

Select Board Meeting

February 13, 2017

Selectboard Member's present: Chair Michelle Perlee, Peeker Heffernan, Peter Coffey, Ted Lylis and Joel Bouvier. Also present was Town Administrator Therese Kirby, Board Clerk Tasha Bouvier, filming for NEAT TV by Mary Arbuckle, Jim Quaglino, John Gibbs, Bill Gibbs, Joshua Otey, Shawn Freegard, Craig Allen, Chief Kevin Gibbs, Gaen Murphree (Addison Independent), Bob Bernstein, Heather Heffernan, Melanie Kessler.

1. At 6:00pm Chair Michelle Perlee called the meeting to order. Michelle Perlee made a correction to the agenda regarding the approval of meeting minutes. The meeting minutes for approval are January 16, 2017 and January 30, 2017.
2. Brian McCormick was here asking the Board to address the dog issue on Hardscrabble Road. Brian has made numerous complaints regarding the incessant barking of Todd Baldwin's dogs. Therese has written to and spoken with Todd, as well as driven to Hardscrabble Road to investigate the complaints. Todd has purchased bark collars, but has noted his concern with the dogs wearing them 24/7, as they can start to injure the dog's necks. Therese stated that in regard to the Town ordinance, the dogs are already chained, confined and registered. The Humane Society has been called previously, because someone thought the dogs might be mistreated. That was not the case, as they are fed and well taken care of. They are hunting dogs. Shawn Freegard was here tonight as he keeps four dogs on Todd's property. He is purchasing an ultrasonic bark control device. The Board discussed Todd's proposed plan to build a berm and install a fence around the dogs, but the Board did not feel that idea would work. The Board is giving until March 1, 2017 for the owner to purchase and install an ultra-sonic bark control device near the dogs and in the meantime, to keep the bark collars on the dogs. In regards to Todd's concern about a fox getting his chickens, the Board suggested he keep his chickens in the barn and secure it as necessary. The owner has until April 1, 2017 for the issue to be resolved. Therese will make a site visit and speak with Brian at that time.
3. Michelle Perlee stated there had been some concern regarding Peeker Heffernan's involvement with the decision on 32 North Street, since he is now a bidder. Michelle felt that since the process to create the RFP and proposal was done in open session, Peeker did not have any advantage over another bidder. Since this is a conflict of interest, Peeker Heffernan is going to recuse himself from the discussion and will be a member of the public during any discussions.
4. Bob Bernstein's plan for 32 North Street is to restore the front of the historic structure make the property into a museum. He would apply for some historic preservation grants and use his own money for the project and not borrow money. Bob outlined all of the support his project has received on Front Porch Forum, Facebook and how he feels making the old fire station into a museum would draw visitors to Bristol.
5. Bill Gibbs' plan for 32 North Street is to restore the entire building and turn the upstairs into a residential property for him and the downstairs into a home occupation, as Bill is an accomplished woodworker. Bill Gibbs stated in detail how he would restore the building and his desire to create a PVC

