



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

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

Special Meeting

**Wednesday, August 19, 2015
5:00 PM**

Selectboard Members: Ture Nelson, Chair; Jeremy Hansen, Vice Chair; Roberta Haskin, Secretary; Brad Towne and Pete Kelley. Present: Dana Hadley, Town Administrator. Charles Storrow, Attorney for Berlin Mall, George Malek, Central Vermont Chamber of Commerce. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Call to Order

Meeting called to order by Chair Nelson at 5:00 pm.

Changes to Agenda

There were no items added or deleted from the agenda. Chair Nelson changed the order of the agenda. The Guard Rail Bid discussion was the first item addressed and the letter of support was the second item.

Guard Rail Replacement Bid

The Board opened Guard Rail Bids at the August 17th, 2015 meeting. There was one bidder. The bid for the guard rail project on Junction Road referenced 6' posts and the project requires 8' posts. The Town Administrator spoke with the bidder to clarify the size of the guard rails needed. The bidder revised the Bid for Junction Road from \$7,610 considering 6' posts to \$8,530 considering 8' posts. The Town Administrator had a conversation with the road superintendent who said 8' posts would not be necessary for the entire 708 linear feet of the project. He expects it to be a combination of both.

Motion: Towne to accept the bid from Lafayette Highway Specialties for the Junction Road project in the amount of \$8,530. Second: Hansen

Letter of Support for Motion to Alter a condition in the Act 250 permit for Berlin Mall

Attorney Charles Storrow representing the Berlin Mall attended the meeting to speak with the Board in regard to his request for the Board's support of his motion to alter Condition 14 of the Act 250 permit for Berlin Mall. In July, the Act 250 board issued a permit to Berlin Mall for construction of a building that is expected to be occupied by Kohl's department store. Condition 14 of the permit requires upgrading of the current storm water management system site. The current system was approved in 2010 by Vermont Agency of Natural Resources (ANR). This approval is for 21 acres of impervious surface that includes the site for Kohl's. A "new" system would serve .2 acre for the area at the end of the parking lot abutting Fisher Road. It is known that ANR will be required to review and update storm water management systems

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in the future mandated by legislation. This will be required statewide. ANR concurs the current plan is adequate for the Kohl's site.

Selectboard Member Hansen said that the Act 250 Board has an oversight function for these projects. He is not comfortable in assuming that the present system is adequate and defers to the expertise of members of the ACT 250 Board. There is a hydrologist on that Board who was involved in drafting this condition. He is uncomfortable signing the letter.

Selectboard Member Kelley stated that he does not feel that it is the job of the Selectboard to be engineers, or lawyers. This letter says that the Board supports the alteration to condition 14. He is supportive of the project and would like to see it go forward and presented a motion.

Motion: Kelley to sign the letter of support and send it to the Environmental Commission. Second Haskin

Selectboard Member Towne asked Mr. Storrow if the system in place now takes care of the parking lot. Mr. Storrow re-stated the current system will address 21 acres of the existing parking lot. A different system will service a .2 acre area at the end of the lot abutting Fisher Road. ANR stated the current permitted plan is adequate.

Selectboard Member Haskin said that it is unlikely that by signing the letter would bring any negative exposure back to the Board. She said that the Board could craft another letter if they wished, but the Board should support the Mall as much as possible.

George Malek of the Chamber of Commerce said that there will not be any change from the way that the stormwater system is currently working without a building, than the way it would work with a building on that site. He said it is very rare for a current agency permit to be questioned or overturned.

The vote on the motion on the table was taken with a result of 4 members voting in the affirmative, Selectboard Member Hansen voting in the negative. The motion passed.

Kelley moved to adjourn. Seconded by Towne. Passed unanimously.

For the Select Board:

Dana I. Hadley
Town Administrator