

Bristol Town Administrator's Report

July 12, 2021

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 documents online relate to documents available electronically at bristolvt.org/meeting-minutes in the Selectboard section. Live links are provided throughout this report to those documents when possible, as well as to outside sources. 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, July 12, 2021 Meeting Agenda and Materials

I. CALL TO ORDER: 7:00PM.

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."

The executive session for personnel matters may not be necessary for Agenda Item IV.1; however an additional matter related to pending litigation, possible claim settlement, and attorney-client communications per 1 V.S.A. §313(a)(1)(F) will need to be added.

Time limits are included on the agenda in an effort to manage and focus the Selectboard's and citizens' time. Some items might require more or less time than estimated. If substantially more time is expected to be needed, this may help Selectboard members determine if the item needs to be continued to a future agenda.

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.

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:

<https://us02web.zoom.us/j/87912810018?pwd=WFdGNUtJYWxleHMrenpqTkZmUUNGZz09>

Meeting ID: 879 1281 0018

Passcode: 619003

Join meeting by phone: 1 (646) 558-8656

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. DEPARTMENT HEAD ROUNDTABLE.

This is a relatively new addition to the agenda intended to be a regular opportunity for department heads to briefly share information that may be of interest to the Selectboard and the public on a topic that is not part of the agenda. Many department heads often attend the meetings anyway.

IV. REGULAR BUSINESS.

Item IV.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. (a) Online [is a memo from Fire Chief Brett LaRose](#) introducing two new Firefighter candidates, Greg Swain and Ethan DeWitt, and recommending their appointment. Ian Albinson and I participate in the interviews on June 21 and concur. Brett and the candidates plan to be present at Holley Hall at Monday's meeting for the signing of the BFD Roster and swearing in.

(b) Firefighter Alexis Fojo has submitted her resignation from the BFD for personal reasons.

(c) Firefighter James Huckett is requesting a one-year leave of absence for personal reasons.

RECOMMENDATION: (a) Appoint the Firefighter candidates; conduct oaths and signing of the BFD Roster. (b) Accept Firefighter Alexis Fojo's resignation with regret. (c) Approve Firefighters James Huckett's request for a one-year leave of absence.

Item IV.2. Consider quotes for Harvey Road riverbank bank stabilization. Online are the following two quotes for stabilization of the New Haven riverbank at the Harvey Road bridge:

- [Masterson Excavating](#) for \$9,500.
- [802 Excavating](#) for \$15,710.

This situation was reviewed and discussed at the June 21 DPW road trip. DPW Foreman Eric Cota intends to cover the cost between the contracted services and gravel line items. He may be available at the meeting to provide more information.

RECOMMENDATION: Determine if additional information is needed. Accept the Masterson bid.

Item IV.3. Bristol Elementary School projects and work in the right-of-way follow-up: Joel FitzGerald. This item is on the agenda because work was undertaken in the Mountain Street road right-of-way without Town authorization, which prompted a number of 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 alterations](#) 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 plans to be present to provide information about this and other activities planned at the site.

RECOMMENDATION: Discussion.

Item IV.4 Continued consideration of land transaction with Stoney Hill Properties, LLC to support Firehouse Apartments (Evernorth) and review of proposed quit claim deed. Online is an [updated proposed Quit Claim Deed](#) to transfer the 5.8 acres of Town land to Stoney Hill Properties, LLC to benefit the proposed 20-unit mixed-income Firehouse Apartments housing development. The deed is intended to preserve the Town's rights of access for slope maintenance and repair, riverbank stabilization and maintenance, and public trails access. **This draft reflects the Selectboard's comments from the last meeting regarding a reversion clause if the housing project fails to happen after a certain period of time. This document suggests five (years) from the anniversary of the signing.**

The 24 VSA 1061 notice was published in *The Addison Independent* on July 1, but was not physically posted as required until this week. Consequently, the 30-day period to provide an opportunity for 5% of registered voters to submit a petition for consideration at a special Town Meeting was reset to begin July 12.

Evernorth and the Addison County Community Trust are currently scheduled to present their conditional use approval application to the Development Review Board at the meeting on August 10, 2021.

RECOMMENDATION: Determine if additional information is needed or if adjustments are warranted to the proposed documents. If the Selectboard is satisfied with the final document, authorize the Town Administrator, Selectboard Chair, or Selectboard Vice-Chair to sign on behalf of the Town at an August closing, provided a Section 1061 petition has not been filed requiring a special Town Meeting on the question.

Item IV.5. Consider proposed indemnification agreement related to the above donated land. Online is an [updated draft of a proposed Indemnification Agreement](#) reflecting both the Town's and Evernorth's attorneys' concurrence. The proposed agreement was also reviewed by VLCT PACIF.

RECOMMENDATION: Determine if additional information is necessary. If the Selectboard is satisfied with the final document, authorize the Town Administrator, Selectboard Chair, or Selectboard Vice-Chair to sign on behalf of the Town at an August closing, provided a Section 1061 petition has not been filed requiring a special Town Meeting on the question.