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paving done in the fall. He would like to publicly thank Road Foreman Peter Bouvier and Peeker Heffernan for donating the equipment, materials and time, Joel Bouvier for donating the use of his tractor and power broom and for all of the firefighters that came to help. Therese Kirby spoke with Melanie Kessler about the Human Powered parade. Melanie is having a performer at the skate park and Therese Kirby has asked that the performer has insurance. The parade will be going across the sidewalk from Airport Drive to Liberty Street, and avoiding route 116/West Street. Middlebury Underground will be providing the insurance for the event. Installation of gas monitoring wells at Landfill. The Road Foreman will be installing the 10-12 foot pipes and monitors. The Downtown Grant was not awarded to Bristol, so \$30,000 for sidewalks is freed up and will be used to install new sidewalk on West Street. Therese Kirby signed a location release for Pineapple Productions. This gives Pineapple Productions authorization to release the footage of the video they are filming at a potential haunted house near Briggs Hill. Pineapple Productions would be speaking with Reg Dearborn and Gerald Heffernan at Howden Hall and then going to the Cemetery. Removal of façade on Greg & Nancy Orvis' building on Main Street. Therese Kirby met with Pierre, the contractor doing the work. The scaffolding is designed to walk under it. It's attached to the building. He is providing proof of insurance to the Town. Maintenance of fountain. Road Foreman and crew pressured washed it. Therese Kirby will put on Front Porch Forum to see if someone can help paint and maintain the fountain for free or minimum wage. Peter Bouvier, Peeker Heffernan and Therese visited Todd Baldwin on 4/21/17. He is installing a fence along Hardscrabble Road and digging out a bank, so the dogs will be protected on all sides. He also plans to relocate the dogs behind his house to this area when he is done. The sonar has been installed, but if a car goes by, the dogs get shocked, so that system is not working as we hoped. H. 518 is a proposal that is happening in Montpelier and the Legislature is considering transferring teacher retirement from the general fund to the education fund. This will increase property taxes. Therese Kirby advised this is an issue the Town should be monitoring. Therese Kirby is meeting with Police Chief regarding the personnel policy. Ted Lylis moved to have all personnel policies signed by all Town employees by May 19, 2017. Peter Coffey seconded, so voted. Michelle Perlee moved to allow Eric Forand to sell 480 amp manual transfer switch. Peter Coffey seconded, so voted. Scenic Valley was the low bidder for mowing the Fire Station and R&R was the low bidder for the septic.

17. At 9:01pm, Michelle Perlee moved to enter executive session to discuss the employment of a new Town Administrator and evaluation of two public officers or employee, per 1 V.S.A. § 313 (a) (3). Peter Coffey seconded, so voted.
18. The Board came out of executive session at 10:03pm. At 10:03pm, Peter Coffey moved to adjourn the meeting. Joel Bouvier seconded, so voted.

Respectfully Submitted,

Tasha Bouvier
Board Clerk

Selectboard Member's present: Chair Pecker Heffernan, Michelle Perlee, Peter Coffey, Ted Lylis and Joel Bouvier. Also present was Town Administrator Therese Kirby, Board Clerk Tasha Bouvier, filming for NEAT TV by Shawn Kimball, Bryan McCormick, Randy Crowe and Jim Quaglino.

1. At 7:00 p.m. Chair Pecker Heffernan called the meeting to order.
2. Public Forum: Jim Quaglino thanked the Veterans for their service and wished George Smith a Happy Birthday. Brian McCormick discussed the dog issue again near his residence. Brian McCormick had recordings of the barking, which he just recorded before coming to the meeting. There was a question regarding a kennel permit, and Therese said the dog owners don't need a kennel permit, as they are not breeding or selling dogs as a business. The current dog ordinance states the dogs can be chained, confined or muzzled. They have tried sonar and bark collars. The last of the options are to give them away or destroy them, but as Therese explained, per the ordinance we would need to impound them and we do not have the ability to impound 19 dogs. Michelle Perlee noted at some point this may become a civil matter. Brian McCormick is quite upset about the noise. Therese Kirby will contact Kevin Brennan, the Town Attorney, and get legal advice from him.
3. Fire Chief Brett LaRose regarding money for the 1997 engine tanker repairs and bond payment. Engine 1, a frontline engine is in service, however it needs a fuel tank, it has a leak and he needs to find out if it needs a new tank or it can just be repaired, intersector lights are out of service and he can't repair those. The intake valve is damaged on rear of the truck, and he needs to decide if he should replace it or cap it and take in water at the pump handle and gate that. A couple of pressure gauges are out of service. For the past 6 years the repair line on this truck has been overspent. The cost of maintenance keeps going up. To cover the costs of repairs, we could reduce the principal payment on the bond or wait and see where we are at with the operational budget at the end of June 2017. Therese explained that NBM made a mistake with their amortization schedule, so we budgeted for a principal payment we are not scheduled to make. Therese and the Treasurer's Office plan to make a payment directly on the principal of the bond.
4. Discussion of Carol Wells request to use remaining Prince Lane money for maintenance of playground. \$9,245.72 is the amount left. Therese Kirby originally thought they could move the money into the Capital building fund, after we were denied the Downtown Grant. She had hoped to use it for part of the grant match for removing the brick and installing the stamped concrete sidewalks. Michelle Perlee moved to move the \$9,245.72 from the Prince Lane Grant Fund to the Capital Building Fund. Ted Lylis seconded, so voted. If Carol Wells has specific costs for the playground she will need to bring them to the Board and then they can vote yes or no to the repairs and then use the funds from the Capital Building Fund.

