

# **Bristol Town Administrator's Report**

## **March 15, 2019**

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, March 18, 2019 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. Annual Selectboard organization matters:**

Item II.1. Elect the Chair. The Selectboard adopted a policy at some point that the role of Chair would rotate annually. The position is typically up for election after Town Meeting in March. Recent Chairpersons: Peter Coffey (2018-2019), Peeker Heffernan (2017-2018), Michelle Perlee (2016-2017), Brian Fox (2015-2016), Joel Bouvier (2014-2015), Sharon Compagna (2013-2014).

Item II.2. Elect a Vice-Chair. The position of a Vice-Chair was established last year and Joel Bouvier was elected to it.

Item II.3. Designate every other Monday as a regular meeting schedule, subject to occasional modification. It should be acknowledged that the schedule may need to be tweaked to accommodate holidays, staff interruptions, and special meetings.

Item II.4. Designate *The Addison Independent* as the Newspaper of Record. There are other publications. This is an opportunity to affirm (or not) the use of this publication for official notices.

Item II.5. Designate the Town Office, Lawrence Memorial Library, and Shaw's as the official posting locations for the Town. 1VSA 312 (d)(1)(B) requires that agendas for meetings of a municipal public body must "be posted in or near the municipal office and in at least two other designated public places in the municipality."

Item II.6. Authorize Treasurer's Office to process weekly payroll, with the Selectboard approving warrants every other week. I do not believe this needs to be voted on every year, but is included here because it was acted on this way in prior years. The authorization for the

Treasurer to issue weekly payroll is typically a standing authorization until changed or revoked. The Selectboard currently processes warrants at each regular meeting, which is part of its statutory duties and does not require any other authorization beyond that of agenda item V.8.

Item II.7. Consider whether to resume 7:00pm meeting start time. The Selectboard changed its regular meeting time from 7:00pm to 6:00pm at a November 2017 meeting with the expectation the start time would go back to 7:00pm after Daylight Saving Time.

### **III. 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.

### **IV. VISITOR APPOINTMENTS.**

Item IV.1. Part-time Police Officer candidate: Matthew Collins. Police Chief Bruce Nason, MAUHS Asst. Principal Justin Bouvier, and I met with Matthew Collins this week and recommend his appointment as a part-time Officer with the Bristol Police Department. A Lincoln resident, he was recently hired full-time as the School Resource Officer for CVU in Shelburne and is qualified and prepared to work occasional weekend shifts, occasional evening hours, and some details.

RECOMMENDATION: Approval; possible deliberation in Executive Session per 1 V.S.A. §313(a)(3).

Item IV.1. Conservation Commission candidate: David Rosen. This item is carried over from the February 15 meeting. Enclosed is a note from former Conservation Commissioner David Rosen expressing interest in serving on the Conservation Commission. Both will be present to meet with the Selectboard. David Henderson's term is up in March 2020; however, he has announced his intention to resign in March 2019.

RECOMMENDATION: Approval; possible deliberation in Executive Session per 1 V.S.A. §313(a)(3).

### **V. REGULAR BUSINESS.**

Item V.1. Reconsideration of Selectboard action regarding Todd Baldwin's dogs. Following the February 18 meeting, feedback from various sources was received regarding the Selectboard's decision to require Mr. Baldwin to replace the training collars with automatic shock collars for the dogs. This item is on the agenda to share the feedback and new information with the Selectboard.

RECOMMENDATION: Discussion; determine next steps.

Item V.2. Consider appointment or reappointment of Town officers. May include candidate interviews and deliberation in Executive Session to discuss appointments. Enclosed is a table listing all (I hope) the Town officer positions whose terms are up this year with indications whether folks are interested in being reappointed. My inquiry to the prospective reappointees only went out late this week, so it is not a surprise there are still quite a few we have not heard back from. It is likely we will have more responses by Monday's meeting.

Inspector of Weights of Coal and Inspector of Wood and Lumber

When David Brynn was Tree Warden, he was also associated with these two positions. That tradition was apparently carried over when John Swepston was appointed Tree Warden last year, whether he knew it or not.

In doing a little research, I learned that the Inspector of Weights of Coal (aka Weigher of Coal) is expected to have a municipal scale and that few, if any, Vermont municipalities have such a thing anymore.

Fence Viewer?

Enclosed is an e-mail from VLCT outlining the process if the Selectboard wishes to consider eliminating one or more of these positions. If so, I recommend it be a future agenda item to get community input.

Vacancies

Planning Commission: There are now three vacancies, with one term to March 2020 and two to March 2022.

Zoning Board of Adjustment: There are currently two vacancies: one regular and one alternate, both to 2021.

Energy Committee: David Cobb has resigned, resulting in one vacant seat with a term to March 2021.

