

Bristol Town Administrator's Report
June 12, 2023

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 other Selectboard activities and Town affairs. Except as provided under Vermont's public records laws, all documents are available upon request.

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=WFdGNUtJYWx1eHMrenpqTkZmUUNGZz09>

Meeting ID: 879 1281 0018

Passcode: 619003

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

Monday, June 12, 2023 Meeting Agenda and Materials

I. **Call to Order: 6:30 P.M.**

II. **EXECUTIVE SESSION re. personnel matters per 1 V.S.A. §313(a)(3) and potential real estate negotiations per 1 V.S.A. §313(a)(2).**

III. **Call to Order: 7:00 P.M.**

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."

I.1 There may be one or more grant application authorization requests to add. If so, details will provided at the meeting.

IV. 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.

V. DEPARTMENT HEAD ROUNDTABLE.

This is an opportunity for department heads to briefly share information that may be of interest to the Selectboard and the public about one or more topics that are not part of the agenda.

VI. PUBLIC HEARING – Water and Sewer District Annual Meeting. (+/- 45 min.)

- Review of operating budgets, capital budgets, and upcoming projects
- Consider adjustments to the sewer use fee structure to deal with high strength waste management.
- General issues.

[Public Hearing Notice](#)

Online are various documents (below) related to the annual review of Bristol's water and sewer department operations and capital needs. Jill Marsano (VTUMS) and Steve Palmer (VTM Engineering) will be on hand to discuss the information and proposals in detail.

Water Dept. Budget

Online are the following documents:

- [VI Bristol Water District FY2023-FY2024 budget DRAFT 2023-06-09.pdf](#)
- [VI Water Dept FY2022-2027 Capital Equipment Fund Plan Town Report.pdf](#)
- [VI FY2024 Water Supplies Contracted Services Budget JM 2023-05-22.pdf](#)
- [VI Bristol Water Service Line Inventory Intake Form VTUMS DRAFT.pdf](#)

The proposed Water Dept. budget is fairly straightforward. Rates are proposed to be increased by about 3% in anticipation of the upcoming capital expenses and bond payment(s) for the Pine Street water line replacement and phased system-wide water line replacements.

Sewer Dept. Budget

Online are the following documents:

- [Bristol Core Sewer 2023 Annual Inspection Report VTM 2023-05-31.pdf](#)
- [VI Letters Bristol Main St grease trap maintenance 2018-11-21.pdf](#)
- [VI Bristol Sewer District FY2023-FY2024 budget JM DRAFT 2023-06-09.pdf](#)
- [VI 2023 Sewer Flows w Rate Increase Exercise 2-3 Options 2023-06-09.pdf](#)

As Bristol's downtown core area septic system is approaching its 30th birthday (09/01/1993), it is facing increasing challenges with management of what is considered "high strength" waste consisting of fats, grease, and oils. This material, typically associated with food industry

customers (restaurants, Shaws), continues to build up in the system requiring increased pumping and overall system maintenance. The system also pays for pumping four private exterior grease traps every two months at a cost of approximately \$1,000 each time, or approximately \$6,000 per year. Records are not readily available to explain how and why it was agreed for the system to cover that expense. In his [annual sewer system inspection report](#), Steve Palmer recommends that pumping of the septic tank be increased.

We have discussed over the years the need to better control effluent from the high strength customers, [starting with maintenance of their grease traps](#). It does not appear to be fair for the residential and non-high strength customers to pay for the increased costs associated with more frequent pumping of this material in addition to pumping of the private exterior grease traps. Meanwhile, overall and annual maintenance expenses have exceeded budgeted revenues. That is not a sustainable plan. Consequently, we are proposing a new fee structure to capture the private grease trap pumping expense as well as a percentage increase system-wide to account for overall increased maintenance expenses and to plan for much-needed capital improvements.

RECOMMENDATION: Discussion. Determine if more information is needed. Adopt FY2024 water and sewer budgets.

VII. CONSENT AGENDA.

Item VII.1 [Ratify minor adjustment to the Bristol Local Emergency Management Plan to address emergency purchasing](#). Harry Schroppmann, Vermont Emergency Management (VEM) Northwest Regional Coordinator, [notified us](#) that Bristol's Local Emergency Management Plan (LEMP) needed to be adjusted to more completely address the emergency spending authority section. Online is an [updated LEMP reflecting the emergency purchasing provision](#). This updated version has been approved by VEM.

RECOMMENDATION: Approval.

Item VII.2 [Acknowledge Steven Taylor's resignation from the Bristol Energy Committee](#). Online is [Steven Taylor's resignation from the Energy Committee](#). After Allison Pouliot was appointed to the Energy Committee at the last meeting, we realized there actually were no vacancies. However, Steve Taylor had not participated in the BEC meetings for some time and offered up his seat for the new appointee.

