

Selectboard Member's present: Chair Joel Bouvier, Sharon Compagna, Michelle Perlee, Brian Fox, and John "Peeker" Heffernan. Also present was Town Administrator Therese Kirby, Town Clerk Jen Stetson, filmed by Mary Arbuckle with NEAT TV, and Cecil Foster, Merle Knight, Jim Quaglino, Sergeant George Crowe, Anita Carter, Cheryl Carter, Brittany Carter, Richard Tatro, Lisa Tatro, Zoning Administrator Eric Forand, and Fire Chief Brett LaRose.

1. At 7:02 pm Chair Joel Bouvier called the meeting to order. Sharon Compagna moved to change the agenda regarding the executive session. They will table the discussion about Kevin Harper until a later meeting. Brian Fox seconded, so voted.
2. Cecil Foster joined the Board. He is here on behalf of the Libanus Lodge and the Mason's to invite the Board and the public to an open house on Wednesday, September 24, 2014 held at the Libanus Lodge #47 on the corner of North Street and Elm Street beginning at 5:30 pm. He discussed the history of the Libanus Lodge. The Board thanked Cecil for his time and the invitation.
3. The Board discussed the Capital Equipment Fund request for the Fire Department. Sharon Compagna moved to approve the Fire Department's request for Capital Equipment Funds for \$1,800 to CTI Tower's per their lease agreement. Brian Fox seconded, so voted.
4. The Board discussed the contract with Orkin. Therese Kirby explained they came last week went through the building, specifically the Recreation Office. Therese explained the contract has a \$300 startup cost followed by an \$80 per month maintenance cost and we could end the contract at any point in time without penalty. Brian Fox moved to authorize Therese Kirby to sign the contract with Orkin. Sharon Compagna seconded, so voted.
5. At 7:15 pm Joel Bouvier called the vicious dog hearing to order. Therese Kirby explained both parties have come in since each incident, registered their dogs and provided proof of rabies. Therese clarified with Richard and Lisa Tatro that they would be moving out of state at the end of the month. Richard said September 1, 2014 they would be gone. Therese explained there are leash laws, and has explained to both parties any vet bills they want to seek restitution for is a civil matter. Therese asked Anita if she had buried her dog yet. Anita said no. Therese asked if Richard would help Anita bury her dog. Richard agreed he would help Anita if she wanted his help. Joel Bouvier asked if either party had tried to contact the Town's Animal Control Officer. Both parties agreed they had tried to contact the officer several times and never got a response. Sharon Compagna moved both dogs will be confined or hitched anytime they are outside and if any dog is loose it will be impounded and the Board will impose a penalty. Brian Fox seconded, so voted.
6. The Board discussed Attorney Kevin Brennan's decision regarding the zoning for the Recreation Field Property. Therese Kirby would like to schedule an executive session for the following meeting for the Board to discuss their strategy for negotiations with the Recreation Club. Peeker Heffernan wanted to clarify the Board was not trying to undermine the Planning Commission, but got a legal opinion to solidify their decision and begin negotiations from the right stand point. Therese stated Kevin Brennan explained that due to the fact the map was not changed after the 2004 vote or before the vote in 2006 and again in 2008 by majority vote, the voters agreed the "official map" was the one in the zoning regulations and posted at the Town Office and in the Town Plan. Joel Bouvier asked Zoning Administrator Eric Forand if this meant anything commercial could go there. Eric clarified this was a Residential, Office Commercial District and there were different by-right and conditional uses for that zone, but a Fire Department was included in that.
7. The Board discussed the mortgage discharges for the Bristol Family Center from the Revolving Loan Fund. Therese Kirby explained the history of the loans and it was the Town's oversight that they hadn't been discharged yet. Brian Fox moved to authorize Therese Kirby to sign the mortgage discharges for Bristol family Center from the Revolving Loan fund. Michelle Perlee seconded, so voted.
8. The Board discussed two revolving loan fund applications that had been reviewed by the Revolving Loan Fund last week. Sharon Compagna explained the first application from Caine Hill Property Management was to complete some upgrades in their building. Brian Fox moved to authorize Therese Kirby to sign closing documents for Caine Hill Property Management for a 10 year \$10,000 loan at a 2.5% interest rate ballooning in 5 years with closing costs financed in addition to the loan. Peeker Heffernan seconded, so voted.

The Board discussed the Rockwood Block revolving loan fund. Sharon explained they would like this money some for electrical upgrades associated with the Prince Lane Project, but also to complete some other building upgrades. Brian fox moved to authorize Therese Kirby to sign closing documents for Rockwood Block LLC for a 10 year \$17,000 loan at 2.5% interest rate ballooning in 5 years with closing costs being paid by the borrower. Michelle Perlee seconded, so voted.

The Board also agreed to waive the application fee for both applications.

9. The board discussed the boundary line between the Town of Bristol Landfill and Mount Abraham Union High School. Therese Kirby and Merle Knight had met with Ken Weston in regards to the initial conversation and definition of the current boundary lines. Therese asked if the Emergency Access was considered the Right of Way. Peeker Heffernan said he was unsure but even if it was, it was not accessible for emergency vehicles currently. Peeker suggests there be a gate next to the Landfill access gate to eliminate the use of the area between the two locations. Both the Town and the School could have a key to open the gate if access was needed. Peeker Heffernan moved to authorize Therese Kirby to negotiate with Mt. Abraham Union High School to settle the boundary line adjustment with the intention they would split the legal and survey costs incurred. Brian fox seconded, so voted.

