

Bristol Town Administrator's Report

April 12, 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, April 15, 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. 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. VISITOR APPOINTMENTS

Item III.1. Planning Commission candidate interview: Kevin Hanson. Enclosed is an application from Kevin Hanson expressing interest to serve on the Planning Commission. There are four vacant seats:

- One Planning Commission seat for the remainder of a 3-year term to March 2020.
- Three Planning Commission seats for 3-year terms to March 2022.

An application from J. Tyler Masters was received after the agenda was finalized and appears in Agenda Item V.2. If Mr. Masters is available, the Selectboard may wish to combine interviews or schedule a separate interview for the next meeting of April 29.

RECOMMENDATION: Discussion. Possible deliberation in Executive Session per 1 V.S.A. §313(a)(3).

Item III.2. Energy Committee request (Ian Albinson): Authorization to apply for an Electric Vehicle Supply Equipment (ESVE) grant for installation of an electric vehicle charger on West Street. Enclosed is a grant summary document outlining a proposed application to install two electric vehicle charging stations near the power pole on West Street across from both the park and Holley Hall. The Town of Bristol would be

the applicant and the Energy Committee would oversee the project. Ian Albinson, Chair of the Bristol Energy Committee, is expected to present more information at the meeting. A minimum 10% match is required for projects on municipal property. Application due date is no later than April 30, 2019.

RECOMMENDATION: Discussion. Determine if more information is needed or if the details of the proposal are acceptable.

Item III.3. Stoney Hill, LLC and Town Administrator grant authorization request: Authorization to apply to the Northern Border Regional Commission for funds to construct Stoney Hill Business Park infrastructure (road, sidewalks, utilities, site work). Enclosed are a number of documents associated with this proposed application:

- Grant summary document
- Stoney Hill Development Plan
- Letter of Notification (letter of intent to apply) to the NBRC
- Required grant application info
- Letters of support

The Town of Bristol would need to be the applicant and would need to own the infrastructure. The application due date is May 10, 2019.

This is a highly competitive program and we heard this was among 77 letters of notification submitted to the NBRC. Kevin Harper and Ryan Nick will be present to provide more information.

RECOMMENDATION: Authorization to proceed.

IV. CONSENT AGENDA

The Consent Agenda 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. 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 member of the audience.

RECOMMENDATION: Motion to approve the Consent Agenda as presented.

Item IV.1. Addison County Regional Planning Commission contract: MPG grant-funded assistance for Town Plan update. Enclosed is a proposed contract from the Addison County Regional Planning Commission for assistance with Bristol's Town Plan update. The proposed not-to-exceed \$16,200 budget reflects the scope of work approved in the \$15,000 Municipal Planning Grant awarded late last year. The balance of the project cost would come from the Special Projects line in the Planning & Zoning Dept. budget and/or in-kind services.

This is proposed as a sole source contract rather than a competitive bid process as a major purchase per the Exemptions provided in Bristol's Purchasing Policy for the following reasons:

1. The ACRPC prepared the current Town Plan and has all of the baseline data, figures, document format, and mapping for the current Town Plan. In addition, they have been providing guidance to the Planning Commission and staff on various aspects over this past year as we prepare to update it.
2. A joint subcommittee of the Bristol Planning Commission and Bristol Energy Committee is currently working with the ACRPC on the development of an enhanced energy plan to meet the provisions of Act 174. This will significantly inform the updated Energy Chapter of the Town Plan.
3. The ACRPC worked closely with the Town on the update of Bristol's All-Hazards Mitigation Plan, which was approved by FEMA on January 23, 2019. This will be an opportunity to ensure that hazard mitigation initiatives are integrated into the Town Plan.
4. The ACRPC worked closely with the Planning Commission on the recent update of the Bristol Zoning Regulations, approved by voters in 2017. This provided the ACRPC with particular insights into the connection between the Town Plan and regulations to implement it.
5. The ACRPC was recently asked to assist the Planning Commission with the development of subdivision regulations. This will be another opportunity for the ACRPC to ensure that the update of the Town Plan includes a sufficient foundation and nexus for the measures to implement it. (See Agenda Item III.2 below.)

