

**Town of Bristol, VT
Selectboard
Minutes of Meeting
Monday, June 12, 2023**

Members Present: Ian Albinson, Joel Bouvier (Vice-Chair), Peeker Heffernan, Michelle Perlee, Darla Senecal (Chair)

Members Absent: None

Staff Present: Valerie Capels (Town Administrator), Eric Cota (Public Works Foreman), Zac Farnham-Haskell (Rec Coordinator), Brett LaRose (Fire Chief), Bruce Nason (Police Chief), Taylor Welch (Teen Center Director)

Others Present: Anna Daylor, Beth Ekroos, Thomas Fox, Porter Knight, Jill Marsano (VTUMS), Bill Mount, James Mount, Reuben Mount, Jim Quaglino, Keith Schnell, Maya Schnell, Jeff Sturtevant, John Swepston (Tree Warden), Todd Warnock, Helen Young

I. Call to Order. Darla Senecal called the meeting to order at 6:30 pm.

1. Review agenda for addition, removal, or adjustment of any items per 1 VSA 312(d)(3)(A).

No adjustments were proposed.

II. Executive Session

MOTION: Michelle made a motion to enter executive session in order to discuss personnel matters per 1 V.S.A. §313(a)(3) and potential real estate negotiations per 1 V.S.A. §313(a)(2). The motion was seconded by Ian. The motion passed unanimously.

The Selectboard met in executive session from 6:30pm to 6:55pm. Upon returning to open session, no action was taken. The executive session was continued later in the meeting.

III. Call to Order. Darla Senecal called the regular meeting to order at 7:00 pm.

1. Review agenda for addition, removal, or adjustment of any items per 1 VSA 312(d)(3)(A).

A grant authorization item for the Highway Safety Improvement Program was added to the Consent Agenda.

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

IV. Public Forum.

Keith Schnell, Tom Fox, Beth Ekroos, and Helen Young each read and submitted statements regarding zoning enforcement for an excavation company at a Lower Notch Road property near their respective homes. The statements are attached to the minutes.

Bill Mount inquired about the possible use of the old town garage dog pound building for the purpose of storing Scout Troop 543's equipment. He noted that the Troop has appropriate insurance coverage. Board members indicated that this request will be an agenda item on the June 26 meeting agenda. Eric noted that currently the only use of the building is for hay storage.

Todd Warnock proposed a change to the start/finish location of the upcoming Gran Fondo, noting that the preference is to move it to the east entrance and use Liberty Street to get to the planned route. He explained that this would provide more safety than using Airport Drive as in the past. Bruce indicated

that he does not see any issues with this change. Ian confirmed that the Rec Club will not need to be consulted. It was agreed that Todd will work with Bruce to incorporate this change.

V. Department Head Roundtable.

Bruce (Police Department):

- Offered a reminder that Saturday is Pocock. The road will be closed and parking will be limited. He requested to please not block drives or hydrants, and to be aware of pedestrians.

Brett (Fire Department):

- As of June 12 the Department has responded to 56 calls – fires, car accidents, and others.
- New pumper was delivered on June 7
 - The balance has been paid
 - Equipment installation planning is happening here instead of NH, and will incorporate coordination with other vehicles
 - Communications equipment will be installed June 29
 - Pumper will be showcased in July Fourth parade
 - Will be sent to NH for completion of final equipment install
 - Eight hours of required training is scheduled for August, after which the vehicle can be put in service
 - Will celebrate with a ‘push-in’ ceremony
- Recertification cycle begins again on July 1, firefighters will be working on requirements.
- Repeater antenna project is on hold at this point, have just begun new 5-year lease for current site; investigating additional funding opportunities to restart repeater project
- Connex box training structure is still being looked into.
- The new drive has been well-received – thanks again to Eric and Pecker for their time.
- Mezzanine railing installation will be happening soon; two other projects related to insurance requirements are complete.
- Taking delivery of new breathing air compressor this week. Preparation is required, as this will be on the mezzanine rather than in the current closet location.
- Reminder of the request to sound the fire station air horn on noon at July 4 as a way to exercise the horn. Brett will provide messaging to neighbors as needed; no Board members objected to this exercise of the horn.

Taylor (Teen Center Director):

- No updates in particular, things are going well .
- A summer meal site will be confirmed.

Zac (Rec Director):

- Planning for summer activities is underway.

Eric (Public Works Department):

- Summer work is going well, nothing of consequence to report.

