



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

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

**Monday, October 15, 2018
7:00 PM**

Selectboard Members: Bradley Towne, Chair; Jeremy Hansen, Vice Chair; Wayne Lamberton, Secretary; Pete Kelley and Angelina Capron. Present: Dana Hadley, Town Administrator; Diane Isabelle, Town Treasurer. All items are unanimous unless otherwise noted.

APPROVED MINUTES

Call Meeting to Order

Towne called the meeting to order.

Public Hearing – Snowmobile & ATV Access to Roadways

Two emails were read first. The first email was written in opposition. The second was in support of well-managed trail use but expressed concern about the additional traffic, noise, and safety. Josh Walker, Black Road, discussed the sections of road which will be used, emphasizing that the road would be utilized very little. Hansen read several comments from residents of Brookfield Road. One was in support. One admitted to not be directly affected but was generally against the trail, citing safety concerns. Another was against the trails, also citing safety concerns. The next was from Tom Blood, who did not object but did call for a study of expected intensity of use and to crosscheck with conservation easements that may be held on the land. Another email seemed neutral, admitting that they did not have a strong opinion but expressing some concern over extra noise. The next opposed for noise and safety. The next opposed claiming that ATVs are already a nuisance. Corey Covey from Black Road explained that in principle, he has no problem. However, he expressed some of the same safety and traffic concerns. There was discussion of the location of the proposed travel. It was reiterated that the snowmobiles will be to the side of the road and off the road as much as possible. Gail Kikelly from Brookfield Road asked for the snowmobile speed limit and if there are night use restrictions. It was answered that the speed limit is the limit of the road and that some areas have a curfew of 11:00. She was concerned about the noise and safety. Mark Reaves, the Washington County Director for VAST, explained that the town can set the speed limit and curfew for the trail so an ordinance gives the town rule making authority. Brian Grearson expressed the opinion that snowmobiles should be off the road on trails instead of travelling on the road. Ken McMurtry expressed concerns over who will enforce the ordinance and general opposition echoing concerns previously mentioned. Mark Reaves discussed that the state law has a 73 decibel or less requirement for the snowmobiles. The county has a contract with the Sheriff's office, which has snowmobiles specifically for enforcement, and enforce especially when there are complaints. Fish and Game and the State Police also enforce. The town can also provide enforcement if it chooses. Dave Rouleau, President of the Thunder Chickens and snowmobile safety instructor, explained that snowmobilers are taught to be cognizant of where walkers and other recreation users may be present. He also mentioned that new snowmobiles are much quieter and snowmobilers are instructed to be aware of regulations and signs. Jerry Diamantides asked what is before the board. The warning was a public hearing for allowing road travel by snowmobiles and ATVs on specific sections of the listed roads. His next question was where the measurements would go to on the road – to a specific mile marker or other marker or general access to the road. Towne explained that the

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ordinance would pertain to the whole town and permissions would be given to specific portions as set by the town. Greg Gallitano from Brookfield Road explained problems with ATVs, dirt bikes, and mountain bikers on their posted land. He believed that there will be more problems. Jim Dwinell, Vice President of the Thunder Chickens and member of local ATV club, acknowledged the strong language in opposition and things currently happening being cited as opposition to the proposal. He explained the benefit of having the trails monitored by an organization which tends to prevent rogue users and takes responsibility for the trails if damage is done. Towne closed the public hearing and announced that there will be two more.

Changes to Agenda

None.

Public Comment

None.

Treasurers Report

Town Treasurer Isabelle informed the board that the field work part of the audit is complete. The auditor was confident to have the work completed in December. Usual reports were not available at this meeting but will be made available shortly.

Approval of Licenses, Permits, Vouchers, and Applications

Hansen moved to approve general fund accounts payable warrant number 19g08 with checks 18531-18562 in the amount of \$88,932.62; also payroll warrant number 19-08 for payroll from September 30, 2018-October 13, 2018 in the amount of \$42,928.95; also the September journal entries, tax admin adjustment, and the September bank statements for the general fund, sewer commission, and water division. Seconded by Lambertson. Passed unanimously.

Charles Merriman and Josh Walker – Black Road

Merriman asked for the town to allow the Walkers more area to maintain the road. He explained that the Dauts have diverted water flow over the road. Hansen expressed distaste in the language of the memo provided by Merriman. The specific request is to widen the work area from 16.5' to the width of the road. Hansen moved to table indefinitely. Motion died for lack of a second. There was debate concerning compliance with the current right of way boundaries. Kelley moved to leave the permission to work in the right of way as it is. Seconded by Hansen. Passed unanimously.

PPA Estoppel and Agreement – For Solar Project

Hadley reported that Green Lantern has found an investor. Town Attorney, Rob Halpert, reviewed the agreement and found no concerning changes. Hansen moved to authorize the chair to sign the agreement. Seconded by Kelley. Passed unanimously.

Application for Peddler's Permit – Michael Molleur

Hansen moved to approve the application for the peddler's permit for Mike Molleur. Seconded by Lambertson. Passed unanimously.

Approval of Selectboard Minutes – 10/01/2018

Hansen moved to approve the minutes of the Monday, October 1, 2018 selectboard meeting as presented. Seconded by Kelley. Passed unanimously.

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Town Administrator Report

Hadley reminded the board of the invitation to the fire department memorial dedication and recognition service.

Round Table

Hansen will provide the board with a report from Central Vermont Internet as required by statute. It will be sent by email shortly.

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

For the Select Board:

Bethany A. Towne