Emergency Management Coordinator: One one-year seat is vacant.

Addison County Regional Planning Commission: One one-year delegate seat and three one-year alternate seats are vacant.

Mount Abraham Unified School District Bristol Representative: We received word this week that with Allison Sturtevant no longer on the Board, the Selectboard must appoint a replacement to fill out her term until the next election. I have coordinated with the District office to advertise the vacancy and it is expected to be on the April 15, 2019 Selectboard agenda.

**RECOMMENDATION:** Reappoint those who expressed interest; advertise the remaining positions. Possible deliberation in Executive Session.

Item V.3. Consider whether to rescind Vermont Gas license agreement. The Selectboard executed a license agreement with Vermont Gas Systems, Inc. (VGS) on July 23, 2018. A suit was filed on August 15, 2018 with the Addison County Superior Court asserting that the voters had a statutory right have a town vote on installation of gas lines in public highway rights-of-way. On September 27, 2018, the Town's Attorney filed a motion to dismiss in lieu of filing an answer to the Bigelow et al. complaint. VGS filed its own motion to dismiss on October 15, 2018. Addison Superior Court Judge Alison Sheppard Arms declined to dismiss the Bigelow litigation in her Opinion and Order dated January 28, 2019. According to Town Attorney Kevin Brown, Esq., the next step would be for the Attorney(s) to answer the complaint and then, after further development, renew the request for dismissal of the Bigelow suit via a Motion for Summary Judgment.

The Certificate of Public Good issued by the Public Utility Commission requires the VGS to "use reasonable best efforts to extend gas service to Bristol." The General Assembly currently has two bills under consideration that have the potential to affect the construction of natural gas pipelines and distribution systems going forward. One of these bills, H. 51, proposes a complete ban on the construction of fossil fuel infrastructure. VGS has asked that the Selectboard consider rescinding the license agreement. Expansion into Bristol could be reconsidered if and when the future of natural gas projects in Vermont becomes more settled. Rescission of the license agreement would render the ongoing litigation moot.

**RECOMMENDATION:** Discussion. Determine next steps.

Item V.4. Consider selection of vendor for Maple Street (Autumn Blaze) replacement trees. The following quotes were received for 3 - 4 Autumn Blaze maple trees, including installation on a residential street and one-year warranty:

Vendor	2 – 2.5"	2.5 – 3"	Installation	Total for Three 2" Trees	Warranty
Greenhaven	\$595*	\$749	Price includes tree, planting, mulch, watering	\$595 x 3 = <b>\$1,785</b>	1 year
Gardener's Supply	\$450		\$200 each + \$90 delivery	\$650 x 3 + \$90 = <b>\$2,040</b>	3 year
Gardener's Supply	\$306		\$200 each + \$90 delivery	\$506 x 3 + \$90 = <b>\$1,608</b>	None
Horsford	\$495	\$595	½ regular price + \$68 delivery	\$495 x 3 + \$247.50 x 3 + \$68 = <b>\$2,296</b>	1 year

Horsford 30% off Arbor Day Sale	\$346.50	\$416.50	½ regular price + \$68 delivery	\$346.50 x 3 + \$247.50 x 3 + \$68 = <b>\$1,850</b>	1 year
Rocky Dale (Matador Maple)	\$465		\$1,100 includes delivery, labor, & equipment	\$465 x 3 + \$1,100 = <b>\$2,495</b>	1 year

\* The most selection is in that 2" caliper size.

RECOMMENDATION: Discuss preferred options; possible deliberation in Executive Session regarding contract negotiations.

Item V.5. Consider selection of one or more contractors for the 2019-2020 mowing seasons. Enclosed is a copy of the RFP that was distributed to area contractors for the 2019-2020 mowing season. Also enclosed is a table Sharon prepared summarizing the results of the quotes received by the March 1 deadline. A memo is in the process of being prepared to try to help distill it, but a bit more time is needed.

RECOMMENDATION: Determine if there is enough information to make a decision. Consider postponing to the April 1, 2019 meeting.

Item V.6. Consider selection of contractor to fabricate metal tray for the pump house. A January 2019 "sanitary survey" by the Vermont Agency of Natural Resources of the Bristol Water System identified a deficiency in the pump house related to the platform in the chlorine contact chamber. VTUMS explored options to address it and received approval from ANR to install a stainless steel sheet metal "tray" under the platform. The following quotes were received:

Avonda Air Systems (S. Burlington): \$2,985  
 Mountain Air Systems (Williston): \$2,283

RECOMMENDATION: Acting as the Water Commission, approval of the low bidder; possible deliberation in Executive Session regarding contract negotiations. We recommend the expense come from the Capital Water Fund.