VI. Public Hearing – Water and Sewer District Annual Meeting.

Jill Marsano first reviewed the water budget with the Board. The following items were noted and agreed upon:

- Jill explained that the water read equipment should be upgraded so that it can take less employee time to complete a round of readings. The cost for this is approximately \$3,850, for which there are funds available in the budget. It was agreed to authorize this expense in the current budget.
- Remote reading equipment would be helpful for alerting to leaks, but the cost is over half a million dollars.
- A 3% rate increase in the coming year will help build the Capital Improvements reserve, and will also minimize the increase that will be needed when the bond is due.
- VTUMS contracts out more work than in the past, due to a smaller Town staff, but will partner more with the Town going forward if that is the preference and staff schedule allows.
- Jill provided a list of proposed work for the coming year and outlined the details of the work included in the contract between the Town and VTUMS.
- The fund balance for capital improvement is at \$125K; \$47K will be added this year.
- Joel requested a full accounting of all reserve funds and associated specifics be provided by Anthony.
- Designation of end of year fund balances is still needed.

MOTION: Peeker made a motion to approve the Water System budget, with the 3% rate increase taking effect after the June billing. The motion was seconded by Joel. All voted in favor.

The sewer budget was then reviewed, and the following was noted:

- The annual report for the system was just completed.
- Flows did not increase as expected this year.
- Pumping of exterior grease traps is paid for by the system, which is a major expense not charged to the specific users of the traps.
- Interior grease traps are meant to be cleaned frequently by the business owners.
- In order to implement pretreatment enforcement or charges to individual businesses for grease trap cleaning, more data is needed:
 - Composite samples are best, but require special equipment;
 - Jill will look at possibility of borrowing a sampler.
- The system is not maxed out, but organics loading is lessening its capacity and is detrimental to the leach field.
- No capital plan is in place, but there are funds going to capital reserves.
 - The Capital Reserve might be used to cover any cost of composite sampling
- The State is developing a model sewer ordinance, which should be ready in the next 12 months.

It was noted that Article 7 in Sewer Ordinance authorizes the Town to install and maintain exterior grease traps but does not require it.

There was discussion about whether to consider adjustments to the fee structure to deal with high strength waste management. The following points were raised:

- Jill noted that a high strength waste surcharge is not unusual.
- The fee structure is currently an attachment to the ordinance and can be modified without needing to go through the ordinance amendment process.
- Joel suggested a 3% increase overall, and the \$375/quarter shortfall that was noted be split over two years if funds are available in reserves to cover this extended recuperation.
- Valerie suggested that inserting the missing paragraph B in the rate structure appendix might be a mechanism to adjust the rates.
- Data was looked at to confirm the billing software is accurate and the decrease in flows and billing amounts are due to the billing structure
- Ian suggested charging the full amount of \$375 to cover the high strength waste in the upcoming year, with a solid explanation provided, as the system needs to remain viable

It was agreed that more information is needed in order to make a decision at the June 26 Board meeting regarding a rate increase and any surcharges or charges for grease trap pumping. Valerie will work with Anthony and the auditor to provide the relevant financial information – budget, reserves, and fund balances.

VII. Consent Agenda

Potential uses for Highway Safety Funds were discussed. The laptop purchase for the Lister's office was outlined. Board members thanked Steve Taylor for his volunteer service to the Town. More information regarding the Fourth of July banner was requested; however, Board members were comfortable with the display of a sponsor name as an adjunct piece of information, so long as the banner was mainly addressing the Fourth of July event.

MOTION: Ian made a motion to approve the Consent Agenda as amended with the HSIP grant authorization. Peeker seconded. The motion passed unanimously.

- Ratify minor adjustment to the Bristol Local Emergency Management Plan to address emergency purchasing.
- Acknowledge Steven Taylor's resignation from the Bristol Energy Committee.
- Approve Curb Cut Permit application #2023-02DA for Adam Gebo at 1524 Lower Notch Road per DPW Foreman's recommended conditions.
- Authorize use of the Technology Reserve Fund for the Listers' Office to purchase a laptop.
- Approve banner application from Fourth of July Committee across Main Street for Independence Day event.
- Authorize the Town Administrator to submit a grant application to the Highway Safety Improvement Program and supply a related letter of support from the Selectboard.

VIII. Regular Business

1. Consider appointment of Anna Daylor to the Planning Commission. May include deliberation in executive session to discuss appointments.

