

# **Bristol Town Administrator's Report**

## **August 31, 2018**

The Town Administrator's Report is intended to assist the Selectboard, and in its other capacities as Water Commission, Sewer Commission, Liquor Control 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 September 3, 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 II.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. Fire Chief Brett LaRose: (1) interview with Fire Fighter candidate Alexis Fojo and (2) consideration of Ryan Denecker's resignation. May include deliberation in Executive Session. Enclosed is an application from Fire Fighter candidate Alexis Fojo of Bristol. Fire Chief LaRose, Deputy Chief Forand, Asst. Chief LaRose, and I conducted an interview with her earlier this week. She and Fire Chief Brett LaRose will be present to meet with the Board.

RECOMMENDATION: The Selectboard may wish to deliberate in Executive Session per 1 V.S.A. §313(a)(3) regarding the appointment or evaluation of a public officer.

Item III.2. Energy Committee candidate interview: Richard Butz. Enclosed is a letter from Ian Albinson recommending the appointment of Richard Butz to the Energy Committee. Mr. Butz has been invited to be present to meet with the Selectboard.

RECOMMENDATION: The Selectboard may wish to deliberate in Executive Session per 1 V.S.A. §313(a)(3) regarding the appointment or evaluation of a public officer.

Item III.3. Public Works Foreman Eric Cota: request to install a second gate on the water tank access road just above the log landing. Public Works Foreman Eric Cota and I met with

the owners of 71 Mountain Terrace regarding the use of their driveway for a snowplow turnaround. Past practices have resulted in displacement of significant amounts driveway material into the lawn and gardens. Snow storage on the property also resulted in road salt damaging some of the landscape. The Town's use of the driveway for a snowplow turnaround is in the property's deed.

On the adjoining property owned by A. Johnson Company is an access road to the water system reservoir with a gate at the bottom to prevent unauthorized vehicles from accessing the property.

Proposed alternative: keep gate at the bottom of the access open in the winter, install a second gate just above the log landing, allow the snowplow operator to store snow in that area above the 71 Mountain Terrace property line, and use the log landing as a new snowplow turnaround.

Eric spoke with Ken Johnson and Bill Sayre of A. Johnson Company. They are agreeable to the proposed arrangement and asked that 3 or 4 loads of gravel be spread on the log landing to smooth it out, that signage similar to the lower gate be installed, that the Police Dept. be on board with ticketing vehicles that park there or having them towed, and that the lower gate be opened in good weather during the winter.

The enclosed 1995 easement deed between then-owner Duncan Hermanson Corp. and the Town of Bristol identify the terms and conditions of the reservoir access road on the property, which includes maintenance of the road and installation of a gate. It is silent on the installation of any additional gates.

Eric will be present to answer any questions.

**RECOMMENDATION:** Approval of the proposal and the purchase and installation of a gate and appropriate additional signage. An agreement should be prepared between the Town and A. Johnson Company as to the terms of the proposed arrangement.

#### **IV. REGULAR BUSINESS.**

Item IV.1. Continued consideration of request from Danny Grace for the Town to discontinue the Class 4 section of Purinton Road. At the previous meeting, Selectboard members received a request from Danny Grace asking that the Class 4 section of Purinton Road be discontinued and information from the VTrans Handbook for Local Officials related to road classification process and Class 4 roads in particular.

The discussion was continued to provide an opportunity for me to check in with Ken Weston about his recollections of why that right-of-way had been retained through the Ancient Roads process and any other information that might be relevant. We both suspect that it was retained because it was already a mapped right-of-way; whereas the Ancient Roads process had to do with documentable public rights-of-way of record that

were not on the Town Highway Map. The result of that process was that any rights-of-way not included on the Town Highway Map by 2015 would be extinguished.

RECOMMENDATION: Discussion. Determine next steps.

Item IV.2. Consider bids received for the Village sidewalk reconstruction and select contractor. May include deliberation in Executive Session. Enclosed is a memo summarizing the five bids received by the August 24 deadline.

Voters approved allocating \$35,000 to a new Sidewalks Reserve Fund at the March 2018 Town Meeting. Expenses above that allocation were previously discussed as coming from the Capital Roads Reserve Fund, which currently has a balance of more than \$200,000.

RECOMMENDATION: The Selectboard may wish to deliberate in Executive Session per 1 V.S.A. §313(a)(1)(A) regarding contract negotiations.

Item IV.3. Consider road name changes and renumbering of units at the Kountry Trailer Park. Enclosed is a map prepared by the Addison County Community Trust (owner of the KTP) in collaboration with staff at the E-911 Board to rename the roads within the Kountry Trailer Park and re-number the units in accordance with current E-911 guidelines. This was initiated to improve the ability of first responders to find specific units within the KTP.

