

**^Town of Bristol, Vermont
Selectboard Meeting Minutes of
Monday July 12, 2021**

Selectboard members present: Chair Pecker Heffernan, Vice-Chair Ian Albinson, Joel Bouvier, and Michelle Perlee.

Staff present: Board Clerk Tasha Bouvier, Town Administrator Valerie Capels, Public Works Foreman Eric Cota, Fire Chief Brett LaRose, Recreation Director Meridith MacFarland, and Police Chief Bruce Nason.

Others present: Floyd Davison, Ethan DeWitt, Joel FitzGerald, Kevin Harper, Shawn Kimball (NEAT TV), Jim Quaglino, Greg Swain, Sharon Swain, Joshua Turner.

I. Call to Order. Chair Pecker Heffernan called the meeting to order at 7:02 p.m.

1. Review agenda for addition, removal, or adjustment of any items per 1 V.S.A. §312(d)(3)(A). Valerie Capels reported that attorney client communication and a potential settlement claim will need to be added under executive session.

2. Overview of Zoom meeting operation and procedures: rules for participation, mute microphone, recognition by Chair, etc.

II. Public Forum. None.

III. Department Head Roundtable.

1. Police: Bruce Nason reported that Senator Bray has found time to schedule another public police meeting.

2. Recreation: Meridith McFarland reported that Holley Hall work is being done. The sidewalk is closed for public safety. Programs are running great, and events are full. The bell will be going back as soon as it can go back.

3. Fire: Brett LaRose reported that the department has returned to pre-covid calls numbers. The department just had their second in-person dinner and meeting. Annual recognition awards night is being planned. Caleb Rockwood and Timothy O'Toole completed their certifications.

IV. Regular Business.

1. Bristol Fire Department: (a) Fire Chief Brett LaRose and Firefighter candidates Greg Swain and Ethan DeWitt; (b) resignation of Firefighter; and (c) Firefighter leave of absence request. Fire Chief Brett LaRose provided a brief introduction to Firefighter candidates Greg Swain and Ethan DeWitt. Joel Bouvier moved to accept Greg Swain and Ethan DeWitt as Bristol Firefighters. Ian Albinson seconded. So voted. Greg Swain and Ethan DeWitt signed the historic membership book. Joel Bouvier moved to accept Alexis Fojo's resignation with regret as a Bristol Firefighter. Michelle Perlee seconded. So voted. Joel Bouvier approved leave of absence request for James Huckett for one year leave of absence. Michelle Perlee seconded. So voted.

2. Consider quotes for Harvey Road riverbank bank stabilization. Joel Bouvier moved to accept Masterson Excavating's proposal of \$9,500. Michelle Perlee seconded. So voted. Half of the payment will be required up front.

3. Bristol Elementary School projects and work in the right-of-way follow-up: Joel FitzGerald. Valerie Capels reported that this item is on the agenda because work was undertaken in the Mountain Street right-of-way without Town authorization, which prompted several concerns, including that the newly paved roadway was cut into. Though an application for work in the right-of-way was submitted on June 30, 2021, the work was already initiated for sidewalk and front entryway alternations and a permit has yet to be issued. Other projects are also under way at the Elementary School, including septic area improvements and the Town's stormwater infiltration chamber project. MAUSD Facilities Director Joel FitzGerald explained they plan to raise the curb and widen the sidewalk from four to eight feet. The bollards are planned to be removed. He said this project has been on the books for about three years to improve ADA accessibility. There was discussion about the septic system improvements and the stormwater infiltration project planned in the rear of the school. There was also discussion about whether the utility pole should be replaced. The school will continue to maintain the sidewalk in the winter. Eric Cota said that the conditions he would put on the work in the right-of-way permit would include the following: (1) pave the road back rather than cold patch; (2) seal the joint where it was cut; and (3) if tracks are left that the road be recut to take out the track marks. If traffic is down to one lane, traffic control would be required. Joel FitzGerald noted they are looking into moving the dumpster toward the back of the property on a concrete pad. He agreed to provide updates to the Town as the project moves forward.

4. Continued consideration of land transaction with Stoney Hill Properties, LLC to support Firehouse Apartments (Evernorth) and review of proposed quit claim deed. Valerie Capels reported a reversion clause was added where if the apartment project fails to be completed in five years, the land would revert back to the Town. There was discussion about whether, at some point in the future, that land could be built upon. Michelle Perlee moved to approve quick claim deed of the 5.8 acres and authorize the Town Administrator, Selectboard Chair, or Selectboard Vice-Chair to sign. Ian Albinson seconded. So voted 4-1. Joel Bouvier voted no because he still feels there should be money exchanged for the property. Valerie noted the Section 1061 notice gives 5% of registered voters the opportunity over 30 days to petition to have the matter voted at a special town. The notice was posted today, which reset the 30-day clock.