Anna Daylor was present and explained that she had enjoyed her previous engagement on the Planning Commission, has time now that her toddler is of a certain age, and would like to become a member again.

MOTION: Ian made a motion to appoint Anna Daylor to the Planning Commission. The motion was seconded by Peeker. All voted in favor.

2. Update from Tree Warden John Sweptson: tree removal issues, grant-funded village tree planting initiative, and status of the ad hoc Tree Committee

John Sweptson provided an update on tree removal needs in the village, explaining there are several dead standing trees that need to be removed, with ash trees being top priority. Eric indicated he will be taking care of the silver maple removal on Church Street but is not sure that his budget allows for the poplar on Pleasant Street. John offered that he would like to do some pro bono work on the green as a service to the Town, including removing the declining maple and replacing it with the white oak that was recently approved by the Board.

There was mention of using the A. Johnson fund for some of the removal work, particularly ash removal, a comment in the meeting's chat window suggested that fund be used for planting rather than removal.

John spoke of the grant award the Town received to plant 30 trees in the village and outlined the proposed timeline. Twenty-two village residents responded to the survey posted to Front Porch Forum expressing interest in a tree in the Town right-of-way by their property. He and Josh Behounek are reviewing the requested sites as the property owners will be responsible for the post-planting watering that will be needed. He will coordinate with Eric regarding the location and timing of planting to take place.

Valerie noted that an ad hoc Tree Committee has been meeting informally since the Emerald Ash Borer Strategic Plan Committee completed its work. There was a consensus of the Board to leave this situation in place for now rather than formalize a committee.

3. Consider whether conditions can or should be placed on previous and upcoming ARPA funding allocations for completion of proposed activities.

Valerie reported that she had done some research and towns are taking several different approaches to monitoring the allocations they have authorized. The VLCT advised there is no one recommended or required procedure. She noted that different protocols can be put in place for funds that have already been released and those that will be approved going forward.

It was agreed that there should be semi-annual reports provided by each group that receives funds, and that any changes to how the money is planned to be spent should be reported through those reports. They should also plan on something for the annual Town Report. It was also agreed that future approved funding will be disbursed only upon submission of a form of request for payment. Valerie indicated that requiring that invoices be provided for releases of funds would not create a large administrative burden.

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.

Taylor Welch provided some background information regarding the proposed van purchase, explaining that the ability to borrow a van no longer exists and that there had been scheduling issues with that setup in the past. A van will enable more programming for various groups, allowing for outings to be scheduled. Taylor noted she has been researching used vans and is likely to locate a suitable 10-15 passenger vehicle for the \$45,000 requested. She indicated there is maintenance money available in the budget, that driver requirements have already been established, and that they will need to clarify insurance needs.

MOTION: Peeker made a motion to approve the expenditure of up to \$45,000 of ARPA funds for the purchase of a van for use by the Recreation Department. The motion was seconded by Ian. All voted in favor.

Taylor outlined the planned improvements to the skate park, indicating that new asphalt is the top priority. This work will require removing and rebuilding all the structures. A section for beginners will be added as part of this project. She explained that a quote has been provided for the asphalt cost; the remaining funds being requested are based upon the best estimate she is able to obtain. In response to questions, Taylor explained that she looked into installing a concrete surface, but found the cost to be prohibitive. She is also exploring some grant opportunities for funding this project.

MOTION: Michelle made a motion to approve the expenditure of up to \$140,000 of ARPA funds for the resurfacing and other improvements at the skate park. The motion was seconded by Ian. The motion passed 4-1, with Joel opposed.

Zac Farnham-Haskell provided an overview of the need for and benefits of a new public address (PA) system. There are still some details to address, but if approved the system should be ready by the Fourth of July for use at that event.

MOTION: Joel made a motion to approve the expenditure of up to \$4,000 of ARPA funds for the purchase of a new PA system. The motion was seconded by Michelle. All voted in favor.

5. Review and approval of the May 8, May 22, and May 24, 2023 meeting minutes.

Approval of the minutes was postponed.

6. Authorize accounts payable warrant and any liquor or tobacco licenses.

The warrant was for the amount of \$2,649,885.60

Valerie confirmed that the Selectboard had previously agreed to authorize the Town Clerk to approve Special Event liquor licenses with subsequent notification to the Board.

MOTION: Michelle made a motion to approve the following Special Event Liquor License applications. Peeker seconded. The motion passed unanimously.