RECOMMENDATION: Approval.

Item IV.2. Addison County Regional Planning Commission contract: Town-funded assistance for development of subdivision regulations. Enclosed is a proposed contract from the Addison County Regional Planning Commission to assist the Planning Commission with the development of subdivision regulations. The proposed not-to-exceed \$5,000 contract fee is a budgeted Special Projects expense in the Planning & Zoning Dept. budget. The contract proposal to have a draft document by May 2019 is quite ambitious. I recommend the timeline be allowed to coincide with the update of the Town Plan and corresponding public involvement.

RECOMMENDATION: Approval. Authorize an extension of the timeline into FY2020 to coincide with the Town Plan update.

Item IV.3. Ratify Green Mountain Engineering contract: Annual Landfill Inspection per Closure Agreement. This is an annual contract for services required by Condition #7 of the Closure Certification. An evaluation report must be completed on or before June 15 every year until 2026, when the landfill closure is up for re-certification.

Because the \$750 fee is below the threshold requiring Selectboard approval, I signed the contract on March 25, 2019 not realizing at the time the Selectboard is expected to approve all contracts.

RECOMMENDATION: Approval.

Item IV.4. Ratify Green Mountain Engineering contract: Annual Wastewater System Inspection per Indirect Discharge Permit #ID-9-0208-1. This is an annual contract for services required by Section D2(A) of Indirect Discharge Permit #ID-9-0208-1

Because the \$1,250 fee is below the threshold requiring Selectboard approval, and because the inspection must be done annually in April, I signed the contract on March 25, 2019 not realizing at the time the Selectboard is expected to approve all contracts.

RECOMMENDATION: Approval.

Item IV.5. Ratify Green Mountain Engineering contract: Annual Fire Station Inspection per Discharge Permit #7468-9015-T. The stormwater discharge permit for the Bristol Fire Station requires an annual inspection and report of the stormwater collection, treatment, and control system to ensure it continues to be properly operated. The inspection must be conducted by June 15th of each year and the report must be submitted to the Secretary of ANR by July 15th of each year.

In addition, the Town must submit every three years to the Department a written statement signed by a designer that the stormwater collection, treatment, and control system are properly operating and maintained. The first re-statement of compliance was provided by July 15, 2018; the next would be due by July 2021.

Green Mountain Engineering, the system's designer, has offered to provide the service this year for the nominal fee of \$1.00.

RECOMMENDATION: Approval.

Item IV.6. Request to name driveway serving three dwellings off Lower Notch Road to Oak Ridge Drive. A request was received via E-911 Coordinator Craig Scribner from Steve Hutchinson to name a driveway off Lower Notch Road that now serves three dwellings as *Oak Ridge Drive*. A map is enclosed that illustrates the general location.

RECOMMENDATION: Approval.

V. REGULAR BUSINESS

Item V.1. North Street paving follow-up: consider whether to add grinding. During the discussion at the previous meeting about the North Street paving project, the question was raised whether to include grinding. Mike from Pike estimated that, worst case, it would cost an additional \$10,000 and result in a full 2 inches of mix at the curbing; otherwise, the result would only be about a 1-inch thick topcoat.

RECOMMENDATION: Approval.

Item V.2. Continued appointment and/or reappointment of Town officials. Possible deliberation in Executive Session. Enclosed is an updated summary of Town Officer positions with indications whether folks are interested in being reappointed. Ken Weston and David Sharpe are interested to be reappointed to the Design Review Commission and Fence Viewer positions, respectively. We learned that an additional seat on the Design Review Commission is vacant as John McCormick was apparently not actually appointed, despite being listed in the Town Report. And we are in receipt of a notice of resignation from Ken Johnson of the Conservation Commission.

The vacant positions were advertised on Front Porch Forum, Facebook, and posted at Shaw's and the Town Office. A separate advertisement to fill the Bristol representative seat on the Mount Abe Unified School District Board was also advertised. We received an application from Linda Lunna who is interested in serving on a variety of Community Group organizations. We also received an application from J. Tyler Masters who is interested in serving on the Planning Commission.

RECOMMENDATION: Reappoint those who expressed interest; continue to advertise the remaining positions. Determine whether and when to interview the two new applicants. Possible deliberation in Executive Session.

