

**Town of Berlin Sewer Commission
108 Shed Road
Berlin, Vt 05602
(802)223-4405, Option 7**

**Commissioners
Rob Allen / Henry LaGue Jr. /
Wayne Lamberton / Dana Marineau
Assistant - Mary S Wissell**

**Regular Meeting
Approved Minutes
Monday May 4, 2015**

**Present: Rob Allen, Chair; Henry LaGue, Wayne Lamberton, Ron Mercier
and Mary Wissell.**

Absent: Dana Marineau

Meeting called to order at 7:10 P.M.

Public Comment - none.

Montpelier Public Works – In 2014 the Berlin Sewer Commission contracted with Phelps Engineering to clarify the cost percentage for the River Street Project. As a result of this dispute, Phelps was asked to review the joint Treatment and Collection Contract and the Annual Wastewater Billings. Berlin Sewer Commission and Montpelier Public Works disagree whether the force main is an eligible Operating Cost. Septage and Leachate operation costs and revenues need to be clarified. Last fall the Sewer Commission felt they had trouble communicating and they decided to stop payment of monthly Collection and Treatment invoices. A letter from William Fraser, Montpelier Public Works dated March 23, 2015 was discussed. Phelps believes that the administration charges applied to the towns portion of the operation and maintenance appear to be high. Phelps also believes that the Force Main was not included in the original calculation to determine the initial percentage to be paid by the Town. Attorney Halpert described the process for Mediation vs an Arbitration Panel. Attorney Halpert also recommended the Commission pay the past due Sewer Collection and Treatment charges and the True up for FY14. Late Fees are not to be paid, as per the contract “If payment of money is in dispute, the Town shall in any and all events make payment under protest and such payment shall be a condition to arbitration or appeal”. Henry LaGue made a motion that payment for past due Sewer Collection and Treatment charges and True up for FY 14 charges be paid under protest. This motion was not 2nd. Wayne Lamberton made a motion that Attorney Halpert write a letter to go with the checks outlining the reasons why the Commission is asking for the formation of an Arbitration Panel to resolve the differences. Separate checks, one for the

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Sewer Collection and Treatment charges and one for the True Up charges for FY14 are to be sent with the letter from Attorney Halpert. Both are to be paid under protest. Henry LaGue 2nd the motion. Vote - All in favor. A copy of the letter is also to be sent to Mayor John Hollar and Berlin Office Administrator Dana Hadley.

Maintenance - Ron Mercier reported that he walked the sewer line from the hospital on Fisher Road to the old plant location on Route 302. There are 10 manholes and the distance is approximately 1,703 feet. Ron Mercier is to prepare an estimate for an access road. Mary Wissell is to locate a copy of the easement.

Minutes - Wayne Lamberton made a motion to approve the minutes for April 27, 2015 Meeting as written. Henry LaGue 2nd the motion. Vote – All in favor

Round Table - None

Adjourned - Meeting adjourned at 8:20. Motion made by Wayne Lamberton, 2nd by Henry LaGue. Vote - All in favor.

Mary S Wissell
Assistant to the Sewer Commission

Date Approved: May 18, 2015