- Eden Ice Cider Company – Pocock Festival

- Shelburne Vineyard – Pocock Festival
- St. Johnsbury Distillery – Pocock Festival
- Appalachian Mountain Distillery – Pocock Festival
- White Mountain Distillery – Gran Fondo

7. Selectboard Roundtable

Darla offered a thank-you to Lisa Powell for creating and donating a beautiful cake for Peter Ryan's retirement event.

Ian reported that the equipment in the Town boiler room needs servicing, and the room itself needs to be cleaned as there is a layer of soot on everything.

Ian asked about whether permission was required for placement of signs on the Bristol entry signs for the upcoming Pocock event. There was consensus that permission cannot be granted for this one event only and that the signs should not be put there for future Pocock events.

Joel acknowledged former Bristol Elementary School principal Terry Everett's passing, expressed condolences, and indicated there will be a memorial service held in the fall.

8. Town Administrator's Report.

Valerie reported that there has been a good number of applications already received for the Grant Writer position. She will be scheduling interviews shortly.

IX. Other Business.

1. Correspondence/reports received were reviewed.

X. Executive Session

MOTION: Michelle made a motion to enter executive session for the purpose of discussing potential contract negotiations per 1 V.S.A. §313(a)(1)(A), real estate negotiations per 1 V.S.A. §313(a)(2), and personnel matters per 1 V.S.A. §313(a)(3). Joel seconded. Eric Cota was invited to participate. The motion passed unanimously.

The Selectboard met in executive session from 10:27pm to 11:19pm. Upon returning to opens session, no action was taken; however, there was a consensus of the Board that the Personnel Policy should be updated to include a policy that no more than three Public Works employees should be on leave at one time—that at least two DPW employees be on duty at one time.

XI. Adjourn.

The meeting adjourned at 11:19pm.

Respectfully submitted,
Carol Chamberlin
Recording Secretary

Valerie Capels
Town Administrator

Ben Ekroos
2120 Lower Notch Rd.
Bristol, VT. 05443

June 12, 2023

Dear Bristol Selectboard Members,

Please submit these comments/facts to the minutes of the June 12, 2023 Bristol Selectboard minutes

1 The zoning administrator appears to have included a gravel hole/pit as a permitted use on the Masterson Property on the Lower Notch Road. The property is located in an agricultural zone. This does not comply with current zoning regulations. Please check into this. Please share your findings with me.

2 The Masterson Development Properties (MDP) vehicles are already too heavy for that class three road. The Selectboard, the Bristol Road Foreman, and the Zoning administrator already know this fact. I live right beside the road and my house is built into the hill beside the road. My house literally shakes when large, heavy trucks go by. Plates that hang on the wall, sconces on lights and windows make noises when the trucks go by. When the roads are wet the shaking is worse. It was not as much of a problem until the year MDP began transporting his vehicles on the road and Lathrop began transporting log trucks, sometimes tandems. Josh said at the most recent DRB meeting that at this time his trucks average 60 trips a day-one way=120 both ways. He said that the worst case scenario could see 100 one way trips=200 trips both ways. There aren't any shoulder on these roads. Please look into how this will adversely impact the quality and maintenance of these roads. Please share your findings with me.

3 In the past few years the number of houses has increased by around 30% due to new construction causing more pedestrians and entering and exiting traffic on this dirt and paved third class road. Please look into how this will impact the safety to pedestrians on this road. There are not any shoulders. Please share your findings with me.

4 For at least two years MDP did not have the permits to transport their over weight vehicles. It was not until I inquired in 2022 to the town clerk that MDP obtained the proper permits. Please check to see if these and other heavy vehicles have the proper permits.

5 I live almost ½ of a mile away from the site and hear a large booming sound which sound like a large culvert being dropped on the ground throughout the day. I have been told that the sound is the tailgate of a large dump truck dropping. The sound may be amplified by the mountains and the fact that that is a wetland area with Many Waters (8 vernal ponds) on which sound travels faster. Please look into how this and other business sounds impact the people in this predominantly residential area. Please share your findings with me.

Respectfully,

Bristol Selectboard meeting, June 12, 2023

Helen Young
27 Many Waters Road,
Bristol, VT 05443
802-377-2358

I want to reiterate the statements of my neighbors Keith Schnell and Tom Fox and object to the unpermitted use of Masterson and Son's land as a business yard for all of the reasons they describe. I acknowledge that it is not the Selectboard's responsibility to issue or deny a conditional use permit - that is the purview of the Development Review Board. But the activity of the Zoning Regulator IS within the purview of the Selectboard. I repeat Keith Schnell's and Tom Fox's request that the Zoning Regulator be held accountable for the unpermitted use of Masterson's property and ask that Masterson be fined a per diem fee for the unpermitted use of his land for the past two years.

