

Bristol Town Administrator's Report

March 30, 2018

The Town Administrator's Report is intended to assist the Selectboard, and in its other capacities as Water Commission, Sewer Commission, etc., with the conduct of their regular or special meetings. References made to enclosures relate to printed or electronic documents provided to them in advance of or at the meeting. This report is also intended to provide information to Town officials and the public about Selectboard activities and other Town affairs. Except as provided under Vermont's public records laws, all documents are available upon request.

Monday April 2, 2018 Meeting Agenda and Materials

I. CALL TO ORDER.

Item I.1. Review agenda for addition, removal, or adjustment of any items per 1 VSA 312(d)(3)(A). Among the amendments to the open meeting law that took effect July 1, 2014 is a requirement that "an item may only be added or removed from a meeting agenda as the first order of business at the meeting. Other adjustments to an agenda may be made at any time during the meeting."

RECOMMENDATION: Review and vote on any adjustments to the agenda.

II. PUBLIC FORUM.

Item III.1. Public Forum. This is an opportunity for citizens to briefly share comments and concerns with the Board about matters not already on the agenda. Public Forum should not be used for lengthy discussion of a new topic, not only for time management of the meeting, but to allow for the public to receive notice of the matter on a future agenda.

III. SCHEDULED APPOINTMENTS.

Item III.1. Road Foreman Peter Bouvier:

- Consider VTrans Class 2 Highways grant application request from Highway Dept. for FY2019 paving.

We have been encouraged by VTrans to apply for another VTrans Class 2 Highway grant to complete the last 8/10 of the mile of Monkton Road and improve the ditches. The application requires a 20% match and the deadline is April 13, 2018. According to one cost estimate, the paving alone would be more than \$102,000. The \$134,500 total estimated cost includes a 5% inflation factor and in-kind labor and materials of \$26,900 for the ditching based on four employees over eight days, two trucks, an excavator, pick-up truck, mileage, and stone. The grant would be administered by the Highway Dept.

RECOMMENDATION: Approval.

- Approve the FY2018 and FY2019 Annual Financial Plans. Annual Highway Dept. financial plans are required by VTrans and are also a grant application requirement. Last year at this time, the financial plan for FY2017 was provided. Financial plans for FY2018 and FY2019 are included here because it is not clear

whether VTrans is looking for the current fiscal year budget or the budget approved at Town Meeting. So I included both to cover each base.

RECOMMENDATION: Approval.

- Approve Certification of Compliance for Town Road and Bridge Standards and Network Inventory. This, too, is an annual requirement of VTrans and is a grant application requirement.

RECOMMENDATION: Approval.

- Consider quotes for paving parts of Monkton Road, Hardscrabble Road, and Notch Road.

Peter will present quotes he is in the process of obtaining from paving contractors to pave sections of Monkton, Hardscrabble, and Notch Roads this summer. The work includes a 1" shim and 1 1/2" overlay, a culvert replacement, and ditching.

Approximately \$136,000 would come from a current VTrans Class 2 Highway grant for Monkton Road. The estimated \$76,370 balance would come from the Capital Road Fund.

RECOMMENDATION: Review the quotes. Award the job to the lowest responsible bidder. Deliberation in Executive Session for contract negotiations may be a consideration.

Item III.2. Public Hearing - Running-at-large violations of Dog Ordinance: Vicki and Greg West. Enclosed is a new complaint filed against Vicki and Greg West's dog Beau for running at large onto the property at 98 Vincent Drive three times since the last filing. Public hearings were held on November 6, December 18, 2017, and January 8, 2018 on this issue.

Also enclosed is information from the Vermont League of Cities and Towns from "The Big Book of Woof" regarding the procedures and considerations for issuing what is called a "protective order." Although the focus is on dogs that bite, it also addresses other violations, such as running at large. The VLCT publication offers examples of options, while at the same time noting the Selectboard's options are "without limitation."

RECOMMENDATION: Consider the issuance of a protective order outlining firm next steps and enforcement measures.

Item III.3. Melanie Kessler: 2nd Annual People Powered Parade. Enclosed are documents provided by Melanie Kessler to support the proposed People Powered Parade planned for Sunday, May 6, 2018. The event includes activities at the Rec Club facilities, as well as a parade among various residential side streets nearby. Melanie will be present to provide more information and answer questions.

RECOMMENDATION: Determine if additional information is needed. Approval.