Item V.7. Banner application, 04/15/2019 – 04/22/2019, for the Ecumenical Good Friday Service. Enclosed is an permit application on behalf of area churches c/o St. Ambrose to install a banner over West Street in front of St. Ambrose Church from April 15 to April 22, 2019 to announce the Ecumenical Good Friday Service. It would be installed and removed by Waitsfield-Champlain Valley Telecom. It's not clear whether this kind of application can be administratively approved or requires Selectboard approval; it has been done both ways.

RECOMMENDATION: Approval. Clarify the Selectboard's intent for approval of future banner permit applications.

Item V.3. Approval of meeting minutes of December 17, 2018, January 28, 2019, and February 18, 2019. Draft minutes of the December 17, 2018 and January 28, 2019 meeting are enclosed. Draft minutes of the March 4, 2019 meeting are in progress. If not e-mailed and posted prior to Monday's meeting, they should be available at an upcoming meeting.

## **V. OTHER BUSINESS.**

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

- Copy of invitation, 03/12/2019, for Bristol citizens to sign up for Bristol's VT-Alert emergency notification system.
- Bristol Revolving Loan Fund status report through 02/28/2019.
- VLCT training: Selectboard Institute, 03/30/2019.
- VLCT training: Vermont Health Office Training Series.

## **VII. EXECUTIVE SESSION.**

The Selectboard may deliberate in Executive Session per 1 V.S.A. §313(a)(3) regarding personnel matters per 1 V.S.A. §313(a)(3), contract negotiations per 1 V.S.A. §313(a)(1)(A), and pending litigation per 1 V.S.A. §313(a)(1)(E).

\* \* \*

### **Mountain Street Ext. Water Line Repair**

Cyrus from VTUMS and a team from Masterson's resumed their efforts Thursday morning to find and repair the leak in the water line off Mountain Street Extension. After several hours of excavation and exploration, the source of the leak had not been found. The excavated area was restored. The presence of chlorine residual in the surfacing water is a clear indication of a line leak. There is speculation it could be from a service line in the area, which may require disturbing one or more driveways and/or cutting through the pavement. With so much above and below ground snow and ice melting, locating the leak with the listening device would be a challenge. Cyrus recommends waiting until the ground dries out more—possibly early May--before resuming.

### **Hub Teen Center Director Search**

Meridith, Alex, and I are in the process of interviewing three, possibly four, candidates for the Hub Teen Center Director position. We hope to have an offer made and have the candidate meet with the Selectboard for the April 1, 2019 meeting.

### **Schedule**

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

#### Week of Mar. 18

Monday: 9:00am – VTrans Rte 116 paving meeting w/ Jon Kaplan  
600pm – Selectboard.

Tuesday: 9:00am - CAT 4 Mid-Term planning meeting, Waterbury.  
In around 12:00noon.

2:30pm – Stormwater Masterplan Committee meeting follow up with consultant.  
Wednesday: 3:00pm appointment in Berlin; will need to leave by 1:30pm.  
Thursday: Out of the office.  
Friday: Out of the office.

Week of Mar. 25

Wednesday: 4:00pm appointment in Berlin; will need to leave by 2:30pm.  
Thursday: 3:00pm – ACEDC Regional Economic Development Strategy meeting, Middlebury

**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., Mar. 18, 6:00pm, at Holley Hall
- [Planning Commission](#): Tues., Mar. 19, 7:00pm, at Holley Hall.
- [Bristol Energy Committee](#): Weds., Mar. 20, 7:00pm, at Lawrence Memorial Library.
- [Selectboard](#): Mon., Apr. 1, 6:00pm, at Holley Hall
- [Bristol CORE](#): Weds., Apr. 3, 9:00am, Holley Hall.
- [Conservation Commission](#): Thurs., Apr. 11, 6:00pm, at Holley Hall.
- [Selectboard](#): Mon., Apr. 15, 6:00pm, at Holley Hall
- [Planning Commission](#): Tues., Apr. 16, 7:00pm, at Holley Hall.
- [Bristol Energy Committee](#): Weds., Apr. 17, 7:00pm, at Lawrence Memorial Library.

**Upcoming Agenda Items**

Likely agenda items for upcoming meetings include:

- Continued appointment/reappointment of local officials.
- Bristol Teen Center Director candidate.
- Appointment of MAUSD Bristol representative.
- Selectboard 2019-2020 goals and priorities.
- Select paving contractor for North Street project.
- VTrans grant application authorization.
- Local Emergency Management Plan (LEMP) review and adoption.
- Bristol Fire Dept. policies review.
- Police Department policies review.
- Police Union contract review.
- Water Ordinance updates.
- Sewer Ordinance updates.
- Adirondack View right-of-way status.
- Continued consideration of the Orchard Terrace water line extension and cash flow projections.
- Other stuff.

Respectfully submitted,  
Valerie Capels, Town Administrator