

Subject to Review and Approval

**Town of Bristol, Vermont
Selectboard Meeting Minutes
of Monday, January 10, 2022**

Selectboard members present: Chair Pecker Heffernan, Vice-Chair Ian Albinson, Joel Bouvier (joining late 7:45 pm), Michelle Perlee, and Darla Senecal.

Members Absent: none

Staff present: Public Works Foreman Eric Cota, Town Administrator Valerie Capels, Board Clerk Sharon Lucia, Police Chief Bruce Nason, Police Officer Josh Turner.

Others present: Linda Andrews, Tanya Bashan, Sally Burrell, Dustin Corrigan, Christian DaBica, Shawn Kimball (NEAT), Orion Lewis, Kevin Masse, Marianne Nando, Elise Shanbacker, Herb Schulte, Ben Skolozdra, Gerry Slager, Susan Whitmore, Jim Quaglino, Marc Werner-Gavin, Theresa ???.

I. Call to Order. Chair Pecker Heffernan called the meeting to order at 7:00 p.m.

1. Review agenda for addition, removal, or adjustment of any items per 1 V.S.A. §312(d)(3)(A). There is one addition, and no removals, or adjustments.

Valerie Capels said there is one adjustment under Item 8. Annual Certificate of Highway Mileage. VTrans was able to go through the process to add the extension of Firehouse Drive. The Certificate has been updated and uploaded to the website.

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:

Eric Cota said the team is doing maintenance work on equipment.

Bruce Nason reminded everyone of the pending cold weather coming in. Make sure to dress warm, bring in your pets, and check on your neighbors.

Sharon Lucia explained that the election is coming soon. Appropriation requests are due January 13 and candidate petitions are due January 24. The Governor hopefully will sign emergency legislation on Tuesday regarding having the same process as last year. There would be no Town Meeting only informational meetings, and everything would be by Australian ballot.

IV. Regular Business.

1. Interviews and potential appointment of candidates to a newly formed Bicycle Pedestrian Advisory Committee.

Valerie Capels said she received seven responses before tonight's meeting and today received an additional one. Her name is Tanya Baschand. The names of candidates are listed in the Town Administrator's report. It was decided by the Selectboard to have each candidate say why they want to be on the committee and what their qualifications are.

Dustin Corrigan said he is a physical education teacher at Mt Abe and is interested in having safe walking and biking routes for our students. The Elementary school students have to walk to school if they live in the village and he feels that there are routes that need to be made safer. He lives on Lawson Lane across from the Town Garage and is near Liberty and Pine Street. Neither of these streets have sidewalks which is problematic. He runs about 60 miles a week in the village, and he know where the roads and sidewalks are good and where they are not. He wants to make the village a safer place for everyone.

Christian DaBica said he is an avid biker and running. He and his wife live on West Pleasant Street which is a high bike and walking thoroughfare. They moved here from West Addison so it's a different climate here to be able to walk their son to school. They have been here 7 ½ years and he knows the areas that are good for walking and biking and others that are not. He has worked in bicycling industry for years and he also does work for a charity called World Bicycle Release. He is open to any idea to make Bristol a safer place for biking and walking such as one-way streets, bike lanes, bolster safety and well-being of students.

Kevin Masse said he is a longtime member of community and has been here over 40 years. He was a Teacher at Mt Abe for 24 years and 23 of them as a driving teacher. He assisted the State of Vermont in developing the learning targets and proficiencies for driver's education. He doesn't run as much as he used to but has started biking again and has spent many hours biking. His children like to bike and visiting the track at the Hub and then getting an ice cream. He's not coaching as much and thought this committee would be a good use of his time.

Herb Schulte said he was chairman of Schoolboard in Orwell and worked with Selectboard there to get the speed reduced on 22A. He lives on the corner of the school crossing (old Burke house) on North and Spring Street and has seen some scary near misses. He agrees with traffic calming and creating spaces that are more dedicated to bikers, putting in some signaling and anything else that makes it safer. He's been a resident in Bristol for 12 years and wants to get more involved in community and would love to be a part of the committee.

Gerry Slager said he agrees with others about making the town safer. There are six or seven bike companies that bring tours through Bristol. He would love to see Bristol known as a friendly and safe community for cyclists. He moved here in 1979 and worked with Vermont bicycling tours for 40+ years. He has biked all over the world and has seen all kinds of conditions from signs to markings on roads. He is very passionate about biking/walking/hiking and would very much like to be involved in this committee.