IV. REGULAR BUSINESS.

Item IV.1. Consider petition to put the License Agreement with Vermont Gas to a town-wide vote in November. Enclosed is a petition received today containing more than 200 signatures. They have not been reviewed and verified by the Assistant Clerk yet; however, 5 percent of registered voters would amount to approximately 140 signatures.

Based on information provided by the VLCT about voter-backed petitions and the process for considering them, voters can petition for any kind of article, but the Selectboard is not legally required to honor it unless it deals with a matter over which voters have been given explicit authority in statute. State statutes have not given authority to voters to decide on matters of utility installation and location; that authority rests solely with the Selectboard per 24 V.S.A. 2291(6).

According to 17 V.S.A. 2680(d), a special Town Meeting would be required to have voters FIRST decide whether to allow voters to decide this specific question. A special Town Meeting requires at least a 30-day public notice period and would be held as a floor vote.

If voters affirm the decision to vote on this specific question by Australian ballot, any future questions of this specific nature would require voter approval by Australian ballot until voters decide in advance to discontinue voting on that question. Prior to the November election, a public hearing would need to be held within 10 days before, with notice at least 10 days in advance of the hearing (17 V.S.A. 2680(g)).

Because state statute explicitly authorizes the Selectboard to decide on matters of utility installation and location, such an Australian ballot vote would be considered non-binding. If the Selectboard chooses to allow a vote on a petitioned article though not legally required to do so, it is not required to abide by the voters' majority vote.

The draft license agreement is currently under review by the Town Attorney.

RECOMMENDATION: Discussion. Determine next steps.

Item IV.2. Reconsideration as the Water Commission of the water line extension on Devino Lane. On May 15, 2017 the Selectboard, acting as the Water Commission, approved a request that a service connection to serve two properties be extended from Meadow Lane within the right-of-way along Devino Lane. This was reaffirmed at a meeting on February 5, 2018. At that time it was agreed that the property owners would be responsible for the full cost of the installation, which has since been

estimated to be between \$14,000 and \$16,900. The Selectboard also discussed options for constructing an 8" water main on Devino Lane from North Street to Meadow Lane. Green Mountain Engineering estimated the cost for an 8" water main to be about \$128,000, with the bulk of the expense being repaving of the road because of where the pipe would need to be located.

Questions have remained about whether the water district should participate in the cost and whether the 8" should be pursued.

The Water Ordinance provides the following definitions:

1.02. *Curb Stop* shall mean the valve which terminates the service line and to which the building's service line is connected to provide water service to the User.

1.04. *Distribution Main* shall mean the primary supply pipe or conduit from which service connections are made to supply water to the User.

1.08. *New Service Locations* shall mean areas at a distance of more than 200 feet along a street or R.O.W. from distribution mains of the Town. Extension of distribution mains is required to provide service.

1.11. *Service Line of Service Pipe* shall mean the pipe or conduit running from the distribution main to the curb stop at the property line of the User.

Section 7.0 outlines the process for new connections. Section 7.02 specifies that the Owner/User shall be responsible for all peripheral costs of installing new water services and the entire cost of installing the service pipe from the curb stop to the building, regardless whether the Town performs the installation.

Section 7.04 outlines the process for new service connections, for supplying water to more than one residential unit, or for commercial or industrial purposes. Section 7.04.d. specifies that applicants for new service connections shall pay the entire cost of the design, construction, and testing of water main and appurtenant extensions of the water system, regardless of whether such construction or extension is ultimately accepted by the Town after installation.

There have been instances, however, where the Town/Water District participated in costs associated with planned improvements to the water system. Alan Huizenga with Green Mountain Engineering will be present to help us understand the technicalities associated with different options.

If the Town/Water District does choose to participate, other considerations include the source(s) of funding and schedule.

RECOMMENDATION: Discussion. Determine next steps.

Item IV.3. Consider as the Water Commission a contract amendment with Green Mountain Engineering for preliminary and final design, bid phase, and construction phase engineering services for the water main extension to Orchard Terrace. Enclosed is a proposed contract amendment with Green Mountain Engineering (GME) to complete the next phases of design, bidding, and construction management for extension of the water main on Lovers Lane to Orchard Terrace.

The preliminary cost estimate approved by the Selectboard at the Feb. 5 meeting considered estimated engineering costs for the preliminary and final design and construction phases to be \$11,000 and \$13,500 respectively; however, it was not known at that time how the project was to be administered. At that time, only the preliminary design phase was authorized.