Item V.3. Board of Health: Consider establishing a Deputy Town Health Officer position. Long-time Town Health Officer (THO) Diane Cushman began a six-week leave of absence on Monday, April 8. That same day, concerns were brought to our attention from neighbors, who asked that this matter be on the Selectboard's agenda, about an increasing number of rodents in and around the Kountry Trailer Park (KTP). This prompted numerous calls to the Vermont Health Department and the Addison County Community Trust (ACCT). ACCT is aware of the issue and is working with Orkin to increase the number of bait stations to control the population until certain elements can be cleaned up. At least two properties are believed to be a source of the problem: one is abandoned and the other is occupied, but the occupant refuses to be served a notice of eviction. ACCT is wending its way through the legal/court system to get then necessary authorizations to deal with the disposal of personal property and to make headway on the eviction.

We learned there is very little the Selectboard can do directly to address the neighbors' concerns in the short term. The Town Health Office has sole statutory authority to conduct an investigation, gather supporting evidence, prepare a report, issue a notice of procedural rights, and hold a public hearing with the Selectboard (which is also the Board of Health) to determine whether a Public Health Order is warranted. Only the Selectboard/Board of Health can issue a Public Health Order, and only the THO can issue an Emergency Public Health Order. The PHO must identify the specific steps necessary to address the public health issue. We were advised that as long as the owner is cooperating, going through the time and expense of developing a Public Health Order may not be warranted.

One thing the Selectboard CAN do in the short term is to appoint a *Deputy Town Health Officer*, who would have full authority to act as the THO in absence of the THO. The Selectboard's role is to recommend an appointment to the Vermont Department of Health, which then makes the formal statutory appointment. THO appointments become effective the first of the coming month and is for three years.

The Selectboard Chair automatically becomes the Town Health Office by statute if the THO office is actually vacant--not in instances where the THO is just not available for a period of time.

Ted Lylis has offered to serve as the Deputy THO. He has a background in medical science and strong experience in construction and building, skills that would be useful in assessing health and public building-related issues.

RECOMMENDATION: In the Selectboard's role as the Board of Health, recommend to the Vermont Department of Health the appointment of Ted Lylis as Deputy Town Health Officer.

Item V.4. Continued review of Selectboard schedule, goals, and priorities for 2019 – 2020. Enclosed is an updated schedule for the 2019-2020 year ahead based on the discussion from the previous meeting. Although the line between current and pending projects on page 2 is fuzzy, they still give us a snapshot of the range of matters before the Selectboard. Anything missing?

Selectboard members were tasked to identify five top activities or projects to focus on in the coming year. We will tally these and then discuss how they fit into what we already know about the Selectboard's schedule and other commitments.

RECOMMENDATION: Identify five priority projects or issues to be pursued this year and benchmark dates for completion. Review the calendar of meeting dates and where adjustments might be needed, such as to accommodate holidays.

Item V.5. Local Emergency Management Plan: review and adoption. According to 20 V.S.A § 6 and the 2013 State Emergency Operations Plan, each Vermont jurisdiction is

expected to develop and maintain a Local Emergency Operations Plan (LEOP). A current local emergency plan is also required for municipalities to receive federal preparedness funds and increased state reimbursement through the Emergency Relief and Assistance Fund (ERAF). Municipalities are expected to review and update their emergency plans annually and readopt them between Town Meeting and May 1 every year.

Vermont Emergency Management (VEM) re-did the LEOP template last year and now directs municipalities to use either the long form or the short form Local Emergency Management Plan (LEMP) template instead. The new LEMP has some sections that the LEOP does not, so it is not completely transferrable and new information is needed.

A draft of the short form Local Emergency Plan (LEMP) is still in progress and will be provided prior to (by e-mail) or at the meeting. Some sections could use the help of Selectboard members to complete, which we should plan to do in the course of the LEMP review at the meeting.

RECOMMENDATION: Discussion; complete sections where needed. Finalize and adopt the LEMP at the April 29, 2019 meeting.

