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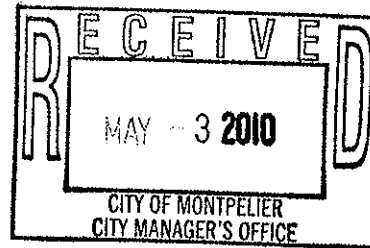
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April 29, 2010

William J. Fraser
City Manager
39 Main Street
Montpelier, VT 05602-2950

Re: Berlin Pond Source Protection

Dear Bill:

I would be grateful if you will share this letter with the City Council.

The City of Montpelier has prevailed in its application for a temporary restraining order prohibiting trespass or entry upon Berlin Pond and upon City-owned adjoining lands. While the underlying action remains to be concluded, the Superior Court has found for the City on each material element upon which the underlying action is predicated. The Superior Court's findings and order are completely consistent with previous judicial decisions, current and historical regulatory measures, and the City's protection and enforcement initiatives. In my opinion, the City currently is in a position to complete its source protection responsibilities, thereby ensuring that this valuable asset will serve the City for years to come.

When I visited with the Council last month I distributed for consideration drafts of two ordinances. One ordinance is designed to add Section 13-3 to our code of ordinances. Its purpose is to include Berlin Pond specifically within the general trespass prohibition.

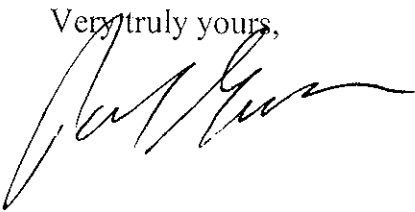
The other proposed enactment is the addition of Article VI, a source protection measure styled as both a City ordinance and a health order. This proposed ordinance complements our existing Source Protection Plan and elevates the Plan to an enforceable enactment.

William J. Fraser
April 29, 2010
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The adoption of these measures will serve to (a) dispel uncertainty over the nature and extent of the City's authority over Berlin Pond and contiguous land, (b) confirm conclusively that the City takes its water supply protection responsibilities very seriously, and (c) sets in place clear, appropriate and prudent regulatory and management standards.

I will be glad to visit with the Council on this subject at its convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Paul Giuliani", with a long, sweeping horizontal stroke at the end.

J. Paul Giuliani

JPG:pw
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