Since then, the Town explored the option of using a different general contractor than the West Street project to perform the work, which would require the preparation of new contract documents compliant with USDA Rural Development standards. We also learned that the project would be eligible to be funded through the same USDA RD West Street water project loan. GME's cost estimates assumed the need to develop the full sealed bid package and we since learned that this would be eligible for the small purchase procedure, which would help reduce the bidding costs.

GME re-evaluated the amount of time the Resident Engineer would be anticipated based on design plans and contract duration. This resulted in an increase in the estimated engineering fees to \$12,000 and \$22,400 respectively.

Also enclosed is the preliminary design plan. The updated estimate for construction increased from \$80,450 to \$98,021 and incidental work increased from \$16,862 to \$23,721. The overall updated project cost is now estimated to be \$157,100.

At this point, only the expenses associated with the preliminary design have been incurred.

A cash flow and cost/benefit analysis have not yet been completed and what level of financial participation to expect from the Orchard Terrace property owners has not yet been determined. This is on the agenda, however, to provide the Selectboard with a update on the project and because the decision whether to extend the water service was time-sensitive for one or more of the property owners. I hope to have more information at the meeting regarding the property owners' level of interest in pursuing water connection. Also, it may be timely in terms of preceding agenda item and having Alan Huizenga from GME available to answer questions.

RECOMMENDATION: Discussion. Determine next steps. The Selectboard may wish to deliberate in executive session per 1 V.S.A. §313(a)(1)(A) regarding contract negotiations.

Item IV.4. Consider Revolving Loan Fund Committee's recommendation to loan \$25,000 to Melissa Hernandez of Recycled Reading via a 10 year note at 4% interest to balloon at 5 years, with a personal guarantee from the owner. Enclosed are the draft minutes of the Revolving Loan Fund Committee's March 27 meeting, at which they recommended approval of a 10-year \$25,000 loan to Melissa Hernandez of Recycled Reading at 4% interest with a 5-year balloon. As noted in her proposal outline, this would enable her to relocate to the soon-to-be-former Green Mountain Apparel storefront, which offers more space and the opportunity to expand the children's section, improve displays, and host events.

RECOMMENDATION: Approval per the RLF Committee's recommendation.

Item IV.5. Appointment of Police Chief Review Committee. May include deliberation in Executive Session to discuss appointments. The deadline for applications for the Police Chief position is Friday, April 6. The Selectboard agreed to establish a five-member review committee to screen initial candidates and forward recommendations to the Selectboard for further review. The two finalist Police Chief candidates would then be interviewed publicly. The Review Committee is to be comprised of (1) one Selectboard member, (2) one Police Advisory Board member, (3, 4) two members from within the Police District, and (5) one member from the broader Bristol community.

In response to the notice posted on Front Porch Forum, the following individuals expressed interest in being considered for appointment:

Name	Location	In District?
Jacsen Callahan	Caine Hill Road	No
Andrea Denny	Mountain Street	Yes
Ronald LaRose	North Street	Yes
Helen Maciejewski	Meehan Road	No
James Quaglino	Upper Notch Road	No
Gerry Slager	Devino Lane	Yes
Teri Mayer Thomsen	Main Street	Yes
Jennifer Wagner	Hardscrabble Road	No
Marc Werner-Gavrin	Pleasant Street	Yes

A suggestion was made by one of the candidates that one or more teens be included on the committee.

RECOMMENDATION: Determine if additional candidates for the committee should be solicited. Determine if the Selectboard would like to schedule interviews with committee candidates. The Selectboard may wish to deliberate in executive session per 1 V.S.A. §313(a)(3) regarding the appointment of public officers.

Item IV.6. Reconsider the election of a Vice Chair of the Selectboard. The notion of electing a Vice Chair was discussed briefly at the previous meeting, but no action was taken.

RECOMMENDATION: In light of the Selectboard's policy to rotate the Chairperson position each year, it may be practical for the Vice Chair to be the next in line.

Item IV.7. Approval of meeting minutes of March 19, 2018. A non-reviewed draft of the March 19 minutes is enclosed for reference.

RECOMMENDATION: If a more final draft of the minutes is not made available before the meeting, consider postponing action.

V. OTHER BUSINESS.

Item V.1. Correspondence, documents, reports received.