Item V.6. Conservation Commission updates: Fuller property appraisal, next steps, request to reallocate authorized expense from Conservation Reserve Fund. The Selectboard has been provided with the completed appraisal of the Fuller property river access easement. Conservation Commissioner Kristen Underwood will be present to provide an update on this project and potential next steps.

At the meeting on November 19, 2018, the Selectboard authorized spending up to \$2,000 from the Conservation Reserve Fund toward completion of an appraisal of the Paul Fuller river corridor easement area for permanent placement in conservation. That same evening, the Selectboard approved spending up to \$1,500 from the Conservation Reserve Fund for a structural engineering assessment of Memorial Park infrastructure. The engineering assessment came in *\$440 over* budget, which the Selectboard agreed to pay with CRF funds provided that other funds be sought to reimburse it. It turns out the appraisal came in *\$500 under* budget.

RECOMMENDATION: Discussion; receive update. Agree that the Conservation Reserve Fund expenses have been balanced and the additional funds to reimburse the engineering assessment overage are no longer required. Discuss the appraisal in Executive Session regarding potential real estate negotiations per 1 V.S.A. §313(a)(2).

Item V.7. Approval of meeting minutes of April 1, 2019. Draft minutes of the April 1, 2019 meeting are enclosed and posted online.

VI. OTHER BUSINESS.

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

- Letter from Vermont Gas Systems, 04/11/2-19, re rescinded license agreement.
- Letter from Trudell Consulting Engineers, 04/10/2019, re Cook Sand & Gravel Pit Categorical Disposal Application, Project #19-022.
- Notice of Dismissal, 03/29/2019, re Bigelow, et al.
- Budget status report through 03/31/2019.
- RLF status report through 03/31/2019.
- Bristol CORE draft 03/06/2019 minutes.

VII. EXECUTIVE SESSION.

The Selectboard may wish to 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 attorney-client communications per 1 V.S.A. §313(a)(1)(F).

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Street and Sidewalk Sweeping

DPW Foreman Eric Cota reports that Greg Butler will be sweeping the sidewalks and Cyrus Marsano from VTUMS will be weeping the streets between now and the end of April.

Gravel Crushing

DPW Foreman Eric Cota reports that McCullough Crushing has been lined up to begin crushing gravel in early May, which will involve the DPW hauling 6,000 – 7,000 yards of gravel.

Main Street Lighting and Sidewalk Improvement Project

We met recently with the design team and reviewed the findings of their completed survey and preliminary light pole design and accessories alternatives. They identified some challenging areas on the south side of the project area where the existing sidewalk and pavers area is lower than the curb. A public information meeting will be held after their findings, alternatives, and recommendations submittal and before preliminary design is completed.

Schedule

Unless otherwise noted, I expect to be in the office from 8:00am to 4:30pm, though anything can change from day to day and often does ...

Week of Apr. 15

Monday: 7:00pm – Selectboard.

Tuesday: 10:00am – Cat 4 Exercise Conference Call
In around 12:00noon.

Thursday: 7:20am – ACEDC Board meeting, Middlebury. In around 10:00am.

Friday: 7:30am – PT appointment; should be in around 10:00am.

Week of Apr. 22

Wednesday: 3:30pm appointment in Berlin; will need to leave by 2:00pm

Thursday: 3:00pm – ACEDC Regional Economic Development Strategy Committee 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., Apr. 15, 7:00pm, 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.
- [Selectboard](#): Mon., Apr. 29, 7:00pm, at Holley Hall.
- [Bristol CORE](#): Weds., May 1, 9:00am, Holley Hall.
- [Conservation Commission](#): Thurs., May 9, 6:00pm, at Holley Hall.
- [Selectboard](#): Mon., May 13, 7:00pm, at Holley Hall.

Upcoming Agenda Items

Likely agenda items for upcoming meetings include:

- Continued appointment/reappointment of local officials.
- Appointment of MAUSD Bristol representative.
- New North Street water connection application(s).
- Winter maintenance policies and practices for Main Street sidewalks.
- American Legion 100th Anniversary Proclamation.
- WCVT alternative banner installation proposal.
- Bristol Fire Dept. policies review.
- Police Department policies review.
- Police Union contract review.
- Water Operator contract update and renewal.
- 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