

# **Bristol Town Administrator's Report**

## **November 2, 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, November 5, 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. CONSENT AGENDA.**

It has been a while since we had the opportunity to use the Consent Agenda. It is a meeting/time management tool by which routine and/or non-controversial agenda items are *bundled to be acted on by a single motion for approval*. This includes items that require formal approval yet, because they are straightforward and not controversial, there is no need for discussion before taking action. An item can be removed from the Consent Agenda for discussion and separate action by the request of any board member or, if the Selectboard agrees, from the request of a citizen. The process to remove an item for discussion is not intended to be so rigid to require a motion; if there is a question, the item comes off, unless all agree that the question can be simply answered.

RECOMMENDATION: Motion to approve the Consent Agenda as presented.

Item III.1. Bristol Fire Dept.: Grant summary request for Wildland Fire Gear Grant application. Enclosed is grant summary request form from the Bristol Fire Dept. to apply for almost \$1,600 to purchase equipment to prevent and suppress wildland fires. The 50% match is proposed to come from the operating budget.

RECOMMENDATION: Approval as proposed.

Item III.2. Bristol Fire Dept.: Revised grant summary request for FEMA AFG grant application. Enclosed is an updated grant summary request form for the FEMA Assistance to Firefighters Grant program to reflect what was actually submitted for the application. The actual grant application request of \$147,646 exceeds the previously authorized amount of \$135,000, an increase of \$12,645.

RECOMMENDATION: Approval as presented.

Item III.3. Consider resignation of Firefighter Nicholas Ouellette. Enclosed is a letter of resignation from Firefighter Nicholas Ouellette, who is in the process of moving out of town.

RECOMMENDATION: Accept, with regret and best wishes.

Item III.4. Bristol Recreation Dept.: Grant summary request for \$500 from the Five Towns Friends of the Arts program. Enclosed is grant summary request form from the Recreation Dept. seeking \$500 from the Five Town Friends of the Arts program to help cover expenses for arts and crafts for the Early Release Camp, summer camps, and crafts for Breakfast with Santa.

RECOMMENDATION: Approval.

Item III.5. Resolution to appoint Town Administrator Valerie Capels to the Addison County Economic Development Board for one year. Enclosed is a resolution I developed in response to ACEDC Director Fred Kenney's 10/12/2018 e-mail asking that the Selectboard adopt a resolution to appoint (reappoint) me to the ACEDC board for one year. I got on the board initially last year Therese Kirby's replacement.

RECOMMENDATION: Adopt and sign the resolution.

Item III.6. Curb cut permit application 2018-04DA: Robert Stoddard, 35 Spring Street. Enclosed is an application for to relocate a driveway at 35 Spring Street from the west side to the east side of the property.

RECOMMENDATION: Approval per the DPW Foreman's recommendations:

- (1) That the old driveway be returned to grass;
- (2) That a tree by the old driveway be removed;
- (3) That the curbing be removed by the new driveway; and
- (4) To make a swale in the driveway by the road to allow the water to run.

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

Item IV.1. Consider process for appointment and reappointment of Bristol Fire Dept. officers. May include deliberation under Item VI. Executive Session regarding personnel matters. The time for appointing/reappointing the Fire Chief and Deputy Fire Chief

will be upon us soon and the question has been raised about what the process is expected to be.

I did not find anything in the Personnel Policy or BFD Policies about an appointment process. According to the current BFD policies, "Per 24 V.S.A., Section 1953, the Selectboard shall appoint the Fire Chief and 1st Assistant Fire Chief in accordance with the Town's appointment policy. The 2nd Assistant Fire Chief, Captain, Lieutenant, Truck Captain, Truck Lieutenant, and Clerk shall be elected annually."

#### 24 V.S.A. § 1953. Officers

The officers of a fire department shall consist of a chief engineer, an assistant chief engineer, and fire captains in such number as the legislative body of the municipality shall determine. The duties and powers of the chief engineer shall be the same as those of the chief engineer of a fire district under 20 V.S.A. §§ 2671-2675. The legislative body may appoint and remove such officers, and fix their salaries or other compensation, subject to such rules and regulations as the legislative body may adopt. (Added 1969, No. 170 (Adj. Sess.), § 7, eff. March 2, 1970.)

Considerations include whether there should be a written request or application to be reappointed; whether the positions should be advertised as open in case other candidates wish to come forward; and whether candidates would be interviewed.

RECOMMENDATION: Discussion. We may be able to find out before Monday's meeting how other Vermont municipal Fire Departments address officer appointments and reappointments. May include deliberation in Executive Session as a personnel matter.