RECOMMENDATION: Accept Steven Taylor's resignation.

Item VII.3 [Approval of Curb Cut Permit application #2023-02DA for Adam Gebo at 1524 Lower Notch Road per the DPW Foreman's recommended conditions](#). Online is a [curb cut application](#) for a new curb cut at 1524 Lower Notch Road.

RECOMMENDATION: Approval per DPW Foreman Eric Cota's recommended conditions that the level of the new driveway must be lower than the road level for drainage. A culvert is not necessary now, but may be necessary in the future--at the property owners' expense.

Item VII.4. Authorize use of the Technology Reserve Funds for the Lister's Office to purchase a laptop. The Listers Office is seeking approval to purchase a new laptop to support their out-in-the-field work. A proposed expense is not currently available, but is expected to be comparable to recent computer expenses for the Clerk and Treasurer's offices.

RECOMMENDATION: Approval.

Item VII.5. Approve banner application from Fourth of July Committee across Main Street for Independence Day event. Online is [an application for a banner](#) across Main Street. According to the application, the Forth of July Committee has permission from the property owners of the Cubbers building and Bobcat building for the installation.

RECOMMENDATION: Approval.

VIII. REGULAR BUSINESS.

tem VIII.1 Consider appointment of Anna Daylor to the Planning Commission. Online is [Anna Daylor's redacted application](#) to serve on the Planning Commission. She intends to be present at the Holley Hall meeting.

RECOMMENDATION: Potential deliberation in executive session regarding personnel appointments. Approval.

Item VIII.2 Update from Tree Warden John Swepston: tree removal issues, grant-funded village tree planting initiative, and status of the ad hoc Tree Committee. Since the Emerald Ash Borer Strategic Plan Committee completed its work back in 2021, some members have continued to meet on an ad hoc basis, led by Josh Behounek and Tree Warden John Swepston. John plans to be present to provide an update on the status of the ad hoc Tree Committee, grant-funded tree planting initiative, and dead tree removals. Josh Behounek may be Zooming in. Josh prepared an [overview of recent Tree Committee activities](#).

RECOMMENDATION: Discussion.

Item VIII.3. Consider whether conditions can or should be placed on previous and upcoming ARPA funding allocations for completion of proposed activities. This is on the agenda because concerns were raised following the Selectboard's allocation of ARPA funds to different organizations regarding how to ensure that the funds are spent as

proposed and what to do, if anything, if the proposed activities do not come to pass. For the recent allocations, checks were issued to the organizations in the amounts approved without any particulars attached to them.

Below is a summary of recent allocations:

-\$130,000.00	Bristol Rescue
-\$52,000.00	Libanus Lodge
-\$200,000.00	Willowell Foundation
-\$55,565.00	Tuning Point Center
<u>-\$2,500.00</u>	Open Door Clinic
-\$440,065.00	

I intend to reach out to VLCT for guidance on this question and hope to have examples or guidance about how other communities have dealt with this.

RECOMMENDATION: Discussion. Going forward, we should not issue a flat check and instead require the organization to submit invoices associated with the approved activities.

Item VIII.4. Consider approval of one or more ARPA funding allocation requests from the Bristol Recreation Department: up to \$45,000 for a van, up to \$140,000 for skatepark renovations, and up to \$4,000 for a new public address (PA) system. The Bristol Recreation Department (BRD) has submitted ARPA funding allocation requests for the following activities:

-\$45,000.00	Van
-\$140,000.00	Skatepark Renovations
<u>-\$4,000.00</u>	PA System
-\$189,000.00	

If approved, a principal balance of \$452,325.21 would remain.

RECOMMENDATION: Determine if any other information is needed. If approved, disburse the funds based upon invoices for expenses associated with the proposed activities.

Item VIII.5. Review and approval of the May 8, May 22, and May 24, 2023 meeting minutes. The draft [May 8](#) and [May 24](#) minutes are posted online. The draft May 22 minutes are in the process of being reviewed and will be posted to the Web site and e-mailed prior to Monday's meeting.

RECOMMENDATION: Adjustments as warranted. Approval.

Item VIII.6. Authorize accounts payable warrant and any liquor or tobacco licenses. The [accounts payable warrant](#) is online. The current value is \$2,612,208.41, but this may change if additional expenses are added prior to the meeting.