Marc Werner-Gavin said he is a daily warm weather bicyclist to Middlebury and Lincoln. He lives on Pleasant St. and there are a lot of pedestrians and bicyclists that go by. He wants to be part of the community and make the town safer, but it looks like you have a lot of

interest. He will stand aside and let other ones be the committee and would be open to being on another committee.

Marianne Eaton said she has lived in Monkton & Bristol since in mid-1990's. She currently lives on Monkton Rd on a very dangerous blind corner. She is an avid cyclist and has joined Gerry on several forays around the world. She has ridden through Bristol on several occasions and is not comfortable riding on Main Street, Monkton Road or on Burpee Road. She has almost been hit at least three times just trying to get home. She is looking for a home in the village as she values the sense of community and to enjoy the walkability of Bristol. She has a marketing background and is a video producer and editor. She would love to support marketing efforts for Bristol and walking and cycling is a big part of that.

Tanya Bashand said she moved to Bristol a couple of years ago from Burlington. She cycles a lot and walks a lot from her home on Mountain Street and it's a wonderful change from Burlington. I work part-time at Little City Cycles and has a non-profit with Tim Matheson (who owns Little City Cycles) called Green Mountain Foster Bikes. She wants to make Bristol roads a hub for bicycles. She has commuted from Bristol to Vergennes on a bicycle and has had a couple of scary moments. She hasn't been involved with anything in Bristol yet but wants to become more active in the community.

The Chair asked if there were any questions for the candidates. Peeker confirmed that the committee is for seven members and there are eight who have applied. He doesn't think we need to make the decision in executive session if Marc is willing to stand down and let the other seven be on the committee. Marc said he is willing to do that. Michelle Perlee mentioned to Marc that we have room on ARPA committee if he was interested. He can call Valerie Capels. Marc will think about it and let us know. Ian explained briefly what the ARPA committee is. Valerie also said that there is a vacancy on the Conservation Committee.

Ian Albinson made motion to appoint Dustin, Christian, Kevin, Herb, Gerry, Marianne and Tonya to the Bicycle Pedestrian Advisory Committee. Darla Senecal seconded. So voted.

Valerie brought up terms for the committee and asked how we want to do that. Ian said that would be great as it will be an on-going committee. Peeker suggested let the committee meet and have three for 3-year terms and the rest for 2-year terms. The committee can decide what terms each member wants. Ian offered to be the Selectboard liaison. He will set the first meeting up and contact everyone.

2. John Graham Housing & Services (JGHS) and Addison County Community Trust (ACCT) presentation regarding their Vermont Housing Conservation Board (VHCB) and ARPA funding request.

Susan Whitmore said she is the new Executive Director of John Graham Housing and Services in Vergennes. They have properties in Vergennes, Middlebury and Bristol. They are partnering with ACCT to rehabilitate and insure the preservation of the affordable property in Addison County. The housing situation in Vermont is critical especially for people who are moving through emergency shelter into transitional housing and hopefully into permanent housing.

They have a property in Bristol at 24 Mountain St. in Bristol included in this project. The project also includes two properties in Vergennes and one in Middlebury. The VHCB will disperse the funds and our funds will either be from ARPA funds or from other VHCB funds. John Graham facility is not making a request from the Town today but wanted to update the Town on their projects. They are in the feasibility stage in preparation of submitting their application in February to VHCB. They've completed the capital needs assessment, the appraisal and working on market study and looking at ways to expand on affordable housing and help more families. They are partnering with ACCT on the projects and their assistance looking at the deferred maintenance on John Graham properties. They have completed several tax credit applications and Elise from ACCT can talk more about that. Elise said they are excited to be working on these projects and can use the tax credits in conjunction with federal money. They are looking forward to getting Firehouse Drive on-line by 2023. She thinks it is a great project and partnership. Michelle Perlee asked if the ARPA funds were separate from the Town's ARPA funds and Susan confirmed that it's a separate fund. Elise doesn't expect to use any community grant funds that would come through the Town for this project.

Sally Burrell explained that there is a project in Addison County on rehabbing municipality buildings and even some housing in Middlebury. Sally wondered if 24 Mountain Street could be reviewed by MIT/Middlebury College interns that are working on the project gathering information. Susan said they did look at that for the Mountain Street property, but it doesn't work with the Town's zoning. Elise said that the Firehouse Drive is unique, but they are on the look-out for smaller properties to develop but haven't been successful in finding the right one yet.