Item IV.6. Consider acceptance of deeds of easement from Stoney Hill Properties, LLC to the Town of Bristol for road and utilities construction, installation, maintenance, replacement, and repair related to the extension of Firehouse Drive and the development of the Stoney Hill Business Park. This is a continuation from the previous meeting and the same easement deeds from Stoney Hill Properties, LLC, to the Town are presented: one for the [road and stormwater infrastructure](#) and one for an easement to accommodate the [new sidewalk and underground utilities](#) that needed to be located outside of the original fifty-foot (50') right-of-way originally provided with the construction of the Fire Station and Firehouse Drive in 2016. They reflect the review by both Town Attorney Benj Deppman, Esq. and Stoney Hill Properties, LLC Attorney Kevin Brennan, Esq.

As noted previously, it may seem strange to accept easements for a project that has not been constructed yet, but in order for the Town to access the grant funds through the Norther Border Regional Commission for construction, all property ownership documentation must be in place. In other words, the Town needs to "own" the property before drawing down reimbursements.

There was agreement among the parties that a maintenance agreement would be drawn up identifying the Stoney Hill Business Park Association as being responsible for the maintenance of the stormwater systems located outside of the public rights-of-way, including the stormwater pond, but authorizing the Town to access and maintain them if necessary to protect the public infrastructure.

This ties directly to the next agenda item.

RECOMMENDATION: Determine if more information is needed. Vote to accept the easements with the condition that a maintenance agreement be prepared to the Town's satisfaction identifying the Stoney Hill Business Park Association (or whatever it will be called) as responsible for maintenance of the stormwater infrastructure outside of the public right-of-way, but authorizing the Town to access and maintain it if necessary to protect the public infrastructure. Authorize the Town Administrator, Selectboard Chair, or Selectboard Vice-Chair to sign the documents on behalf of the Town.

Item IV.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. The Stoney Hill Business Park infrastructure project was advertised for bid in late May, 2021. A pre-bid meeting was held on June 11. Online is a [bid tabulation of the six bids that were received](#) by the July 1, 2021

due date. They range from the low bid of \$845,260 (Don Weston Excavating) to a high bid of \$1,498,682 (Casella Construction). I want to acknowledge all of the bidders for the time and effort they made to prepare bids for a complex, federally-funded infrastructure construction project:

- Don Weston Excavating (\$845,260)
- DCS (\$1,033,088)
- Naylor & Breen (\$1,107,493)
- J. A. McDonald (\$1,175,355)
- Champlain Construction (\$1,302, 937)
- Casella Construction (\$1,498,682)

According to the bid tab, the Engineer’s estimate was \$1,049,614.

After further review of the bids and qualifications, Don Weston Excavating is the apparent qualified and responsive low bidder. A memo with more specific analysis and a recommendation from Green Mountain Engineering may be provided prior to Monday’s meeting.

The Northern Border Regional Commission (NBRC) grant will pay up to \$500,000 based on a maximum of 50% eligible engineering and construction infrastructure expenses. This means there must be more than \$1,000,000 in eligible expenses to be able draw down the full amount of the \$500K grant.

In an effort to be able to draw some reimbursement for the considerable upfront engineering expenses, a grant amendment was approved earlier this year for up to \$61,817 in engineering expenses (50% of \$123,633 total), reallocated from particular construction line items. In addition, \$932 in NBRC grant funds (50% of \$1,865 total) is available for legal and administrative expenses, leaving a total of \$437,231 (50% of \$874,502) for construction.

The long and short of all that is if the Don Weston bid of \$845,260 is accepted, that would leave \$29,242 (50% of \$58,485) available for additional construction expenses.

At least one construction detail remains to be resolved: concrete vs. asphalt sidewalks within the business park. As currently proposed and bid, sidewalks from West Street to the business park line would be concrete. Beyond that is proposed to be asphalt sidewalk. However, these will be Town owned and maintained sidewalks. The bid specs provided for the following bid/alternate options:

As-Bid	Qty.	Unit Price	Amount
Asphalt Walk	265	\$34.00	\$9,010.00
Concrete Walk	495	\$95.00	\$47,025.00
Combined Totals	760		\$56,035.00
Alternative	Qty.	Unit Price	Amount
All Concrete Walk	760	\$95.00	\$72,200.00
Differential			+\$16,165

Based on the above calculations, the additional cost to switch from asphalt sidewalk to all concrete sidewalk would be \$16,165, assuming that Don Weston can hold his unit pricing and that the subcontractor can perform the work within the schedule.

RECOMMENDATION: Accept Green Mountain Engineering's recommendation for contract award. Approve the switch to all-concrete sidewalks.

Item IV.8. Approval of the June 14, June 21, and June 28, 2021 meeting minutes. The June 14 and June 28 minutes are still in the process of being reviewed and the June 21 minutes are in process. The original June 14 and June 28 draft minutes are posted online. The completed minutes are expected to be posted online and e-mailed prior to Monday's meeting.

Item IV.9. Authorize accounts payable warrant and any liquor licenses. Accounts payable [warrant](#).