IX. OTHER BUSINESS.

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

- [Thank you note Lebanus Lodge 47 2023-05-24.pdf](#)
- [Landfill Stormwater Inspection 2023 Annual Report VTM 2023-05-09.pdf](#)
- [E-mail Cota re VTrans grant award 2023-05-31.pdf](#)
- [VTrans SFY24 GIA Awards 05222023.pdf](#)
- [VEM 2023-DRAFT State Hazard Mitigation Plan public webinar notice.pdf](#)

Follow-up Regarding Section 404 Bylaws Question

At the April 24 Selectboard meeting, John Moyers raised a concern that language in Section 404 in the 2017 Bristol Zoning Bylaws regarding accessory dwelling units was not carried over into the Bristol Unified Development Regulations adopted by voters in 2020 and asked that we obtain a legal opinion whether the 2017 language was still in effect. Town Attorney Kevin Brown, who also serves as Chair on the Bristol Development Review Board, clarified that while Section 4441(c) requires a written report from the Planning Commission to the Selectboard as part of the adoption process, nothing in [24 V.S.A. 4441](#) specifies any substantive requirements for the PC's report. More importantly, [24 V.S.A. 4483\(a\)](#) specifically provides all that is required of the bylaw adoption process is "substantial compliance" with the procedural requirements and "no court shall invalidate the . . . bylaw or its amendment . . . because of a failure to adhere to strict or literal requirements of this chapter concerning minor or nonessential particulars." Even if substantial compliance with the adoption process was lacking, [24 V.S.A. §4483\(b\)](#) limits the period of time a bylaw may be challenged to no more than two years after the date of adoption. The current bylaws were adopted on November 3, 2020. Therefore, the window of time to challenge any shortcomings in the adoption process, if there were any, closed on November 3, 2022. And even then, the statute makes clear that only a court may invalidate a bylaw.

Misc. Updates

- Updated the [Bristol Fire Department Web page](#) to include updated information about fireworks and an updated permit form and checklist.
- Seven bids were received at the June 8, 2023 Pine Street Waterline Replacement bid opening. The results were favorable for the project, but are not official yet. Award of the contract to the apparent low bidder will be on the Selectboard's June 26 agenda.
- The pre-bid meeting for the Eagle Park universal fishing platform repair was well-attended and a number of firms have requested the bid documents. Bids are due by 10:00am, Thursday, June 22, 2023. Award of this contract is also expected to be on the June 26 Selectboard agenda.

TA Schedule

I generally plan to get in the office around 9:00am most days, winter weather permitting. I plan to still work remotely one day a week, most often on Tuesdays. On those days I can be reached by phone and by email at townadmin@bristolvt.org. 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 June 12

Monday: Working from home.
6:30pm – Selectboard meeting.

Tuesday: In the office (maybe).

Wednesday: In the office.

Thursday: 7:30am – ACEDC Board meeting.
In the office around 10:00am.
12:00pm – CWSRF funding Webinar
7:00pm – ACSWMD meeting.

Friday: In the office.

Week of June 19

Monday: In the office (maybe).

Tuesday: Working from home.

Wednesday: In the office.

Thursday: In the office.
10:00am – Eagle Park UFP bid opening.

Friday: In the office.

Upcoming Meetings

- [Selectboard](#): Mon., June 12, 6:30pm, Holley Hall and via Zoom.
- [Development Review Board](#): Tues., June 13, 7:00pm, Holley Hall and via Zoom.
- [Bristol Energy Committee](#): Weds., June 21, 7:00pm, via Zoom.
- [Selectboard](#): Mon., June 26, 7:00pm, Holley Hall and via Zoom.
- [Planning Commission](#): Tues., July 4, 7:00pm, at Holley Hall and via Zoom.
- [Development Review Board](#): Tues., July 11, 7:00pm, Holley Hall and via Zoom.
- [Conservation Commission](#): Thurs., July 13, 6:00pm, Holley Hall and via Zoom.
- [Bristol CORE](#): Thurs., July 20, 9:00am, via Zoom.

Upcoming Agenda Items

- Continued Selectboard decisions for use of ARPA funds.
- Selectboard decisions for use of Bristol's share of opioid settlement funds.
- Continued review and update of the Revolving Loan Fund documents.
- Quarterly budget review.
- Selection of the Pine Street waterline replacement contractor.
- Selection of the Eagle Park universal fishing platform repair contractor.
- Selection of Basin Street engineering design team.
- Selection of the Notch Road ditching project contractor.

- Compensation adjustments.
- Continued consideration of Police Station alternatives.
- Continued consideration whether to pursue Police District expansion.
- Annual NEPBA Police Union contract review.
- Continued consideration of the Public Works facility alternatives.
- Presentation of the FY2021 and FY2022 audit reports by RHR Smith.
- Continued Personnel Policy review and updates.
- Continued consideration of new village vehicular speed limits.
- Review and approval of final Eagle Park Maintenance Plan.
- Class 4 highways and private roads maintenance policy.
- Process to become a Certified Local Government (CLG).
- Other stuff.

Respectfully submitted,

Valerie Capels, Town Administrator