- Note of appreciation from Leslie Leggett, 03/26/2018, for Sharon Lucia's and Cyrus Marsano's response to water leak.
- Letter and documents from Downs Rachlin & Martin, 03/26/2018, re Spring Spectrum L.P. requesting de minimus modifications to an existing communications facility at 569 Monkton Road and request for a certificate of public good. Link to the full package: CTL.SPR.Bristol.Monkton Road.NE43XC514.
- Letter from Housing Vermont, 03/22/2018, re intent to submit grant application to the Vermont Housing Conservation Board on April 16 for Bristol Family Housing on behalf of HOPE.

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Recruitment Updates

We received four applications for Road Foreman by the March 23 deadline. Interviews are currently being lined up for Thursday evening, April 5.

The deadline for the Police Chief position was inadvertently published to be March 23, which was the original date before it was extended to April 6 at the March 5 meeting. I was able to correct the date before the 2nd week of advertising. We have received three applications so far.

Recreation Survey

Sharon and Val completed entering 97 responses to the Recreation Dept. survey into an Excel spreadsheet. I will work with Sharon to figure out an effective way to summarize the results. Meanwhile, we will continue our efforts to adapt it to an on-line Survey Monkey platform and will update the spreadsheet as responses continue to come in.

Trash Receptacle at Lawrence Memorial Library

Nancy Wilson reported that, at a meeting of the Lawrence Memorial Library board this week following what was described as a "spirited discussion," there was consensus that they would like the trash receptacle in front of the building moved. They feel it is noxious and discourages

people from enjoying their front lawn and bench. Ian from Bristol CORE offered to help find alternative locations.

New Police Cruiser Delivered

The new police cruiser arrived today. The plan is to transfer as much equipment in-house as possible from the cruiser it will be replacing, which could take up to two weeks. Once the equipment has been removed, the old cruiser will be put up for sale.

Ecosystem Restoration Grant Awarded

We received word that Bristol's application for a \$24,637 Ecosystem Restoration grant through the Vermont Department of Environmental Conservation's Clean Water Initiative Program (CWIP) to develop a Bristol Village Stormwater Master Plan was awarded! We are now awaiting word from the Agency on when we can begin the work. Staff at the Addison County Regional Planning Commission will be helping to manage the project and administer the grant.

Minutes

Previous minutes are again not on the agenda for review or action for the same reasons as before. I expect we will be able to catch up on review of the collection of draft minutes in the coming weeks.

Schedule

Unless otherwise noted, I expect to be in the office from 8:00am to 4:30pm.

Week of April 2

Monday: 7:00pm – Selectboard

Tuesday: In at noon.

Wednesday: 10:00am – FEMA Recovery Scoping Meeting with Peter Bouvier for the Oct. 30 wind storm.

Thursday: 5:30pm – Road Foreman interviews.

Friday: Out of the office.

Week of April 9

Tuesday: 8:30am-4:00pm – Town Officers Education Conference, Montpelier.

Thursday: 1:00pm – Police union negotiations at Howden Hall.

7:00pm – Addison County Solid Waste Management District meeting in Middlebury.

Upcoming Meetings:

Below are meetings that citizens, staff, board members, or others might be interested in. Underlined entries include on-line hyperlinks for more information.

- [Selectboard](#): Mon., Apr. 2, 7:00pm, at Holley Hall.
- [Conservation Commission](#): Thurs., Apr. 12, 6:00pm, at Holley Hall.
- **Addison County Solid Waste Management District**: Thurs., Apr. 12, 7:00pm, Middlebury.
- [Selectboard](#): Mon., Apr. 16, 7:00pm, at Holley Hall.

- [Planning Commission](#): Tues., Apr. 17, 7:00pm, at Holley Hall.
- [Bristol CORE](#): Weds., Apr. 18, 9:30am, at Holley Hall.
- **Local Emergency Planning Committee (LEPC)**: Wed., Apr. 25, 5:00pm, at the Vermont State Police Barracks in New Haven.

Upcoming Agenda Items

Likely agenda items for upcoming meetings include:

- Continued appointment/reappointment of local officials.
- Continued review of Selectboard calendar and goals.
- Local Emergency Operation Plan update and adoption.
- Review Recreation Dept. survey results.
- Mowing contract bids.
- Police union negotiation update.
- Conservation Commission update.
- Police Chief candidate interviews.
- Howden Hall and gazebo painting bids.
- Annual Water and Sewer District meetings to vote on the budgets.
- Other stuff.

Respectfully submitted,

Valerie Capels, Town Administrator