3. Acknowledgement of and response to Lewis-Teets complaint regarding recent Drake Smith Road maintenance.

Valerie Capels posted the November 2021 letter on-line from Orion Lewis and Jessica Teets expressing their complaints and concerns. It is on tonight's agenda to be acknowledged. Peeker Heffernan made it clear that the matter was dealt with in a timely manner but had not been documented. Ian Albinson conveyed that he and Peeker met with the homeowners to discuss their concerns. The homeowners felt that they should have had more involvement and better communication with the Town prior to the work being done. The Town agreed to bring in more topsoil in the spring and compensate the homeowners for plantings that were removed. Peeker also had an additional suggestion to line the lower ditch on road with stone for better drainage. Orion Lewis confirmed what Ian explained and appreciates the visit. Orion is amenable to the discussed solution but expressed that in the future there be more communication with landowners.

Peeker explained that it is a tight area. There is not a lot of property to work with considering that the road borders two sides of the property and if both right of ways are dug up its concerning. Orion appreciates Selectboard's responsiveness to this.

Valerie added that Drake Smith is a private road and there is not a right of way to guide the public works department on where limits are. If the Town was to make it a three-rod road right-of-way on Drake Smith, then the 25 feet from the center line would quite likely go

through buildings well into the private property areas. It is a narrow road and requires maintenance from time to time and when it gets deferred it can contribute to the scope of the drainage work that was accomplished there. On the roads that have a highway right-of-way, the municipality has a responsibility to maintain those right-of-ways and can do what needs to be done to comply (ditching, removing trees, prohibiting items). There is a link in the Town Administrator Report to a pamphlet explaining this. During daily operations of road maintenance, it's not a practical approach to notify everyone when routine maintenance is being planned.

Peeker said that where it is not typical maintenance, we should notify and involve the landowners. We need to be more transparent with the landowners.

Michelle Perlee said we need to move forward with the options regarding the 4-5 roads that are not municipal roads. Valerie said we can reclassify them as town roads and the minimum right of way is three rod road. The Town would get compensation from Agency of Transportation for those roads if they were municipal and met Class 3 road standards. Michelle said the other option is to give up the road or make it a Class 4 road. Eric Cota explained that for a Class 4 the Town is only required to maintain the bridges and culverts.

Orion said they did not view the work as standard maintenance. He moved there 10 years ago, and this work was a drastic change from what was there then bringing them to this point. In terms of the road right of way and reclassification the Town has the right to do what it needs to do for public use, but it doesn't give the Town the unlimited right to use private property within that distance. Orion agreed that the Town has the right to use the property if it goes through the process outlined in the Statute 19. He has no issue with reclassifying the road.

Peeker said we need to agree to or accept the value of the hosta plants and Ian said we can do that off-line. Valerie said if the Selectboard is going to compensate it needs to accept the value presented by Mr. Lewis or recommend an alternative. Peeker asked how many hosta plants were required. Orion says 10-15 hosta plants would work. Peeker has plenty at his house that needs thinning out and he offered them or would Orion rather have something in a pot. Orion agreed to start with the ones thinned from Peeker's house. Orion also said that there was agreement for five yards of dirt. Peeker said when Orion is ready then Eric will deliver the agreed to dirt.

4. Reconsideration of indoor masking requirements.

Valerie Capels provided the documents that Linda Andrews offered. Valerie did not have time to write up a plan for Selectboard to act on. Tonight's meeting can start the conversation. Peeker asked Linda what she found was the difference between a rule and a mandate. Linda said its between a mandate and an ordinance. Ordinances is enforceable, and there a whole formal process for that. There are about 20 towns that have mandates. She looked at some of them and they are all different. Some have penalties; some don't. Mari Cordes is introducing a bill on mask mandates this session. Linda has a copy of that and has sent to Valerie. Linda recommends we look at the state's mandate and take language from there. Valerie explained that the Middlebury Resolution used "shall" and not "will" and it

covers town properties and public properties. Valerie understood that when Ian broached the subject, he was looking at municipal facilities, but Linda wants a broader approach including private property. Her concern is our health care system and the care that is not being extended due to this pandemic. She said many of the businesses have mandates but by the Town doing a mandate supports the businesses that have it.

Middlebury's Resolution was reviewed. Michelle brought up that even with a mandate there still wouldn't be an in-person Town Meeting. Darla asked if our Health Officer had any suggestions regarding masks? Valerie has not received anything. There was a short synopsis on effects of wearing masks or not and their effects. Ian explained it does show support for our town businesses. Darla has the one Middlebury adopted December 14, 2021, and it reads: *"All persons in the Town of Middlebury should wear face coverings to cover their nose and mouth whenever inside a public setting. Public settings will include but not be limited to retail establishments, food and beverage serving establishments, lodging facilities, service facilities, municipal owned buildings, and places of business. The resolution does not apply to State and Federal owned properties that the Town lacks jurisdiction."* It does not apply to children 2 and under; masks and face shields should be worn and notices should be posted conspicuously at their entrance. It's very short and doesn't speak to penalties. It does show support and concern for public health.