V. OTHER BUSINESS.

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

- [Bristol Allocation Letter LaRose Survey for Butler 146 Devino Lane 2021-07-07.](#)
- [E-mail Holley Hall repair update 2021-07-06.](#)
- [E-mail BRD Town Green activities 2021-07-07.](#)
- [E-mails VTUMS upcoming water projects 2021-07-06.](#)
- [Bristol EWP-Updated Bid and Constr Schedule 2021-07-08.](#)
- [E-mail Maple Broadband ARPA funds 2021-07-03.](#)
- [E-mail Homeless are again homeless 2021-07-01.](#)
- [ACRPC 2021 July Newsletter.](#)

VI. EXECUTIVE SESSION.

The executive session may or may not be needed for personnel matters per 1 V.S.A. §313(a)(3); however, it is expected to be needed for pending litigation, possible claim settlement, and attorney-client communications per 1 V.S.A. §313(a)(1)(F).

ARPA Registration

The Town of Bristol was registered through the ARPA Web portal on Friday, July 9. Based on a budget of \$3,663,275.00 in effect on Jan 27, 2020, Bristol is currently estimated to receive up to \$402,210.35 in total funds. This amount will be distributed in two equal payments (50% each time) at least 12 months apart. We will be notified by the Agency of Administration if any adjustments to the disbursement amount will be necessary. It is not yet known what the county-level allocation will be.

West Street NRCS EWP Slope Repair Update

The bid documents for construction were advertised for bid on June 22 and a pre-bid meeting was held on site on June 30. The [bid opening has been rescheduled to Tuesday, August 3, 3:00pm at Holley Hall](#) and this would be an item on the August 9, 2021 Selectboard agenda. All the property owners would need to agree to go forward and commit to their share of the 25%

match, which we will not know what that will be until the bids come in. If the property owners do not or cannot accept the outcome of the bids, then the project comes to a stop.

The Corps of Engineers permit was issued on July 6, 2021. At the project engineer's suggestion, I will be submitting a request to the NRCS to extend the project completion date from October 10 to December 10, 2021 to allow contractors more time to complete the project and hopefully improve the bid prices. In the meantime, temporary access easements need to be secured from the property owners and funding commitment agreements need to be developed in the event the bids are accepted and the project moves forward.

Schedule

Thanks to a knee injury two weeks ago, I am working remotely again for the next few weeks. I can be reached by email at townadmin@bristolvt.org and by phone. Messages left to 453-2410 ext. 1 are forwarded to me by e-mail. I will respond either by phone or by e-mail.

Week of July 12

Monday: Working remotely.
7:00pm – Selectboard meeting via Zoom for me.

Tuesday: Working remotely.
10:00am – Stoney Hill design team meeting.
3:00pm – Medical.

Wednesday: Working remotely.
2:00pm – Addison County Recovery Team

Thursday: Working remotely.

Friday: Working remotely.
11:00am – Stoney Hill design team meeting.

Week of July 19

Monday: Working remotely.

Tuesday: Working remotely.
12:30pm - Vermont Local Emergency Management Director Course. Part 1

Wednesday: Working remotely.
12:30pm - Vermont Local Emergency Management Director Course Part 2

Thursday: Working remotely.
9:00am – Departments staff meeting.
1:00pm – In office.

Friday: Working remotely.
11:00am – Stoney Hill design team meeting.

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., July 12, 7:00pm, Holley Hall and via Zoom.
- [Development Review Board](#): Tues., July 13, 7:00pm, Holley Hall and via Zoom.
- [Planning Commission](#): Tues., June 20, 7:00pm, Holley Hall and via Zoom.
- [Bristol Energy Committee](#): Weds., July 21, 7:00pm, Holley Hall and via Zoom.

- [Selectboard](#): Mon., July 26, 7:00pm, Holley Hall and via Zoom.
- [Selectboard](#): Mon., Aug. 9, 7:00pm, Holley Hall and via Zoom.
- Bristol CORE: Thurs., Aug. 12, 8:30am, via Zoom.
- [Conservation Commission](#): Thurs., Aug. 12, 6:00pm, Holley Hall and via Zoom.
- [Planning Commission](#): Tues., Aug. 17, 7:00pm, Holley Hall and via Zoom.
- [Selectboard](#): Mon., Aug. 23, 7:00pm Holley Hall and via Zoom.

Upcoming Agenda Items

- Continued review of Water Ordinance amendments.
- Continued Personnel Policy review and updates.
- Review of prospective Auditor candidates; selection (due date July 29).
- West Street slope repair bid opening (Aug. 3); possible selection of contractor.
- Lincoln Road/Route 116 intersection, Briggs Hill, and Bartlett Falls parking alternatives presentation.
- Fire Dept. Training Room waiver document update.
- Finalize Town Treasurer and Town Clerk job descriptions.
- Village traffic concerns.
- Continued consideration of the Public Works/Police Department site analysis next steps.
- Class 4 highways maintenance policy.
- Process to become a Certified Local Government (CLG).
- Other stuff.

Respectfully submitted,

Valerie Capels, Town Administrator