5. Consider proposed indemnification agreement related to the above donated land. Michelle Perlee moved to enter into the indemnification agreement with Evernorth and Stoney Hill Properties and authorized the Town Administrator, Chair, or Vice Chair sign the agreement. Ian Albinson seconded. So voted 4-1. Joel Bouvier voted no.

6. Consider acceptance of deeds of easement from Stoney Hill Properties, LLC to the Town of Bristol for road and utilizes construction, installation, maintenance, replacement, and repair related to the extension of Firehouse Drive and the development of the Stoney Hill Business Park. The Town would be responsible to plow the roadway and sidewalks within the right-of-way, but any sidewalks, or parking spots outside the right-of-way would be Evernorth/Stoney Hill Properties responsibility. Joel Bouvier moved to accept deeds of easement from Stoney Hill Properties, LLC to the Town of Bristol for road and utilizes construction, installation, maintenance, replacement, and repair related to the extension of Firehouse Drive and development of Stoney Hill Business Park and have the Town Administrator, Chair or Vice-Chair sign the agreement. Ian Albinson seconded. So voted. Michelle Perlee voted no. The Stormwater Treatment System Agreement between Town

of Bristol and Stoney Hill Properties, Inc. was reviewed. Concerns were expressed about the Town being held responsible for the costs in paragraphs 1 and 2. Valerie Capels will have the lawyer revisit the agreement.

7. Consider construction bid results and selection of contractor for the Stoney Hill Business Park Infrastructure Project: Green Mountain Engineering. Discuss construction details and other updates. Joel Bouvier moved to grant Don Weston Excavating contract for the Stoney Hill Business Park Infrastructure Project of \$845,260.20 with additional cost of cement sidewalks of \$16,000. Ian Albinson seconded. So voted.

8. Approval of the June 14, June 21, and June 28, 2021, meeting minutes. Michelle Perlee moved to approve June 21, 2021, with no corrections. Joel Bouvier seconded. So voted. June 14 and June 28, 2021, meeting minutes will be moved to next meeting.

9. Authorize accounts payable warrant and any liquor licenses. \$327,970.59. The liquor license approval for South Mountain Tavern was discussed. Valerie Capels noted the approval can only be changed if it is a noticed item on the Selectboard agenda. The current approval does restrict outside consumption up to 10:00pm, but nothing was specified about the closing time. The intent was that the conditions be the same as had applied to Hatch 31. Previously, patrons needed to out of the premises by midnight. Chief Nason recommends the same condition be applied. Valerie Capels will try to obtain the conditions from Hatch 31's permit and this will be on the next meeting agenda.

10. Selectboard roundtable.

Ian Albinson said he would like to have it on the next Selectboard agenda to talk about trash cans on the park. He noted that products ordered through the grant have begun to arrive. There was discussion about where the new benches and bike racks will be placed. There was discussion about alternative designs for the intersection plantings and snow removal from a more permanent installation.

Joel Bouvier reported he had a resident witness a customer from one of the restaurants put their trash in the Town trash cans and wondered if the Selectboard should request restaurants to take care of their own trash or have their own trash cans.

Joel said he wants to ensure the crosswalk across West Street from the new Firehouse Drive development gets done.

Joel expressed concern about food trucks and open containers. Bruce confirmed that the open containers are only allowed in a roped off area.

Peeker Heffernan wished Darla Senecal a happy birthday.

11. Town Administrator's report. Valerie Capels reported that the Town successfully registered from the first half of the ARPA funding. We still do not know what the county allocation will be. The bid opening for the West Street slope repair project has been extended to August 3 and the project deadline extended to December. The property owners will be in a better position to decide

whether or not to go forward after the bid results are in. Dubois & King will be coming to the August 23 meeting to present about the Lincoln Road intersection project.

V. Other Business.

1. Correspondence, reports, correspondence received. Maple Broadband's request for a share of the Town's ARPA funding was acknowledged. There was agreement it is too soon to make any decisions.

VI. Executive Session.

Michelle Perlee moved to enter executive session finding that premature general knowledge would clearly place the Selectboard or other parties at a substantial disadvantage regarding pending litigation per 1 V.S.A. § 313(a)(1)(f). Ian Albinson seconded. So voted. The Selectboard met in executive session from 9:04 p.m. to 9:30 p.m. Upon returning to open session, Joel Bouvier moved to accept the settlement agreement between the Town of Bristol and former Police Officer Fairbanks. Ian Albinson seconded. So voted.

VII. Adjourn.

At 9:30 p.m. Joel Bouvier moved to adjourn the meeting. Michelle Perlee seconded. So voted.

Respectfully submitted,

Tasha Bouvier
Board Clerk

Valerie Capels
Town Administrator