

Bristol Town Administrator's Report

April 27, 2020

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 in advance of or at the meeting and may be found online at bristolvt.org/meeting-minutes. 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 27, 2020 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."

REMOTE MEETING: This meeting will be conducted through the **Zoom** remote meeting on-line platform. See the connection information below. If you intend to join the Zoom meeting and have never used Zoom before, we recommend you begin the log-in process well in advance of the meeting to allow time for downloads and connections to occur.

PHYSICAL LOCATION: Holley Hall will NOT be open to the public.

CALL-IN: People without a computer or other device can call in from the number below and enter the meeting ID from the phone keypad.

TO JOIN THE ZOOM MEETING:

Join Zoom Meeting

<https://zoom.us/j/95245011551?pwd=c1FyMVBkcWFDRDIKYmdnQ0xDUncxQT09>

Phone in: 1 (646) 558-8656

Meeting ID: 952 4501 1551

Password: 024995

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, both for time management of the meeting and to allow for the public to receive notice of the matter on a future agenda.

III. CONSENT AGENDA

Item III.1. Green Mountain Engineering contract: Annual Landfill Inspection per Closure Agreement. On-line is the proposed contract for Green Mountain Engineering's annual inspection of the landfill cap. This inspection is 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.

RECOMMENDATION: Approval. Authorize the Town Administrator to sign the contract.

Item III.2. Reappointment of Edward Shepard as Bristol Fire Warden for five-year term. On-line is the form for recommending reappointment of Edward Shepard as Bristol Fire Warden for a term of five years. He is willing to be reappointed.

RECOMMENDATION: Approval.

Item III.3. Banner application at West Street location by Mount Abe Union High School, May 15 – June 30, 2020 to honor Class of 2020. On-line is an application for installation of a banner on West Street across from the Post Office.

RECOMMENDATION: Approval.

Item III.4. Request from J. Hutchins to use municipal water for VTrans paving project dust control. This is carried over from the previous meeting to see how Vergennes was going to respond to a similar request. It turns out the City of Vergennes does not operate a municipal water system; it is owned and operated by the Vergennes Panton Water District, which is a separate entity. They had not yet been asked, but if they do, the District would have the contractor fill up a tanker from a hydrant and then use that to dampen the dust and debris. They have a location where tanker trucks can pay to fill up and invoice based on the capacity of the truck.

RECOMMENDATION: Approval with the condition that connection to a hydrant be coordinated with VTUMS and that their time and the amount of water used be billed to the contractor.

IV. REGULAR BUSINESS

Item IV.1. Continued consideration of Acorn Solar Project (500 kW) on Bristol Landfill Memorandum of Understanding and Lease Option. On-line are updated documents associated with this proposal: a proposed Memorandum of Understanding and Exhibit B – Summary of Principal Lease Terms. The Selectboard has also been provided with a Lease Option document and proposed lease, which will be discussed in Executive Session.

Based on feedback from the Selectboard's April 16 deliberations, Rich Carpenter with Acorn proposed that the highlighted sections on the updated documents be clarified as follows:

“Rent and Taxes - Annual rent and tax payments totaling \$11,000 in the first year will be paid at the commencement of the lease and subsequent installments shall be paid on each one-year anniversary of the first payment (i.e. once every twelve months thereafter). In each subsequent year, the payment will be increased by the amount that the taxes due for that year exceed the taxes due for the preceding year.

Subordination and Non-disturbance Agreements - In the unlikely event that the Town sells or otherwise encumbers the property, the Landlord shall obtain subordination and non-disturbance agreements with respect to any mortgage on the property in form and substance reasonably satisfactory to the Tenant.

Last Dot Point in MOU - The Town and AES3 agree that AES3 may use the publicly available Grand List and Voter Check List to contact those listed there to make them aware of opportunities to participate in AES3, LLC.”

RECOMMENDATION: Determine if additional information is needed and next steps. The Selectboard may wish to deliberation in Executive Session under contract negotiations.