Item IV.2. Bristol Police Dept.: (1) consider purchase order for new computer and scanning equipment with funds from the Capital Reserve Fund and (2) consider sale or disposal of surplus property. Enclosed is an e-mail from Police Chief Nason outlining his request to purchase a new computer (approx. \$800) and scanner (approx. \$380) for the Police Station using the Capital Equipment Fund, which has a current balance of approximately \$10,000.

Also enclosed is a list of surplus property Bruce recommends be sold or otherwise disposed of.

RECOMMENDATION: Discussion; approval.

Item IV.3. Request from the Town of Lincoln for contracted law enforcement services through the Bristol Police Department. Enclosed is an e-mail thread including Lincoln Selectboard member Ellie Bryant's request about whether the Selectboard would be willing to consider allowing the Town of Lincoln to contract with the Bristol Police Dept. to provide limited traffic control services.

RECOMMENDATION: Receive Police Chief Nason’s recommendation and determine next steps.

Item IV.4. West Street-Lovers Lane infrastructure final costs update: consider whether to adjust the Capital Roads Fund allocation and USDA final loan amounts. The West Street – Lovers Lane infrastructure project is complete and Jamie Simpson from Green Mountain Engineering and I are in the process of reconciling our records about final expenses and total project costs. Below is a summary based on Jamie’s most recent draft monthly budget report.

**Preliminary budget status to date**

<b>FUNDING SOURCES</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Difference</b>	<b>Spent to Date</b>	<b>Balance to Finish</b>
Town of Bristol	\$0	\$105,300	-\$105,300	\$105,300	\$0
USDA Rural Development	\$755,000	\$511,910	\$243,090	\$511,346	\$564
(WEP) Water Loan	\$325,000	\$237,743	\$87,257	\$237,502	\$242
(WEP) Stormwater Loan	\$0		\$0		
State of Vermont			\$0		
DWSRF Planning Loan		\$42,825	-\$42,825	\$42,825	\$0
<b>TOTAL</b>	<b>\$1,080,000</b>	<b>\$897,778</b>	<b>\$182,222</b>	<b>\$896,972</b>	<b>\$806</b>

The total project (not including the additional sidewalk work) came in below the original budget by more than \$182,000. When the Town committed to contributing \$100,000 toward the project, the objective was to reduce the amount of money needed to be borrowed from the USDA. The additional \$5,300 is money the Town spent for preliminary engineering before the DWSRF planning loan was secured. There is no required minimum municipal match. Given other recent pressures on the Capital Road Fund, we may wish to reduce this amount, which would result in higher loan amounts. Given the attractive loan interest rate and terms, we might want to consider taking more advantage of the loan capacity, including expenses associated with the Lovers Lane/Orchard Terrace water line extension. Misty Sinsigali at USDA will be providing an updated estimated amortization schedule on Monday showing the above approximate scenario and one with the municipal contribution reduced by \$50,000. More information will be available at the meeting.

<b>Additional West Street Sidewalk</b>	
Engineering	\$3,967
Construction (DPW Budget/Sidewalk Reserve Fund)	\$17,000
Construction (Capital Roads Fund)	\$41,788
<b>Subtotal</b>	<b>\$62,755</b>

The enclosed table illustrates the current and projected balance of the Capital Road Fund assuming the full \$100,000 is applied toward the West Street project. We have not yet received the invoice from Acker Excavating for the Maple and Mountain Street sidewalk projects, which included a slightly expanded scope of work. Costs beyond the Sidewalk Reserve Fund were targeted to come from the Capital Roads Fund.

RECOMMENDATION: Consider reducing the municipal contribution by \$50,000 and reallocating the \$10,800 spent on the Orchard Terrace water line extension engineering from the Water Dept. to the USDA loan.

Item IV.5. Renewal of West Street-Lovers Lane line of credit with Peoples United Bank.

Enclosed are the loan documents to renew the bond anticipation note with Peoples United Bank for up to \$880,000 at 3.10%, due in full by no later than May 15, 2019. We anticipate a loan closing sometime in December or January. Once final USDA loan numbers are determined, it will take about a month to prepare the loan documents and issue the necessary notices. The USDA loan(s) and municipal contribution would be used to pay off this LOC.

RECOMMENDATION: Approval; sign the documents.

Item IV.6. Request to use \$1,850 from the Capital Road Fund for installation of new guardrail on Upper Notch Road.

