truck that was not in the budget. The police department salary expense was higher than anticipated. There have been more part time workers and more overtime due to staff shortage. Worker's compensation insurance went down.

End of Fiscal Year Reserves

Hadley reviewed funds that are requested to be reserved into the next fiscal year. They are: \$15,000 for a new server; \$41,900 in the bridge maintenance account; recreation board funds of \$903.00 paid from the general fund (reserve would be to put that money back in general fund); the police department community fund (donated money held in its own fund) amount of \$1,530.50 transferred from general fund to the reserve fund; \$7,025.75 from the building reserve fund to reimburse the general fund to help toward payment of the police door replacement project. Lawrence moved to approve the FY '20 reserves. Seconded by Smith. Quinn asked about the issues with the server and expressed an interest in helping to modernize the office. There was discussion of the bridge maintenance funds being available to cover the Richardson Road project and potentially also cover the Lover's Lane bridge. Motion carried unanimously.

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Tree Tapping in Town Forest – Agreements from Town of Northfield

Discussed under the earlier topic regarding the Town Forest.

Approval of Selectboard Minutes – 06/01/2020, 06/03/2020 & 6/08/2020

Quinn moved to approve the select board minutes of June 1, June 3, and June 8. Seconded by Smith. Passed unanimously.

Town Administrator Report

A bid will go out for repair of the wall in the Clerk's office. Insurance funds in the amount of \$21,000 are expected. The previous estimate was \$29,000.

Hadley discussed changes to the Town Center Designation project that arose from a meeting of the Planning Commission. The consultant wishes for the board to meet to discuss those changes in a separate meeting. The board discussed July 22 as a date for that meeting.

There is paving needed on Granger Road and part of Junction Road. Hadley plans to put that work to bid. The board discussed the building operation limitations for Covid-19 precautions. Members of the board asked for the website to have instructions for the public regarding access to the vault.

Roundtable

None.

Executive Session

Lawrence moved to adjourn. Passed unanimously.

For the Select Board:

Bethany A. Towne