Item IV.2. Green Mountain Power request to install new utility pole on South Street. On-line is the application GMP submitted last month to install a new utility pole on South Street across from the Brown McClay Funeral Home. The purpose of the pole is to provide upgraded electrical service for properties on the south side of Main Street, which GMP says is outdated and overdue. A new overhead line would be extended to improved poles behind the properties on Main Street.

There appears to be some confusion whether Selectboard approval of new utility pole installations is required. 19 V.S.A. §111 l(c) specifically states:

(c)(1) Installing pipes and wires in highway. It shall be unlawful to dig up or excavate a trench in a public highway for the purpose of installing pipes or wires without a written permit from the Agency in the case of State highways and the selectboard for town highways. The permit shall include any conditions imposed by the issuing party. All inspection of excavation and backfilling shall be done under the supervision of an agent of either the town or State as the case may be. Failure of any person, corporation, or municipality to perform the work or to restore the highways in a satisfactory and timely manner to the Agency or the town may result in either the Agency or the town completing the work at the expense of the permit holder; provided however, the Agency or town shall give timely notice to the permit holder of any defects, and the permit holder upon receipt of notice, shall have a reasonable time in which to repair the defects. The Agency or the selectboard may recover reasonable expenses incurred in this manner in a civil action in the name of the State or town with costs.

However, neither the Petition for Use of the Public Right of Way nor the Work in Town Right of Way permit application reference the need for Selectboard approval. Instead, that authority was delegated some time ago to the Road Foreman.

Public Works Foreman Eric Cota issued the Work in Town Right of Way permit to GMP last month with the condition that everything is put back as it was before the

work is done. Theresa Dessureault of GMP will be available to participate by telephone to answer any questions.

RECOMMENDATION: Determine if additional information is needed. Clarify whether the application forms need to be amended to include Selectboard approval.

Item IV.3. Consider purchase of two automated external defibrillators (AEDs) through Bristol Rescue with Capital Building Reserve Fund. Bristol Rescue Squad Chief Mark Ricker reached out to the Town to offer an opportunity to purchase two automated external defibrillators (AEDs) at a discounted price in conjunction with an order they are planning to submit. One would be located upstairs at Holley Hall and the other would be at Howden Hall. An AED is a medical device designed to analyze the heart rhythm and deliver an electric shock to a person experiencing cardiac arrest to restore the heart rhythm to normal. AEDs are required to be installed in all federal buildings and are strongly recommended to be installed in other public buildings and places.

Each unit would cost \$1,224, for a total of \$2,448, which is proposed to be paid from the Capital Building Reserve Fund.

Mark recommends that we plan to budget to have an AED be installed at the Police Department building and that one be made available to be available in a cruiser.

RECOMMENDATION: Approval.

Item IV.4. Continued consideration of establishing the Horse Ring Committee. This was continued from the previous meeting to follow up on questions about the structure of this new committee. The committee is proposed to be comprised of seven members for two-year terms. The following candidates are proposed to be appointed: Lynda Malzac, Chanin Hill, Lee Beckwith, Elissa Cobb, Porter Knight, Kate Selby, and Polly Wilson.

RECOMMENDATION: Approval.

Item IV.5. Request by American Legion to use the Town Green Park for a Memorial Celebration, May 25, 2020. On-line is the request from the American Legion to host a Memorial Day celebration at the Town Green on May 25, 1:00pm to 2:00pm. The event ordinarily is expected to draw about 200 people. According to the Public Displays and Assemblages Ordinance, this event would require a Class 2 permit, which would be issued by the Town Administrator unless there is a public health or safety concern.

Ron LaRose clarified that, if the event proceeds, it will be the same ceremony they hold every year lasting up to 30 minutes, with speakers and placing the wreath at the Veterans Memorial. Pre-recorded patriotic music would be played during the ceremony. There will be no parade. Attendees would be asked to spread out for social distancing. They expect to decide by May 1 whether the event will go forward.

RECOMMENDATION: Under the circumstances, the Selectboard may wish to determine whether public activities will be allowed at the Town Green at that time.

Item IV.6. New WCVT phone system contracts for Town Office, Fire Station, Police Station.

