



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

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

**Monday, November 2, 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: Tom Badowski, Assistant Town Administrator; Diane Isabelle, Town Treasurer; Greg Gallant, ORCA. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Public Hearing – Adopted Water/Wastewater Ordinance

No members of the public attended to comment. Badowski was not expecting any commenters. Another hearing will be held at the next meeting.

Selectboard Meeting – Call to Order

Upon concluding the public hearing, Chair Towne called the meeting to order. Lawrence attended telephonically. Capron attended telephonically.

Additions or Changes to the Agenda

Towne added a discussion for CVDART Funding and removed discussion with Roberta Haskin who had given notice of her inability to attend.

Public Comment

Jonathon Goddard attended the meeting to inform the board of an incident from October 24, 2020. He reported that neighbors raising pigs on Hill Street Extension also slaughtered them on site at the location. His concern was the proximity to the road which he estimated to be less than 50 feet from the road. He felt the scene could be shocking for those who use the road to come upon. He requested the board consider adopting an ordinance restricting residents from slaughtering in close proximity to roadways. Badowski asked what Goddard would consider reasonable. He discussed the concept of not having the slaughter occur in plain view and a notice that the slaughter will take place potentially in view. There was a brief discussion regarding the position of the Vermont Department of Agriculture stemming from Goddard contacting the Department regarding the slaughter. There was some remaining question as to the relationship between state law and regulation under the Department and the ability of towns to create ordinances limiting slaughter of animals for personal use. Being a topic brought up in public

comment the board is unable to take action but the topic can be scheduled in a future meeting.

Treasurer's Report

Town Treasurer Isabelle did not have more to discuss beyond agenda items.

Approval of Licenses, Permits, Vouchers, and Applications

Smith moved to approve payroll warrant number 21-09 for payroll from October 11, 2020 – October 24, 2020, paid on October 28, 2020, in the amount of \$40,430.27; also payroll warrant 21g09 with checks 20635-20676 in the amount of \$176,373.26. Seconded by Quinn. Passed unanimously.

Berlin Chief of Police – James Pontbriand

Pontbriand discussed his first day on the job and shared his feeling of encouragement. Quinn moved for conditional approval of James Pontbriand to be the new police chief pending the background check. Seconded by Smith. Passed unanimously. Badowski suggested that Pontbriand, once Chief, attend a board meeting regularly to update the board. Towne asked Pontbriand if he is able to print out a general report of activity to provide the board that is void of classified information. Pontbriand responded that the system is able to do that. There was a brief discussion of the need for new tasers in the near future as five of them are needing replacement.

Selectboard/Conservation Commission Designated Meeting Dates and Venues

Badowski alerted those from the conservation commission attending via phone that discussion was beginning regarding this line item. He continued, noting that members of the Conservation Commission were not in favor of a full meeting of select board and conservation commission members while members of the select board do not find zoom meetings favorable. The suggested compromise was for the board and commission to each designate 2 members to comprise an executive committee. The board decided to hold a full board/commission meeting via zoom. Quinn explained that it is his understanding the two groups are to meet to discuss a planned snowmobile trail that would cut through a small portion of town forest land. The trail is being considered by Josh Walker, the Barre Thunder Chickens, and VAST. The conversation will include topics related to management of such a trail. Quinn also mentioned holding a public meeting portion regarding the Black Road being used for snowmobiles. Information about easements is also a subject desired for discussion at the meeting. The meeting is to be warned and held Tuesday, November 10 at 5:30 by zoom. Discussion continued about the type of information that is needed to move forward on the plans for the trail at that meeting.

Fisher Road Culvert

Badowski discussed progress on the culvert. Drilling took place over the last week to determine the soil composition. The material there is not something to be built on. The information to come will explain what material will be best to build on and how to proceed. Budgetary numbers are expected by the next meeting. The structure is now anticipated to be 30 rather than 40 feet.

Berlin Town Center – Brandy Saxton / Karla Nuissl

Chuck Storrow, counsel for the Berlin Mall, was present for the discussion.

1. New Town Center DRAFT Application (Saxton)

Badowski reviewed the application with the board, explaining the main components. The application provides a review of how the land and its uses have evolved over time, including depictions from the 1960s to present. He shared depictions of planned street and building layouts, moving from broad general plan to specific areas within the campus. Quinn asked why the hospital was added to the town center area. Badowski responded that it was recommended by DHCA as a feature of the town center that would strengthen the application. Smith moved to approve the moving forward of the draft new town center plan to the State of Vermont for review. Seconded by Capron. Lawrence expressed a desire for input from property owners of abutters like Lamberton. Badowski explained that Lamberton and others have all been invited to select board and planning commission meetings and have had other communication to ensure their awareness of the progress on these applications. Quinn referenced a personal discussion he had with Lamberton earlier in the day and expressed concern that the largest land developer in the town indicated that he did not have the answers he needed about the new town center designation. There was discussion regarding the timeline for sending the application to the state Department of Housing and Community Affairs. The state can take 3 months for their review. Saxton discussed a time sensitive project that has been fueling the quicker pace; the Fox Run Housing project is in a position of needing to secure funding and the new town center plan is important for that project. Nuissl also pointed out that there are more steps that will require public input. Towne asked how the TIF district fits into the plan. Badowski answered that it is a vital element of financing that is discussed in the application. Those involved are awaiting indication of the town's interest in moving forward. Upon vote, the motion failed as 2 were opposed, 1 in favor, and Lawrence had disconnected from the call. Quinn asked Towne how he would vote. Towne answered that he is in favor as it is simply a draft to be put in front of a state Department. He favors putting the state on notice that the town is working on this plan and has an interest in moving forward. He does not feel that the interest of a single developer should stand in the way of moving to the next step in the process. Quinn explained that he is in favor of the application but has had this concern for a time and feels that it was not fully addressed. Badowski asked what it will take the Board to feel confident to move the applications forward, noting that Quinn spoke personally to Lamberton earlier in the day and the possibility that Lamberton may have questions that do not have simple answers. Nuissl conveyed her disappointment; she feels that through the planning and drafting progress those involved have gone out of their way to address his concerns. She does not