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5. Darla Senecal publicly thanked Brent Crum and his students for cleaning Holley Hall and helping out with a large list of chores. Darla Senecal is requesting to expand the use of Holley Hall to include alcohol. She would like it to be used for events such as weddings, showers, wine tastings, etc. Darla has community support from local residents and business owners. She has also asked surrounding towns what their process is to renting their halls. Middlebury, Brandon and Vergennes all do weddings and special events. They see a big economic benefit from doing this. The Board wants it to be added to the policy, that the group or event must have a licensed/insured bartender. Peter Coffey moved to allow Darla to proceed with the policy and start marketing the hall. Michelle Perlee seconded, so voted. Ted Lylis voted no.
6. Chief of Police Kevin Gibbs swore in the 77th officer of the Bristol Police Department, Bruce Nason. This is a practice the BPD has done for years, once an officer has completed their field training with the department.
7. Jaclyn Hochreiter of ACSWMD updated the Board on Act 148 and specifically dealing with food waste. Cheryl Brinkman advised the ACSWMD is visiting every Selectboard and explaining how this will work and what the ACSWMD can do to help. The deadline for recycling food waste was originally July 1, 2017 and now it's 2018. Everyone will have to dispose of food scraps separately by July 1, 2020. Richard Rheume of R & L, the business that manages the Saturday morning drop off for Bristol, said he plans to have a tote people can dump their food waste into. He has not yet decided on a pricing structure.
8. Ted Lylis moved to authorize Selectboard Chair, Peeker Heffernan, to sign resolutions from the National Bank of Middlebury, Community Bank and People's United Bank to remove Therese Kirby as signor. Jen Myers and Pam Correia are still signors. Peter Coffey seconded, so voted.
9. Public Forum. Brian McCormick discussed the barking dog issue he was still experiencing on Hardscrabble Road. He called the State Police on Saturday, June 10, 2017, as the dogs were barking until 1:30 a.m. Therese Kirby has received VLCT's draft model dog ordinance, for the Board to review. Under the current ordinance, the Town of Bristol has done all they can do. At this point, it has become a civil issue and Brian McCormick can take civil action under the State of Vermont nuisance laws, if he chooses. Therese Kirby will check with the Bristol Police and see who took the call, what the Bristol Police did and have them write a letter as well. Ian Albinson asked about the pieces of papers being put in the door handle of cars. Therese Kirby will ask the Bristol Police Department, as the Police Department places parking tickets under windshield wipers.
10. Michelle Perlee moved to name private road to Mary & Scott Purinton's 5-lot subdivision off from Purinton Road, "Hillside Drive". Ted Lylis seconded, so voted.
11. Discussion of May 2, 2016 motion regarding RLF loan to Town money for acoustic project and the payment schedule. Peter Coffey had moved to authorize up to \$25,000 at 1% interest. The