RECOMMENDATION: Discussion. Determine if additional information or input is needed.

Item IV.4. Consider grant application proposal from the Police Department for a free drug collection unit. Enclosed is a grant summary form from the Police Department for a free collection unit for unused drugs. The grant comes from a CVS Pharmacy in partnership with The Partnership at Drugfree.org. The metal container would be secured in the lobby of the station. There would be no cost to the Town.

RECOMMENDATION: Approval.

Item IV.5. Consider whether to seek bids from other insurance providers for workers comp and property liability and casualty coverage. Enclosed are a number of documents associated with our current arrangement with the Vermont League of Cities and Towns related to our membership and insurance coverage. This is on the agenda because the Town has been approached (so far) by two other insurance agencies seeking to persuade the Town to sign on with them for property, casualty, and workers comp insurance. Each provided examples of other municipalities that signed on with them and saved many thousands of dollars in premiums.

Below are some aspects that need to be considered if the Selectboard does wish to seek proposals for calendar year 2019 insurance coverage:

- All proposals should be based on an apples-to-apples basis;
- The sample request for proposals from the VLCT (enclosed) is helpful to get a sense of the kinds of questions we should be asking, but should also be recognized as being structured to be favorable to the VLCT PACIF;
- We should reach out to municipalities that chose to leave the PACIF program to learn the ins and outs and ups and downs of their experiences;
- Each bidder (including current provider VLCT PACIF) will expect to make a presentation to the Selectboard to make their case; and
- Each bidder will require a substantial amount of information regarding the Town's buildings and other property details, employees, vehicles, equipment, and other aspects of liability exposure. This is expected to require a substantial amount of staff resources to compile.

RECOMMENDATION: Discussion. Determine next steps.

Item IV.6. Continued consideration of the Vermont League of Cities and Towns FY2020 Municipal Policies. At the previous meeting a copy of the proposed VLCT FY2020 Municipal Policies was provided. These will be discussed and approved at the October 3, 2018 annual VLCT PACIF annual meeting.

RECOMMENDATION: Discussion. Determine if any revisions or amendments are recommended.

Item IV.7. Authorize issuance of payment to the State of Vermont associated with the Stoney Hill Properties, LLC closing per the 1999 deed stipulation from the State of Vermont to the Town of Bristol. When the State of Vermont conveyed 30+ acres to the Town of Bristol in 1999, the deed included the following condition:

This conveyance is made subject to the following conditions:

- (a) The land and premises described herein are conveyed to the Grantee Town of Bristol for public purposes only, to revert automatically to Grantor State of Vermont when no longer used for public purposes;
- (b) Grantee Town of Bristol may obtain release of the State of Vermont's reversionary rights, as to some or all of the premises (thereby allowing use for non-public purposes), upon payment to the State of Vermont of an amount representing fair market value (FMV), as defined hereinafter, it being understood that the Town of Bristol will be responsible, at its own expense, for obtaining any necessary subdivision approvals from state or local agencies:
  - (1) For the purposes of this clause, FMV is defined as \$2,119.00 per acre, as adjusted periodically, but not more than annually, to account for changes in the Consumer Price Index for All Urban

Consumers (CPI-U). For the purposes of this clause, the CPI-U is 167.1 (based on the United States Department of Labor, Bureau of Labor Statistics for August 1999).

- (2) Payment by the Town of Bristol, should it exercise this option, may be delayed by the Town of Bristol until the time of the Town's delivery of proper deeds to a future buyer.

The closing with Stoney Hill Properties, LLC, planned for Friday, August 31 prompted reaching out to the Vermont Agency of Transportation to determine what the updated payment figure would be for this transaction. It also prompted the question of whether Selectboard approval would be necessary for the check to be issued by the Treasurer, as is typically done through the warrant approval process at Selectboard meetings. Payments can also be authorized or approved by a specific motion in the minutes. While it could be argued that the Selectboard essentially approved the payment when it signed the deed in 1999 and approved the sale to Stoney Hill Properties, LLC, the line is a bit fuzzy from an audit perspective regarding the Treasurer's authority to issue this specific payment.

The question about Selectboard approval for an August 31 closing has become moot. Jeff Blanchard, Right of Way Property Manager for VTrans, questioned whether the waiver release could be issued by August 31 because the Secretary of Transportation would need to sign it and it may also require a Categorical Exclusion (CE) from their environmental group. He also indicated that an appraisal might be necessary for the Stoney Hill parcel because the payment to the State would be based on fair market value. An appraisal was completed in 2017 for the 18.8-acre Livingston parcel. An appraisal does not appear to have been completed for the 8.61-acre Stoney Hill parcel. He has not yet gotten back to me about whether the recent town-wide reappraisal could be applied to determine the fair market value of the Stoney Hill parcel.