find it wise to jeopardize a plan that has been invested in if only one person does not agree with it. Smith noted that the purpose of a public meeting is so those who have concerns or issues can come forward for discussion so if there are questions then that is what a forum such as this public discussion is for. She expressed her respect for Lambertson but feels that he understands the process and if he had concerns, he would be at the meeting or send a representative on his behalf to discuss the draft plan.

2. Neighborhood Development Area DRAFT Application (Saxton)

Badowski also supplied the neighborhood development area draft application. It also included maps and the planned area. Quinn asked if building outside the designated town center is considered sprawl. Badowski answered that it is not. Saxton explained that property in either neighborhood areas or the town center will receive Act 250 relief. Badowski then directed the board to a map of the neighborhood areas. Quinn had expressed concern over exclusion of property to be developed by Wayne Lambertson. That property will lie within the neighborhood designated areas and avoid sprawl for those projects.

3. VTrans Alternative Transportation Grant

This application is assuming the new town center and neighborhood designation moves forward. The grant is \$50,000 with a \$10,000 match to plan sidewalks and pedestrian transportation areas. It is due shortly but dependent upon the other applications.

Use of Executive Committees – John Quinn III

Quinn discussed that past situations have occurred in which not all board members are receiving information about operations. He questioned how decisions are made between meetings and how that information is shared. Historically the chair has been involved in decision-making tasks. Quinn believes that it should be the role of the liaison to help make decisions and then let the board know. Towne asked for an example. Quinn explained that when a culvert fails, the highway liaison is not called but the chair is. Others did not know of the failure quickly. Badowski spoke briefly to the culvert failure and that an email was sent from him to all board members soon after receiving news of the failure. Towne had no opposition to utilizing the liaisons in that capacity. The list of liaisons will be produced to Badowski so that information can be disbursed through those representatives.

CVDART Funding

Badowski discussed receiving an email from John Akielaszek from the Central Vermont Disaster Animal Response Team. He visited the board in 2019 asking for a \$200 donation. The minutes do not reflect an authorization. Part of that was timing and a lack of having the item go to town vote during town meeting. Towne clarified that it is a special appropriation needing signatures and a vote on town meeting day. That information has been relayed to him.

Roberta Haskin – Town Assumption of Dodge Farm Road and Water Works Way

Item removed from the agenda.

Town Administrator Recruitment

The hiring committee has gone through two rounds of vetting. Badowski asked if board members are available November 15 to meet for in person interviews. Towne and Smith confirmed they will be available; Quinn will not be able to attend.

Town Campus – Stormwater Treatment – Award

When put to bid, the project was over budget. The Central Vermont Regional Planning Commission thought they could get additional funding. Badowski directed the board to materials provided that indicate that additional funding is available. Quinn moved to award the town campus stormwater treatment to Dale E. Percy, Inc. in the amount of \$65,065.00. Seconded by Smith. Passed unanimously. Smith moved to appoint chair Towne to sign a notice to proceed. Seconded by Quinn. Passed unanimously.

Peddlers License – Mike Molleur Christmas Trees @ Berlin Mall

Smith moved to approve the peddler's license as presented for Mike Molleur for Christmas trees and wreaths from November 27, 2020 – December 24, 2020 from 9 am – 6 pm daily. Seconded by Quinn. Passed unanimously.

Town Highway Grants Program – One Time Supplemental

Badowski discussed a letter saying that the state is doing a one time supplemental this year. After brief discussion, it appeared that the town had applied the previous year for funds.

Minutes October 19, 2020

Minutes were not available.

Roundtable

Quinn asked generally about the budget process. Isabelle explained where she is in the process for budget FY '22. Her intention is to have the information and a draft early November. She explained that the process usually involves the board meeting with each of the department heads to discuss their budgetary needs for the coming year, then discussing the office needs, and then the general plan.

Capron called to action the selectboard stipend and request that the full amount allocated for her be donated to the Berlin Fire Department. As far as payroll process, the amount will be written to Capron who can then sign the funds over to donate them.

Executive Session

Quinn moved to enter into executive session to discuss issues of personnel and contract with the addition of Badowski, Isabelle, and Keith van Iderstine in attendance for the session. Seconded by Smith. Passed unanimously.

Out from Executive Session, Quinn moved to adjourn. Second by Smith Passed unanimously at 9:46 PM

For the Select Board:

Bethany A. Towne