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1. At 7:00 p.m. Chair Peeker Heffernan called the meeting to order.
2. Public Forum: Ian Albinson mentioned Green Mountain Campground is posting signs on telephone poles. Therese Kirby will contact them advising this isn't allowed. Lt. Bruce Nason was here to let the Selectboard and the community know the Bristol Police Department is looking for community members to fill out survey regarding the police department. It is available on their Facebook page, the Town's website and paper copies are available at the Town office.
3. Animal Control Ordinance: Michelle Perlee collected copies of the Towns of Westminster and Castleton Animal Control Ordinance for the Selectboard to review. The majority of the board feels the Board can't solve everyone's problems with an animal ordinance. If there is an animal control ordinance then it's hard to enforce and what if there is an animal that isn't included in the list, then what. The Board decided not to continue with an Animal Control Ordinance.
4. Ted Lylis moved to sign the Quit Claim Deed releasing glebe lands at Broadview Estates and have Peeker Heffernan sign the deed. Peter Coffey seconded, so voted.
5. Discussion of bid results for sale of 18.08 acres on Stoney Hill. Therese Kirby had one bid that came in on time. There was another bid that came in late which she didn't open. Stan Livingston was the on-time bidder. Peter Coffey moved to accept the bid of \$185,000 from Stan Livingston. Joel Bouvier seconded, so voted. Ted Lylis voted no. Peeker Heffernan abstained from the discussion and vote.
6. Michelle Perlee moved to authorize carry over of leave balances per Treasurer's 7/5/17 memo. . Peter Coffey seconded, so voted.
7. Discussion/motion to adopt new Dog Ordinance. Therese stated she does not believe Bristol can regulate how many dogs someone has, as that was a previous concern of Joel's. Therese Kirby is writing a letter to Todd Baldwin asking him to move forward with the installation of the fence and finishing the berm, so the dogs can't get up there to see. Discussion regarding allowable action in this ordinance versus the current ordinance. Therese Kirby will have the Town Attorney look at V.S.A. 20 § 3549 and ask for his legal opinion on the word "keeping" and ask him if we can include regulating how many dogs one person can have and if they must own them all before registering them. Therese will reschedule this for the August 7, 2017 meeting.

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disruptive to the residence that live on South Street and near the Mill. Ash Smith is asking if there is a time frame they have to abide by. Therese Kirby advised he needs to speak with the Zoning Board Administrator, which is Eric Forand. Ash Smith just wanted to mention that he is trying to raise the issue. He understands they are a business, but they are taking deliveries 24/7. The sound is bothering the majority of people he is speaking with. Brian McCormick is fed up with the dogs. Nicole Bachand West Brook Estates why is the speed limit 50 instead of staying at 35 by the store on route 116. Peeker advised it is a state highway and the State says what the speed limit is for this road.

4. **Dog Ordinance. Therese Kirby spoke with the lawyer for Joel Bouvier and the lawyer stated since the person keeping the dogs is harboring them he is the owner or keeper of the dogs even though they are someone else's dogs. Peter Coffey moved to accept the dog ordinance. Joel Bouvier seconded, so voted.**
5. Discussion and motion to adopt Zoning & Planning Director job description and approve newspaper ad. They have to be nominated by the Planning Commission and then appointed by the Board. There were two corrections to the job description. Michelle Perlee moved to accept the job description. Peter Coffey seconded, so voted.
6. Joel Bouvier moved to authorize Recreation Director to apply for AmeriCorps volunteer with final approval of candidate by Selectboard, position to be grant funded. Michelle Perlee seconded, so voted.
7. Fire Chief Brett LaRose to provide an update on the Homeland Security Grant and POCFF Leave of Absence. Brett LaRose said he is waiting for an update with the Homeland Security Grant. Brett LaRose said the amount is now \$17,000 instead of \$8,000 with no matching funds. Joel Bouvier moved to accept with regret the leave of absence for paid on call fire fighter Justin Jackman who has requested a 6 month leave of absence starting August 1, 2017 to February 1, 2017. Joel Bouvier moved, Michelle Perlee seconded, so voted. Brett wanted to take a minute to thank the New Haven, Lincoln, Starksboro and Bristol Fire Departments and state agencies for all their help with Hogback Mountain fire. Betsy Blair, who is new to Bristol, asked about fire codes. She bought a house with handicap ramps and was told that she wasn't up to fire code. Michelle Perlee advised unless she is going to make her house into two separate units she should be fine.
8. Ted Lylis moved to close Fitch Avenue on Saturday August 26, 2017 from 9 a.m. to 3 p.m. for Bristol Cub Scout Pack 543 to hold its annual Soap Box Derby; with Pack 543 to notify Fitch Avenue residents and BPD. Joel Bouvier seconded, so voted.
9. Discussion and motion to approve new road name off Monkton Road as "Bittersweet Ridge" and a road off Route 116 South as "Hasseltine Farm Road" or "Hasseltine Road". Therese Kirby will check regarding "Bittersweet Ridge" if there needs to be 2 residences/businesses or 3 to be