**RECOMMENDATION:** Since the actual closing is yet to be determined and could fall out of sequence again to secure Selectboard approval for the payment to the State, I recommend a motion be made to authorize payment to the State of Vermont in an amount to be determined by the State of Vermont associated with the Stoney Hill Properties, LLC closing per the 1999 deed stipulation from the State of Vermont to the Town of Bristol. Though I expect we will have more lead time with the Livingston purchase of the 18.8 acres, the Selectboard may want to consider a similar motion for that transaction.

Item IV.8. Approval of meeting minutes of August 20, May 14, and April 30, 2018. Minutes for the August 20 and May 14 meetings are enclosed and posted on-line. If the April 30, 2018 minutes are not included in the packet, they may e-mailed in advance of Monday's meeting.

**RECOMMENDATION:** Adjustments as needed; approval.

## **V. OTHER BUSINESS.**

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

- E-mails re Bristol Hub Summer Reflection, 08/29/2018.
- Vermont DEC issuance of Municipal Roads General Permit #3-9040, 08/27/2018.
- Act 250 notice of application and public hearing, 08/27/2018, for Hillside Precision, LLC, for construction of a single-story, light manufacturing building on VT Route 116. The public hearing is scheduled for 09/17/2018, 10:00am, at the Holley Hall meeting room.
- Letter from the Vermont League of Cities and Towns, 08/24/2018, re complaint for declaratory relief relating to license granted to Vermont Gas Systems.
- Bristol Revolving Loan Fund loan status update through July 31, 2018.

## **VI. EXECUTIVE SESSION.**

The Selectboard may deliberate in Executive Session per 1 V.S.A. §313(a)(3) regarding the appointment or evaluation of a public officer or employee, potential real estate negotiations per 1 V.S.A. §313(a)(2), and potential contract negotiations per 1 V.S.A. §313(a)(1)(A).

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### **Hydrant Flushing Update**

VTUMS completed testing valves on the east side of system this week to make sure the key ones are functioning properly before the flushing resumes. Flushing will not be happening next week because of the holiday and the full meter reading that will also be happening. They may resume flushing the following week starting in the Mountain Terrace and Mountain View neighborhoods. Flushing in the East Street neighborhood has been completed. Flushing in the area of Main Street would be scheduled in the evening to minimize interference during business hours. Updates will be posted on Bristol's Web site, Facebook page, and Front Porch Forum as information becomes available.

### **Munson Earth-Moving Pay Request #7**

Pay request #7 is in the process of being worked out along with change orders to address final quantities and the additional sidewalk work requested by the Town. If all is reviewed and agreed by Monday afternoon, the package may be submitted at Monday's meeting for approval of payment.

### **Schedules**

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

#### Week of Sept. 3

Monday: Holiday  
7:00pm – Selectboard.  
Tuesday: In at +/- **2:00pm.**  
6:00pm – Police Chief Review Committee  
Friday: Out of the office.

#### Week of Sept. 10

Thursday: 3:00pm – ACEDC Economic Development Committee.

### **Upcoming Meetings**

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

- Labor Day Holiday: Sept. 3 – Town Office will be closed.
- [Selectboard](#): Mon., Sept. 3, 7:00pm, at Holley Hall.
- Police Chief Review Committee: Tues., Sept. 4, 6:00pm, at Holley Hall.
- Zoning Board of Adjustment: Tues., Sept. 11, 7:00pm, at Holley Hall -- tentative
- [Conservation Commission](#): Thurs., Sept. 13, 6:00pm, at Holley Hall.
- [Selectboard](#): Mon., Sept. 17, 7:00pm, at Holley Hall.
- [Planning Commission](#): Tues., Sept. 18, 7:00pm, at Holley Hall.
- [Bristol CORE](#): Weds., Sept. 19, 9:00am, Holley Hall.
- [Bristol Energy Committee](#): Weds., Sept. 19, 7:00pm, at Holley Hall.

### **Upcoming Agenda Items**

Likely agenda items for upcoming meetings include:

- Purchase and Sale Agreement with Stan Livingston for the purchase of the 18.8 acres off Lovers Lane.
- Fire Department revised policy manual.
- Homestead declaration penalty waiver.
- Certified Local Government Program presentation.
- Selectboard liaisons to departments.
- Water Ordinance updates.
- Continued appointment/reappointment of local officials.
- Police Union contract review.
- Continued consideration of the Orchard Terrace water line extension and cash flow projections.
- Other stuff.

Respectfully submitted,  
Valerie Capels, Town Administrator