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; Wendellyn Bowles, Conservation Commission. All items are unanimous unless otherwise noted.

UNAPPROVED MINUTES

Call to Order

Chair Towne called the meeting to order. Capron absent.

Additions or Changes to the Agenda

Badowski noted that Phil Gentile asked to move his reappointment to a later date.

Public Comment

Peter Shover, a resident on Brookfield Road and owner of a parcel joining the town land on two sides. He desires that a VAST agreement include requirements for signage and a clear written agreement. He noted discrepancies in many maps indicating trails where none currently exist. He continued with discussion of safety concerns, due to blind spots in the road. Generally, he shared a concern of pedestrians (snowshoers and cross country skiers) on the same trail as the snowmobiles due to narrow portions of the trail. He then indicated that a survey showed that residents are not in favor of the trail and asked how much weight is to be given to that feedback. He suggested tabling the subject to continue negotiations with VAST clarifying what rules will apply to the trail and that preparations be made for next year should the board move forward with the trail. Quinn explained that his desire for an agenda item and possible action is to potentially move for the Conservation Commission to continue discussions with VAST to mitigate some of the concerns expressed. Another resident with property abutting town forest land expressed concerns with noise and snowmobiles straying from the trail. His property sits at a part of the trail where people are likely to veer. Ms. Drysdale, who resides on the south end of the Berlin pond, explained her interest in outdoor recreation, including cross-country skiing, and explained she has shared trails with snowmobile riders. While she has supported snowmobile groups in the past as a friendly gesture, she asked that the board further consider the proposal. She has concerns about wetland conservation, increased trail use, and the steep/narrow portions of the trail. Shea Miller, who lives on Black Road, shared opposition to the proposal. He also shared concerns regarding shared use, environmental impact (citing a lack of inquiry into this area), and noise. Therrien Sleeper then shared a concern that the forest was first designated as an area for non-motorized recreation and a natural resource. He believes that the trail would benefit VAST while hurting other users. Lawrence shared his understanding that snowmobiles were allowed per the original deed. Wendellyn Bowles explained that the current easement is with Vermont Land Trust (different than the easement of the original deed) which allows for snowmobiles but requires the Commission to show that the trail can coexist with the primary reasons for the easement (conservation) and that there is compatibility with non-motorized
use. Ron Lyon made comments, stressing the need to understand the proposal and potential impacts. His concern is with the environmental considerations, given the purpose of the easement and the ecosystems in that area. He is also concerned about creating clear guidelines for that use. He commented that VAST is a good organization and that if concerns are taken into account and planning continues with the organization there could be a very positive outcome, but that the outcome depends on taking the time needed to craft a comprehensive plan. Trevor Whipple made comments next. He stated his opposition and asked that, before decisions are made, the town conduct a thorough assessment of shared use. He also asked that the town consider whether there will be additional cost associated with enforcement and response of rescue teams. He asked that the analysis include a cost versus gains assessment, considering the whole of the Berlin population. Lindsey Miller, a resident, noted her opposition. She expressed environmental concern related to a new trail in a higher elevation area. She asked that other paths be considered. Rob Griffin-xxx(???) restated his opposition. He is a frequent user of the trail and feels that the benefit to VAST does not outweigh the disadvantage to non-motorized users.

Treasurer’s Report

Isabelle provided the board with a contractor’s application for payment. It is the seventh payment, for $252,950.58 towards sewer improvements. Quinn moved to approve payment number 7 to Dubois Construction for $252,950.58. Seconded by Lawrence. Passed unanimously. Isabelle received a report from the third-party credit company used for tax and utility payments. In 2020, there were 300 transactions totaling $179,297.47. Every year, more people pay by credit card; COVID may have an impact on that trend for this year.

New Town Center Application Filed – Hearing Scheduled 2.21.21

Badowski informed the board that the application was submitted and the expected hearing date is set for February 21. He will confirm start time. He further explained that the formal process to complete the application began in 2014 and he feels it is a quality application which he encourages people to see if they have not already.

Berlin Conservation Commission – Reappointment of Phil Gentile

Removed from agenda for this meeting.

Development on Route 302 – Town Fair Tire Center – Sidewalks

Badowski began by explaining that in the town zoning regulations, there is a provision that any applications that front 302 in the commercial district provide sidewalks. The town has the ability to require business owners to maintain sidewalks. Town Fair Tire Center has committed to maintain the section of sidewalk on their property. Badowski recommended approval of the agreement with Town Fair Tire Center. Lawrence asked if there is a maintenance plan or specifications of what the business owner is expected to do. Badowski explained that the zoning regulations do not include such information but that specifications can be added to the permit. This item was tabled to February 15 to develop guidelines for acceptable maintenance.