Michelle Perlee stressed that it is not enforceable as it says should and not will. Bruce Nason reiterated that we need to educate the public that this resolution is not enforceable. The Police Department is not against any of this, but education is key if the Selectboard decides to do this.

Peeker explained that the Selectboard already supports any business that require masks. He clarified with Linda that she would like a document that the Town recommends you should wear a mask in public places. Linda agreed as it gives the businesses extra support. Ian said that there are 21 other towns that have this and believes the list will grow. Michelle said she is not comfortable with this mandate. Peeker said he wears masks in businesses that require them. The Selectboard didn't recommend masks but did express support. Darla explained this would be a formalization of that support. Michelle wondered how we would educate the public, so the Police department or the town office doesn't receive calls for enforcement. Peeker said it's difficult to educate as the public will only view what they want to.

Maura Donnelly said she has a store in town and requires masks. She offers free masks for those who don't have one. The larger stores (e.g., Shaws) are not requiring masks, and many are not wearing masks at those facilities, and this is a concern. Maura believes that any support the Selectboard can provide gives store owners more clout. She believes the Town has a moral obligation to step up and take a stand in this crisis to keep our residents safe.

Michelle said this is a resolution which isn't enforceable and asked how you see this having more clout to make someone wear a mask. Maura believes it would provide consistency throughout the Town and would certainly be appreciated. Ian said he agrees with Maura that it gives more gravitas to the businesses. It won't be in place forever but now is the time to act on a resolution.

Peeker asked if it could be as simple as strongly recommends the use of masks in public places. Valerie believes it can be the personality and direction of the Selectboard. As Linda mentioned each Town is slightly different. Michelle asked Joel Bouvier what they have at the Bank. Joel explained they have them at the seven branches that masks are highly recommended. He supports the highly recommend for your health and well-being and leave the onus on the person entering. Maura appreciates adding the language health and well-being to the resolution. She has no problem asking the customer to put a mask on, but she has high school students as employees and some are not comfortable asking a customer to wear a mask. Some customers are confrontational when asked to wear mask.

Ian said he is comfortable with should and asked if the rest of Selectboard was comfortable with the language Middlebury uses. Darla is comfortable with highly recommend or should but also wants health and safety language added. Bruce asked if mandate was in the Middlebury resolution and Darla said it is not. Ian says we make it as simple and clear as possible.

Discussion continued regarding language that could be in the resolution.

Peeker reiterated that the resolution be short and simple with language that we strongly recommend for our health and safety of our community that a mask be worn indoor. Valerie explained that a resolution is only good for 45 days and then it expires and would need to be renewed. Peeker likes language “by resolution of the Town of Bristol SB for the public health and safety we strongly recommend the use of masks for indoor public settings.” It could be printed on regular paper and distributed. Linda said that the Town of Brattleboro has a nice resolution that it handed out to its businesses.

Michelle asked that we have wording done for next week’s meeting if everyone is on board going that route. Valerie agreed and explained that next week’s meeting is town report and budget. Peeker asked if everyone agreed the last paragraph of Middlebury resolution was sufficient and do we want to go that route or have more discussion. Darla said she liked what Peeker said earlier melding the first and last paragraph language. Ian thinks there still needs to be additional language regarding children especially two and under. We can cut down the Middlebury Resolution. Darla thinks we should use face coverings rather than masks. Peeker again stressed simpler is better. Ian and Darla will work on language for approval. Peeker asked Linda if she agrees with this approach. Linda asked if we could approve it next week? Maura said she is fine with next week. Peeker agreed we would approve resolution and sign next week.

5. American Rescue Plan Act (ARPA) funding update.

Valerie said she received a lot of new information from Treasury regarding the Final Rule. Over the weekend she received an email from VLCT advising communities to take a pause and let VLCT sift through and decipher this new information and come back with more guidance. At the meeting on the 24th is when we expect to begin appointing members to this committee.

Linda asked if there was any money coming to the Town from the opioid suits? Valerie said no. The Town did miss the deadline for getting on the list and has asked if we can get on list even though we missed the deadline. She asked but hasn't heard anything.