DPW Foreman Eric Cota would like to request using \$1,850 of Capital Road Funds to replace the guardrail that was damaged as the result of an accident on Upper Notch Road last August. We did file a claim through VLCT PACIF with the intent for them to seek reimbursement from the owner of the vehicle's carrier, but the owner said the vehicle had been stolen, which greatly reduces the likelihood the owner's insurance provider will pay to reimburse the Town for the damaged rail. If we pursue a claim through our PACIF coverage, we have a \$1,000 deductible, which means reimbursement of only \$850, which might not be worth the impact on our claims history and future premiums. If, by good fortune, the Town does get reimbursed by the other carrier, Eric proposes to apply the reimbursement to the Capital Road Fund.

RECOMMENDATION: Approval.

Item IV.7. Update on solicitation of public suggestions for how to apply the bequest from the Andrew Johnson estate and discuss next steps.

We have received a wide variety of responses to the post on Front Porch Forum and article in *The Addison County Independent* soliciting ideas for use of the \$103,000 bequest from the estate of Andrew Johnson. I am in the process of summarizing them and will provide more information at or before the meeting. We may also receive one or more additional requests at the meeting. Shall we keep the line open for more input and put the word out again?

RECOMMENDATION: Discussion. Determine next steps and what additional information may be necessary. We may wish to set a goal of reaching some resolution before the close of the budget work in January.

Item IV.8. Request by citizen to place military-issue headstone in the Briggs Hill Cemetery. Enclosed is a request from Michael Bedard of Lincoln to allow a military issue headstone to be placed in the Briggs Hill Cemetery. His ashes will be distributed elsewhere, so there would be no burial. Lacking a Cemetery Commission, it is up to the Selectboard to evaluate this request. Because all of the Town-maintained cemeteries are no longer accepting burials, there is no clear process for responding to such requests. According to the enclosed map, there appears to be a vacant area in the Bedard family plot.

RECOMMENDATION: Determine if additional information is needed.

Item IV.9. Approval of meeting minutes of the October 15, 2018. Draft minutes for the October 15, 2018 meeting are enclosed.

RECOMMENDATION: Adjustments as needed; approval.

## **V. OTHER BUSINESS.**

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

- Letter from Marcia Owens, Robert Bernstein, and David Melichar, received 10/15/2018, re stormwater flooding on Fitch Avenue and North Street.
- Vermont Gas Systems' motion to dismiss, 10/15/2018 re Bigelow, et al. v. Town of Bristol, et al., Dkt. No. 143-8-18 Ancv.
- Memorandum in Opposition to Motion to Dismiss, 11/01/2018, re Bigelow, et al. v. Town of Bristol, et al., Dkt. No. 143-8-18 Ancv.

## **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/or potential contract negotiations per 1 V.S.A. §313(a)(1)(A).

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### **VT Route 116/17 Repaving in Village**

DPW Foreman Eric Cota and I will be meeting with the VTrans-DuBois & King team for a pre-design conference on November 5 to discuss the details and general scope of the Bristol STP

### **Schedules**

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

#### Week of Nov. 5

Sunday: 2:00am – Daylight Saving Time ends >> turn clocks back 1 hour.

Monday: 9:00am – VTrans Rte 116/17 2020 paving pre-design conference, Holley Hall.

6:00pm – Selectboard.  
Tuesday: Out of the office.  
Wednesday: 9:00am – Bristol CORE.  
3:30pm – VT Tree Goods quarterly loan meeting.  
Thursday: 3:00pm – ACEDC Regional Economic Development Strategies committee,  
Middlebury.

Week of Nov. 12

Monday: Veterans Day Holiday – Town Office will be closed.  
Thursday: 7:30pm – ACEDC Board meeting with Addison County legislators, Middlebury.  
7:00pm – ACSWMD (alternate), Middlebury.  
Friday: 1:00pm – Town Managers & Administrators monthly meeting, Pittsford.

**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.

- [Selectboard](#): Mon., Nov. 5, 6:00pm, at Holley Hall.
- [Planning Commission](#): Tues., ~~Oct. 16~~, 7:00pm, at Holley Hall. >> **Rescheduled to Oct. 30.**
- [Bristol CORE](#): Weds., Nov. 7, 9:00am, Holley Hall.
- [Conservation Commission](#): Thurs., Nov. 8, 6:00pm, at Holley Hall.
- [Bristol Energy Committee](#): Weds., Nov. 14, 7:00pm, at Holley Hall.
- [Selectboard](#): Mon., Nov. 19, 6:00pm, at Holley Hall.

**Upcoming Agenda Items**

Likely agenda items for upcoming meetings include:

- Bristol Fire Dept. policies review.
- Preliminary budget discussion and goals.
- First quarter budget review.
- Continued consideration of zoning permit application fee adjustments.
- Selection of part-time Administrative Assistant.
- 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