Green Mountain Power – Work in Town Right of Way – Project #176237

Badowski sent the request to work in the right of way to board members in advance of the meeting. Quinn moved to approve the right of way work by Green Mountain Power. Seconded by Lawrence. Passed unanimously.

Town Clerk – Mailing of Town Meeting Ballots

The Town Clerk is requesting permission to mail ballots to all residents. This request is the result of a decision of the school union to require all districts to mail ballots as there were a number of districts that
voted to do so. The Town Clerk is not able to mail ballots to all without the permission of the select board. Lawrence moved to approve. Seconded by Smith. Passed unanimously.

**Fisher Road Culvert Financing – State Infrastructure Bank**

Badowski has not received an answer from the State Infrastructure Bank regarding whether the town may submit an application for financing because the financing requires a positive vote from town meeting day. The design is nearly complete and is expected to be sent to the board ahead of the next meeting. Permits will follow for permission to work in the wetland area. That permission may be received as early as May 15.

**Certificate of Highway Miles as of 2.10.21**

There was previously an inquiry regarding adding Black Road’s class 3 section to the list of highway miles submitted annually to VTrans. There are additional requirements before that addition is made. There is a public process that is already planned for Rowell Hill and the Black Road process can happen simultaneously. Lawrence moved to approve the highway mileage certificate for February 10, 2021. Seconded by Smith. Passed unanimously.

**Town Administrator Hiring Committee**

Badowski sent the board a recommendation on Town Administrator hiring. Concentra health performed a pre-employment health evaluation. Mr. Conti has no limitations per that evaluation. He has glowing reference reports. He passed the background check performed by a third-party company. The results of a drug screening are pending. Quinn moved to approve the hiring of Vince Conti for the position of Berlin Town Administrator with an effective date of February 15, 2021 contingent on satisfactory pre-employment drug screening results. Seconded by Lawrence. Passed unanimously.

**Liquor Licenses**

1. Wayside Restaurant – First Class
2. Wayside Restaurant – Third Class
3. Maplewood Limited of Montpelier – Second Class
4. GC Pizza Hut – First Class
5. Jolley Associates – Second Class
6. Price Chopper Operating Co. of Vermont – Second Class
7. Thomas Farm and Garden – Second Class
8. Kinney Drugs #1 – Second Class

Lawrence moved to approve the first and third class liquor licenses for the Wayside Restaurant; second class liquor license for the Maplewood Limited of Montpelier; first class liquor license for GC Pizza Hut; second class liquor license for Jolley Associates; second class liquor license for Price Chopper Operating Co. of Vermont; second class liquor license for Thomas Farm and Garden; and second class liquor license for Kinney Drugs #1. Seconded by Smith. Passed unanimously. Towne confirmed with Badowski there have been no complaints about these applicants. Passed unanimously.

**Discussion of VAST Application to Use Town Lands with Possible Selectboard Action**

Quinn began by stating that there seemed to be confusion regarding the next steps following the public hearing. He recalled action taken at that meeting, including review of the survey that was made available on Front Porch Forum but did not recall discussion of the next step in the process. He plans to recommend a motion to direct the conservation commission to work with VAST to mitigate concerns with a proposed management plan produced by June 1 or another public hearing for further discussion. There was brief discussion regarding the bridge that VAST agreed to install and the timeframe of the application to avoid a situation wherein VAST builds a bridge that the members cannot then use. Towne acknowledged the concerns of those opposed and voiced an opinion that all members of the Berlin public should have equal access to the trails. He asked to review accident reports and statistics from VAST trails generally. Some
such numbers were previously provided for review. Quinn moved to direct the Conservation Committee to work with VAST and the select board to mitigate concerns and have a draft of the updated management plan by June 1, 2021. Seconded by Lawrence. Wendy Bowles brought up a need to work with the Vermont Land Trust as the Conservation Commission cannot independently put together the management plan and agreed that they can move ahead on collaboration. There are environmental mandates they need to further research. She noted there is no guarantee that it will be able to go through. Passed unanimously.

Minutes:

None available.

Approval of Licenses, Permits, Vouchers, and Applications

Smith moved to approve payroll warrant number 21-15 for payroll from January 3, 2021 – January 16, 2021, paid on January 20, 2021 in the amount of $38,460.94; also payable warrant 21g16 with checks 20869-20898 in the amount of $94,483.54; also December general journal entries. Seconded by Quinn. Passed unanimously.

Roundtable

Quinn shared the opinion that committee positions should be advertised when a position is coming up for renewal so that interest can be received in addition to the incumbent member. Discussion continued regarding the limits for membership on boards and committees. Bowles agreed that the Conservation Commission agree with the advertisement as they need more people, especially given 2 large projects underway.

Executive Session

None.

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

For the Select Board:

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Bethany A. Towne