6. Budget and Capital Improvement Plan update: status and schedule.

Valerie explained that there isn't much to work with tonight. Some departments are still working out details of their budget. She expects to have Recreation, Fire Department, and the overall budget and capital budget for review next Monday which starts at 6 pm. Ian asked if we were doing a separate line item for the Bristol Solar income? Valerie said yes. There will be two separate line items one for the lease revenue and one for tax revenue. Ian then asked about the 116 Solar project and the income and expenditure for that? The discount is part of the electric utility bill and hard to track. It would be interesting to see if we are getting the savings. Valerie asked if Sally Burrell of Energy Committee would be interested in tracking that information? Sharon Lucia will send the bills with solar credits to the committee for review to see if the Town is getting the credits. Joel Bouvier will check with the Bank for their savings on Solar and report back.

Peeker asked why we needed a separate line item for tax revenue as its part of the Grand List. If we add as revenue the budget will be off that same amount. Valerie and Ian agreed.

7. 2021 Town Report update: consider updates/additions to the annual Town Report.

Ian asked if anyone was against putting town maps in the report that he has from regional planning commission. Peeker thinks it's a good idea as not everyone knows all the roads are in Town. Another suggestion Ian had is to include other financial reports such as a general fund balance sheet; profit/loss; and Town salaries. Valerie said she believes it may not have been previously provided as the Town didn't have the audit information. Peeker said some of this information was previously provided in town reports but at some point, it was decided it wasn't needed in the report. Sharon Lucia explained that some towns were only providing the number of births, deaths, and marriages instead of listing them individually due to identity theft. Peeker doesn't believe the individual salaries need to be in the report as it's too personal. Ian agreed. Ian said he will work on an updated birth, death, and marriage page.

8. Approval of Annual Certificate of Highway Mileage without changes.

Changed item. To add the addition of Firehouse Drive.

Valerie explained when she put this on the agenda, she didn't think Firehouse Drive was ready to be recorded on the Town Highway map. She posted an updated Certificate on the website with the .14 miles added for Firehouse Drive.

Michelle Perlee made motion to approve the Certificate of Highway Mileage for year ending February 10, 2022. Joel Bouvier seconded. So voted.

9. Review and approval of the August 23, September 13, December 13, and December 20,

2021 and January 3, 2022 meeting minutes. Valerie added that the November 29, 2021 minutes should be included.

Michelle Perlee made motion to approve meeting minutes of November 29, 2021 and December 13, 2021 with changes. Joel Bouvier seconded. So voted.

10. Authorize accounts payable warrant and any liquor licenses. Two warrants for a total of \$66,831.78. Liquor licenses for Wells Mountain, Bobcat Café, and Maplefields.

11. Selectboard roundtable.

Peeker Heffernan. None.

Joel Bouvier reported that Eric Cota wants a post on Front Porch Forum that the Saturday Morning Trash Service starts at 8 am. Eric asks that the residents not arrive early and please don't block the neighbor's driveway or the highway garage. Joel asked about redistricting and what the Town did. Sharon explained that we submitted a document against it and didn't want the Town to be split. Joel wanted to know if the Selectboard should send a letter to our legislators. Sharon said it couldn't hurt to send a letter. Joel will call his representative as a Town resident.

Darla Senecal asked Bruce Nason if the department could highlight the new officers on social media such as Facebook with a picture with a quick note of who they are. It would be a great way to showcase new members.

Ian Albinson reported that one of the Main Street businesses complained that the trash hauler on Monday is dumping the recycling into trash bags. Wednesday is recycling and Friday is trash. He believes it was done this way in the past because of the old trash cans and stuff being dirty, but with the new trash/recycling cans it should help. There was a presentation on Saturday for the Bristol community solar project. Ian did some of the video and it was an hour long zoom meeting. It is available on the Acorn Solar website. The project went live at the end of December. There were a lot of State Representatives on the meeting and was a good community growing project. Credits are sold out.

Michelle Perlee. none

12. Town Administrator's report.

Valerie Capels said she doesn't have anything new to add to her written report. She acknowledged the new Town Office sign and thanked Ian Albinson and his father for their work. Ian will now work on the town entrance signs.

V. Other Business.

1. Correspondence, reports, correspondence received.

VI. Executive Session. Personnel matters.

Michelle Perlee made motion to go into executive session to discuss personnel matters pursuant to 1 V.S.A. § 313(a)(3). Ian Albinson seconded. So voted. The Selectboard met in executive session from 9:14pm to 9:50pm. Upon returning to open session, no action was taken.

VII. Adjourn.

Michelle Perlee made a motion adjourn the meeting at 9:50pm. Joel Bouvier seconded. So voted.

VIII. Respectfully submitted,

Sharon A. Lucia
Board Clerk

Valerie Capels
Town Administrator

DRAFT