10. Landfill Manager Merle Knight joined the Board to discuss the Notice of Alleged Violation for the Landfill. Therese Kirby discussed the letter the Town received in regards to Landfill violations. The biggest violation the Town has right now is financial. The Town has not deposited cash into the Landfill closure fund, did not budget for a specific amount to be put in the Landfill Closure Fund and has not accumulated enough in the Landfill Closure Fund to stay current with closure costs. The board discussed the violation. Therese had met with the Solid Waste Committee to discuss some viable options for the future of the Landfill. She explained the committee is going to look at all of the options to see what other towns do to dispose of trash and make a recommendation to the Board. Therese explained last year the landfill had a surplus of \$16,000 which is not enough to fund the closure. Merle Knight explained the difficulties the landfill will encounter come 2016 due to Universal Recycling Laws. Therese explained there is currently \$406,792 in the closure fund, but there needs to be \$732,000. Currently they could transfer \$166,000 that is due to the account, but is still short \$165,000. This will get the Town to the closure amount they should be at. If the Town bonds for the balance needed to get the account current, future budgeting will require them to budget for a bond payment plus putting money in the closure fund. Peeker suggested in the response they prove they have deposited the \$166,000 into the Landfill Closure Fund, but tell them in the meantime they need time to work out the Town's financial piece of this. Joel Bouvier suggested reaching out to KAS asking about clay prices now and buying it now stock piling it for later. Brian Fox would like the committee to research options for post 2016, with the idea they would close in 2016. Peeker explained that closing in 2016 could cut costs based on the fact they would need to purchase less clay to cover less garbage obtained within the time frame. Therese asked if some costs could be incurred in house to manage expenses when looking at closing the Landfill. Peeker said it could, but you'd have to have the time and be sure to have the correct clay. Therese asked about selling some of the items there in hopes of offsetting some expenditure. The Board agreed it wouldn't be enough to make a significant difference. Therese will reach out to KAS, in hopes of getting more numbers so the Board has more information. She will also ask about the availability of acceptable clay and if there is a possibility of reducing the clay cap from two feet to one foot, and move the time to fund the shortfall in the closure fund.

10. The Selectboard approved an Accounts Payable warrant of \$42,931.70.

11. Sharon Compagna moved to approve minutes from August 4, 2014 as printed. Brian Fox seconded, so voted.

12. Selectboard Round Table: Sharon Compagna encouraged property owners to trim back all of their bushes and plants along sidewalks and roadways with school starting it helps drivers and pedestrians. Therese will email Reg Wedge about trees along trailer park walkway to be trimmed back. Sharon had also received a complaint regarding speeding on Pine Street. Therese has a report from the speed cart on Pine Street to give to the Selectboard for next week. Brian Fox said the park looks great and so do the bridges. Therese will make a note to contact Jim Lathrop in regards to work that needs to be done after completion of the South Street bridge. Randy Crowe is concerned with the height of the guardrails. Therese said this is a state design, and those are potentially built for traffic versus pedestrians. Joel Bouvier said trees on meadow lane will be gone by the end of the week with help from Job Corps. Joel asked why the Town owned the piece of land on Mountain Street and why they haven't tried to sell to the property owner. Therese said they would have to vote to sell the property, but didn't

think any property owner would buy it. Brian moved to spend up to \$2000 in to remove the tree on Mountain Street after getting quotes from two other vendors. Michelle Perlee seconded, so voted. Sharon asked Joel about his suggestions for the Recreation Office. Joel is getting quotes for a storm window, a storm door, some shelving and built in desk to save some space. Joel is appreciative of the Prince Lane Project now that you can really see the design. Joel asked about the handicap parking the state had put in by the front the National Bank of Middlebury. The Board discussed the handicap spots on Main Street. The Board agreed to leave the handicap spots where they are. Joel asked about an update for the intersection project. Therese said the State hasn't gotten bids back yet. The Board discussed signs on the front of Holley Hall. Therese suggested Darla budget for more money so she can create a two sided banner to hang over Main Street next year for movies on the park. Randy Crowe is seeking permission from the board about possibly using the cruiser for a Ford commercial with some local men participating in it. Therese said he should get the information to her and they will discuss this at a future meeting.

13. Town Administrator's Report: Therese Kirby said there was a power outage on the North side of Main Street today. This was not a result of the Prince Lane Project. She will report to the Board at the next meeting where the project is financially as many things have changed since the beginning of the project. She met with Joe Knipes from the State of Vermont today regarding the South Street water line repair, and who was responsible for the additional pipe needed. She met with Daryl Benoit from Addison County Regional Planning regarding South Street signage. He had done speed tests on South Street and is recommending the Board lower the speed limit to 25 mph. She will forward that information to Kevin Gibbs and Brian Fox to use to amend the ordinance to enforce it.

At 9:15 Sharon Compagna moved to find that premature general public knowledge of a pending civil litigation to which the town is a part to, would clearly place this Selectboard and parties involved at a substantial disadvantage, because the Selectboard risks disclosing its position. Brian Fox seconded, so voted.

Sharon Compagna moved to go into executive session to discuss pending litigation with Charles Charron under the provisions of Title 1 Section 313 (a)(1). Peeker Heffernan seconded, so voted. Sergeant George Crowe joined them for the conversation.

At 9:30 pm Sharon Compagna moved to adjourn executive session. Brian Fox seconded, so voted. Peeker Heffernan moved that the Vermont League of Cities and Towns Property and Casualty Intermunicipal Fund be authorized to settle, on the Town's behalf, all claims brought in the Charles Charron lawsuit, with the Town's share of any settlement being limited to its deductible of \$500.00, and with it being understood that the Town admits no liability of any sort and is agreeing to a settlement for the sole purpose of avoiding protracted and expensive litigation. Brian Fox seconded, so voted (Perlee abstained).

At 9:35 pm Michelle Perlee moved to adjourn the meeting. Peeker Heffernan seconded, so voted.

Respectfully Submitted,

Jen Stetson
Town Clerk