On-line are a proposal and draft contracts for new, hosted phone systems for the Town Office, Fire Station, and Police Station. Though they are labeled as “confidential,” Kris Merchant with Waitsfield-Champlain Valley Telecom authorized them to be public. The Town currently rents its phones through WCVT and each department has a variety of phone models. One objective of this upgrade is to unify all the models and improve the level of service. In the course of preparing for this agenda item, I asked Kris a number of questions about how the charges for the new system relate to the charges for our current system. He found that he could offer an additional discount for the Police and Fire Departments and sent over revised contracts today that reflect a \$12 per month reduction. There would be an initial setup and configuration charge for each department, which is expected to offset by rebates on the old phones through Polycom.

RECOMMENDATION: Determine if additional information is needed. Authorize the Town Administrator to execute rental contracts with WCVT for up to five years.

Item IV.7. Select engineering consultant for Stoney Hill Business Park engineering contract:

Green Mountain Engineering. On-line is the proposed scope of services and contract from Green Mountain Engineering in response to the Request for Qualifications issued in December 2019. Green Mountain Engineering is one of two responses received. The RFQ process requires that negotiations commence with the higher-ranked consultant and, if terms cannot be agreed, then negotiations would end and be initiated with the next-in-line ranked consultant, and so on until an agreement is reached. We received the Notice to Proceed from the Northern Border Regional Commission on March 24, 2020 and then asked GME for a proposed scope of work and budget. The table below shows how their proposal compares with the NRBC grant-funded budget. The NRBC grant would pay up to 50% of the expenses; Stoney Hill Properties, LLC would pay the balance per the agreement approved last month.

		Grant Budget	GME
8d	Arch & Engineering Fees	\$99,813	\$28,460
	Permitting		
	Local		\$8,240
	Act 250		\$7,250
	Water/Wastewater		\$8,100
	Stormwater		<u>\$18,045</u>
			\$70,095
8e	Bid Phase	\$0	\$4,800
8f	Construction	\$99,813	

	Basic Services		\$7,500
	Resident Rep (Inspection)		\$56,900
	Record Drawings		\$1,650
			\$70,850
	TOTAL	\$199,626	\$140,945

RECOMMENDATION: Approval.

Item IV.8. Coronavirus COVID-19 update: preparations, response, and impacts to municipal operations. This is on the agenda for an opportunity to check in on the current situation, impacts on department operations, and measures going forward.

On April 13, 2020, a letter was sent to all revolving loan fund borrowers notifying them of the Selectboard’s offer to adjust loan terms in response to impacts of the COVID-19 pandemic. Three companies responded by the April 24 deadline: In Stitches, Honey Lights, and Vermont Tree Goods. Attorney Kevin Brennan advised us that a legal document would need to be drawn up to amend the original loan documents and be provided to the bank, so a small legal expense will be incurred that would be paid from the RLF fund.

Over the week of April 20, the Public Works team returned to work as allowed under the Governor’s updated order and a memo was provided to just the DPW regarding protective protocols based on the guidance at that time.

An April 24, 2020 memo was provided to all employees based on the Governor’s updated order outlining current requirements and protective measures. One new requirement that I highlighted is that all employees, including those already working (except healthcare workers, first responders, and others already trained in infection control, personal protection/universal precautions), must complete, and employers must document, a training on mandatory health and safety requirements as provided by VOSHA, or another training program that meets or exceeds the VOSHA-provided standard by May 4, 2020. The guidance regarding the required training by May 4 was issued over the weekend, which can be found here:

<https://labor.vermont.gov/document/protecting-safety-and-health-workers-vosha>.

Copies of all these documents are available on-line.

RECOMMENDATION: Determine what, if any, additional information is needed and next steps.

Item IV.9. Review Selectboard schedule, goals, and priorities for 2020 – 2021. On-line is an updated draft schedule for the 2020-2021 year ahead. Its purpose is to help people plan their schedules and provide an overview of matters likely to be on the Selectboard’s docket over the coming year.

RECOMMENDATION: Discussion. Continue to one or more subsequent meetings for further consideration.

Item IV.10. Approval of the February 17, March 2, March 16, March 30, April 13 and April 16, 2020 meeting minutes. The April 16, 2020 minutes are completed and posted. Review of the draft February 17, March 2, March 16, March 30, and April 13, 2020 minutes is still in process. The original draft minutes are available and posted online.