As stated by Keith Schnell, I think that it's important for the Development Review Board and the Zoning Administrator to not set a precedent that it is permissible to build first and apply for a permit second in ANY case of development in Bristol.

I end with the question: how are zoning regulations are enforced in the town of Bristol?

I request that a written copy of this statement be entered into the minutes for this meeting.

Helen Young

Keith Schnell
214 Many Waters Rd
Bristol VT 05442
Schnell.keith@gmail.com
216.659.8026

12 June 2023

Statement for the Bristol Selectboard:

I am speaking to you this evening to express my concern about the evident lack of zoning enforcement in Bristol over the past several years, and the significant impact that it has had on my quality of life, and those of my neighbors.

As many people in this room may be aware, Masterson & Son Excavation, LLC has been operating an unpermitted construction laydown yard off of Lower Notch Road, which abuts my property. This has been going on for over two years. The noise from the loading and unloading of heavy equipment, the loading and dumping of gravel, from excavation and from the backing and operation of heavy vehicles, which sometimes takes place from before dawn until after dusk, is audible in my home with the doors and windows closed. By the operator's own admission, over 30 heavy trucks a day, weighing over 20 tons each, are currently using Lower Notch Road, and he expects activity to potentially more than triple when he is using the yard at full capacity. This will damage the road, create additional noise, and create an additional hazard for pedestrians in this residential area.

This use is not authorized in the RA5 zone per the Bristol Unified Development Regulations, without a conditional use permit. Despite being advised of the need for such a permit as early as 2019, Masterson & Son has only recently applied for one, and has been operating unpermitted since then. This yard is entirely out of keeping with the preexisting character of this residential area, and with the desired character of RA5 stated in the Town Plan: "that of rural countryside, where residential development is compatible with and surrounded by agricultural uses, forest uses and open space."

Allowing the yard to operate without penalty encourages this and other businesses to abandon any pretense at obeying the law, both now and in the future, and has the potential to harm the quality of life of many Bristol residents.

Why has the Town Zoning Administrator, who has the authority to fine Masterson & Son, not done so at any time in the past two years? What is the Selectboard going to do to ensure that he does his job in this and future instances?

I request that the Select Board take action to immediately halt operation of the yard and retroactively cite and fine the operator of the yard for this violation. I further request that the Selectboard investigate the failure of the Development Review Board to properly apply the zoning regulations in this instance.

I request that a written copy of this statement be entered into the minutes for this meeting.

Thank you.



Keith Schnell

Statement to Select Board June 12, 2023

I am one of a group of concerned citizens that live adjacent to and in proximity to Masterson's business yard on the Lower Notch Road.

The yard has been operating for more than 2 years without a permit. I request that the Select Board immediately instruct the Zoning Administrator to halt operation of the yard and retroactively cite and fine the operator of the yard for this violation. Why has the Zoning Administrator not already taken this action and allowed the violation constituted by operating a business without a permit to persist?

The current and past use of the yard is not consistent with the desired character of this RA5 district as stated in the Town of Bristol Unified Development Plan (the plan). The plan is intended to allow home based businesses in one and two family dwellings. The yard exceeds this intent by a large margin. The yard operator has stated that up to 30 trucks weighing up to 25 tons each exit and enter the yard in one day. The yard operator has also stated that this number could increase up to 100 round trips in one day.

Basic concerns of the citizens living in this area myself included are 1) noise from operations at the yard 2) noise from vehicles entering and exiting the yard 3) vibration in dwellings near to the road by vehicles from the yard driving past 4) safety of pedestrians and motorists on and near the road and 5) potential excess wear and damage to the Lower Notch Road caused by the heavy vehicles.

Additionally allowing the yard to operate without penalty encourages flagrant disregard for the plan by the yard operator and potentially others. The operation of this yard has a negative impact on the quality of life and legitimate business interests of all property owners on the Lower Notch Road and connecting roads.

Please include a copy of this statement in tonight's Select Board meeting minutes.

Thomas Fox

Thomas Fox JUNE 12, 2023

2271 Lower Notch Road