

**Town of Bristol, Vermont**  
**Selectboard Meeting Minutes of**  
**Monday July 23, 2018**

Selectboard members present: Chair Peter Coffey, Vice-Chair Joel Bouvier, Michelle Perlee, Peeker Heffernan, and Ted Lylis.

Staff present: Town Administrator Valerie Capels, Lieutenant Bruce Nason, and Board Clerk Tasha Bouvier.

Others present: Bunny Daubner, Kevin Harper, Alan Huizenga, Shawn Kimball (NeatTV), Everett Lee, Jim Newby, Brian Penatzer, Kourtney Penatzer, Jim Quaglino, Wilma Wood.

**I. Call to Order.** Chair Peter Coffey called the meeting to order at 7:01 p.m.

1. Review agenda for addition, removal, or adjustment of any items per 1 V.S.A. §312(d)(3)(A). Adding a letter from the Energy Committee chair.

**II. Public Forum.**

1. None.

**III. Schedule Appointments.**

1. Everett and Nancy Lee: request to abate water bill. Mr. Lee explained the circumstances related to the leak. There was discussion about the Selectboard's policy to not abate water bills. Joel Bouvier moved to not abatement the bill, but for Mr. Lee to enter into an agreement with the Treasurer to work out a payment plan with no interest or penalty. Michelle Perlee seconded. So voted.

2. Treefort, LLC: request for Bristol Cliffs Café water bill abatement. Chris and Barb Connor from Treefort, LLC. Michelle Perlee moved to not abatement the bill, but enter into an agreement with the Treasurer to work out a payment plan with no interest or penalty. Joel Bouvier seconded. So voted.

**IV. Regular Business.**

1. Consider next steps and possible finalization of Agreement between Town and Vermont Gas Systems, Inc. Jim Dumas wrote a letter saying there needs to be a Notice of Conveyance to the public regarding the agreement per 24 V.S.A. 1061, but according to the Town Attorney, this provision does not apply to utilities in the highway right-of-way and they do not need to wait to sign the agreement. Michelle Perlee moved to sign the final agreement. Ted Lylis seconded. So voted.

Finalize amendment to the Stoney Hill Properties, LLC. purchase and sale agreement. Valerie Capels noted that the closing date would be August 27, 2018 with the deadline for elimination of the Woodland Apartments well head protection area to be December 31, 2018. She also reported that they learned today the Water Quality Division of the state changed their policy internally and no longer is authorizing consecutive water systems. It is their opinion that the Town of Bristol would need to take over ownership of the water system and responsibility of the distribution system. She and Alan Huizenga are in the process of attempting to persuade the Deputy Director to reconsider their position. Alan Huizenga strongly advised against the Town

taking ownership of the private system without knowing what is in the ground and having all easements in place. Valerie Capels said she asked Kevin Brown if it would be possible for the Town to take ownership, if ultimately required, with an agreement that runs with the land that the owner of Woodland Apartments would be responsible for paying all costs of repairs, etc. Alan expressed concerns with that approach.

Kevin Harper reported that the consultant he hired for the preliminary archaeology dug 200 pits on the site and wants to come back and dig 400 more. The archaeologist is likely to recommend to the State that two acres be protected. There was discussion about the various elements of the project, what has been completed, what remains to be done, why the deadlines were put in place, and why it affects the purchase price of the land.

Kevin Harper said he would like to see with the Fire Station agreement conditions regarding the road, sidewalk, and water line included in this amendment so the conditions are all in one place. Peeker Heffernan moved to accept the purchase and sale agreement, authorize Town Administrator Valerie Capels to sign the agreement, with the addition to what is in the Fire Station agreement with the conditions that the town is responsible for the following: Section 3A & B from the Fire Station agreement. Section 3A & B reads the following: The Town, at its sole cost and expense, shall install a) A roadway built to A76 Standards to be a public town road, with curbing and accompanying appropriate sidewalks, to provide access to and from the Project and, shall bring the roadway curbing and sidewalk to the southerly boundary of the Premises to allow for possible future continuation onto lands and premises currently owned by the Town of Bristol. b) A water line to serve the Project and a water line to the southerly boundary of the Premises to allow for possible future continuation onto lands and premises currently owned by the Town of Bristol. Ted Lylis seconded., So voted. Joel Bouvier voted no.