V. OTHER BUSINESS.

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

- Bristol Fire Station Annual Inspection Report and Statement of Compliance, 04/24/2020.
- General Fund 3rd Quarter Budget status report through 03/31/2020.
- Police Department 3rd Quarter Budget status report through 03/31/2020.
- Water Department 3rd Quarter Budget status report through 03/31/2020.
- Sewer Department 3rd Quarter Budget status report through 03/31/2020.
- Letter of resignation from Lister Theresa Gile, 04/10/2020.
- Letter of thanks from the Vermont Rivers Conservancy, 04/07/2020.
- Letter and membership guide from VLCT, 04/20/2020.

VI. EXECUTIVE SESSION.

The Selectboard is expected to deliberate in Executive Session regarding contract negotiations per 1 V.S.A. §313(a)(1)(A), labor relations agreements per 1 V.S.A. §313(a)(1)(B), pending litigation per 1 V.S.A. 313(a)(1)(E), and personnel matters per 1 V.S.A. §313(a)(3).

Stoney Hill Sidewalk Scoping Study Update

DuBois & King has been working with the Stoney Hill Scoping Study Steering Committee to develop outreach materials to solicit feedback on options for sidewalk or other bike/ped facility from Lovers Lane to Airport Drive. Mike Winslow with the ACRPC developed a Web site with information about the project: Website is live: <http://acrpc.org/programs-services/transportation/bikeped/bristol-ped-path/>. A public survey has been developed and is posted at www.bit.ly/bristolpathway. A public meeting has been scheduled for Wednesday May 13, from 5:30pm to 6:30pm via Go-to-Meeting. Connection details will be provided as the date nears.

Schedule

I will be working from home most days but plan to be in the office on Friday afternoons for the VEM call and to tend to things that were not easily accomplished remotely.

Week of April 27

Monday: 11:00am – Zoom meeting with ACEDC Board, downtown orgs, and Congressman Welch
7:00pm –Selectboard.

Tuesday: 10:00am – Dept. Heads Zoom meeting.
3:30pm – Stoney Hill Sidewalk Scoping Study Committee

Friday: 2:00pm - COVID-19 conf. call with local EMDs, RPCs, and municipal officials.

Week of May 4

Tuesday: 8:30am – Bristol CORE

Friday: 2:00pm - COVID-19 conf. call with local EMDs, RPCs, and municipal officials.

Main Street Sidewalk / Route 116 Paving

J. Hutchins has asked if they could use a hydrant as a water source to control dust as part of the paving project. VTUMS said they can designate one hydrant and install a valve. Cyrus would be the only one to open/close the hydrant, but it would allow them to operate the valve. In response to the question whether J. Hutchins should be charged for the water, VTUMS suggested that a 2" meter with valve could be installed on the hydrant behind the Fire Station.

Brandon Kipp with VTrans explained that if the contractor cannot use the municipal water, they will need to truck it in.

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. 27, 7:00pm via Zoom.
- Bristol CORE: Tues., May 5, 8:30am, via Zoom.
- Selectboard: Mon., May 11, 7:00pm via Zoom.
- Conservation Commission: Thurs., May 14, 6:00pm, via Zoom.
- Planning Commission: Tues., May 19, 7:00pm, via Zoom.
- Bristol Energy Committee: Weds., May 20, 7:00pm, via Zoom.

Upcoming Agenda Items

- Selectboard calendar, goals, priorities.
- NRCS EWP grant authorization.
- VTrans structures and paving grants authorization.
- AAPR grant authorization.
- Selection of Public Works Site and Needs Analysis consultant(s).
- Continued appointment and reappointment of Town Officials.
- Appointment of members to a new Emerald Ash Borer Strategic Plan Committee.
- Town Plan and Unified Development Ordinance.
- Winter maintenance policies and practices town-wide and for Main Street sidewalks.
- Class 4 highways maintenance policy.
- Process to become a Certified Local Government (CLG).
- Other stuff.

Respectfully submitted,

Valerie Capels, Town Administrator