2. Energy Committee letter. The Chair of the Energy Committee is requesting to add Richard Butz to the Energy Committee. There was a consensus of the Board they would like to see him come in for an interview at the next meeting.

3. Consider curb cut application #18-03DA: Wilma Wood on Hardscrabble Road. The Assistant Public Works Foreman recommended a 15-inch culvert 30 inches long, to cut brush between the driveway and the barn, remove brush on the east side of the drive, continue the maintenance by the land owner, and the grade of the driveway cannot be more than 2% where it intersects with the Town highway. Brian Penatzer, who is a neighbor, said it does not follow the site plan that has been approved according to Rouse's engineering. Kourtney Penatzer said it does not meet the current setbacks. Peeker Heffernan said he was there when the Public Works Department did the measurements and it meets the current setbacks. Peeker Heffernan moved to approve curb cut application #18-03DA: Wilma Wood on Hardscrabble Road with the conditions that the Assistant Road Foreman has laid out. Michelle Perlee seconded. So voted.

4. Approval of meeting minutes of July 9, 2018. Approval will be at the next meeting.

5. Authorize accounts payable warrant and any liquor licenses. Accounts payable \$161,815.13. Special event permit from Hatch 31 on August 31, 2018 from 7-10 p.m. for a

music wide event at Holley Hall and having Hatch 31 going through the process and them paying for all insurance and permit costs. Joel Bouvier moved approval. Ted Lylis seconded. So voted.

6. Selectboard Concerns. Joel Bouvier asked about the old Police cruiser that went past the inspection in June 2018. Police Lieutenant Bruce Nason said it would need a lot of work to pass inspection and will probably be sold as is.

Peeker Heffernan wanted to congratulate Brian W. Wendel for Fire Fighter of the year, Peter Bouvier for Senior Fire Fighter of the year, and James Robicheaux for Maintenance technician of the year.

Michelle Perlee asked Valerie Capels to have the new legalization of marijuana be put in the personal policy. Also, she thanked Pete Diminico for all his years of service.

Ted Lylis said the Historical Society recently requested a grant from the Vermont Division of Historic Preservation to paint and take care of a number of things on Howden Hall. He was advised that we do not qualify for a grant since the work is considered maintenance. The building has not been painted in 12 years. Valerie is working with Sharon to get a scope of work together on what needs to be done.

Peter Coffey reported that a land owner on Meadow Lane was required to cut some trees down, but now some of the tree saplings have grown out and is worse than ever. This needs to be taken care of. Valerie Capels will ask the Public Works Department to take care of this.

Peeker Heffernan asked about the background checks for the Chief of Police. Melanie Perkins, who is doing the background checks, will be joining the Selectboard during Executive Session.

Joel Bouvier reported that a burning bush on Munsill Avenue is blocking sight distance and should be addressed.

7. Town Administrator's report. Valerie Capels drew attention to the Solid Waste District solicitation to participate in a regional drop off center project. Selectboard members agreed the Town of Bristol would not be quality. She also drew attention to Official notice from the U.S. Court of Federal Claims of a class action suit of federal underpayment of payment in lieu of taxes. A number of Vermont towns are signing onto this and there is no cost. There was consensus of the Selectboard to authorize Valerie to sign the documents for the Town of Bristol to participate.

**V. Other Business.**

1. Correspondence, reports, correspondence received.

**VI. Executive Session.**

1. Michelle Perlee moved to enter executive session finding that premature general knowledge would clearly place the Selectboard or other parties at a substantial disadvantage regarding a personnel matters per 1 V.S.A. §313(a)(3), 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). Ted Lylis

seconded. Melody Perkins was invited to participate. So voted. The Selectboard met in executive session from 8:16pm to 9:45pm. Upon returning to open session, no action was taken.

Respectfully Submitted by,

Tasha Bouvier  
Board Clerk

reviewed by

Valerie Capels  
Town Administrator