

Bristol Town Administrator's Report
September 24, 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, September 25, 2023 Meeting Agenda and Materials

I. 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."

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 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.

IV. REGULAR BUSINESS.

Item IV.1 Water Commission: Consider request from Lawson Lane residents for assistance to relocate non-compliant water line from Liberty Street to Pine Street. On 03/24/2005, Bruce Ladeau received [Act 250 approval](#) to subdivide a 2.54-acre lot into 7 residential lots for single family homes off of Pine Street and Liberty Street and establish a 200 foot access road off of Pine Street to serve three of the lots. This included [water and wastewater plans](#) approved by the state on 12/28/2004.

It recently came to our attention that the water connections for the subdivision that were supposed to be from Pine Street were instead connected to the water main on Liberty Street, contrary to the state permits.

The discrepancy was discovered when Chad and Michelle Perlee purchased Lot 4 on Liberty Street and proceeded through the state [water](#), wastewater, and [Act 250](#) permit processes to construct a single family residence on the site in 2011 with a water connection off of Liberty Street. The discovery of the [Ladeau-Hammond Subdivision water lines along their property](#) ultimately resulted in [an amendment](#) to the [original covenants](#) requiring the water lines to be *moved* from the Liberty Street connection to the Pine Street water main when the Pine Street water line got upgraded. Specifically:

“The easements and rights contained herein are subject to a condition that once the Town of Bristol upgrades the water line (or lines) along Pine Street, so-called, to the westerly edge of the right of way of Lawson Lane, so-called, to allow water service to Lots 2, 5, 6, and 7, lot Owners 2, 5, 6, and 7 shall connect to the Town of Bristol's municipal water system along Lawson Lane to said Pine Street (in the case of Lot 2, the connection shall be directly from Lot 2 to said water system from Pine Street), so-called, water line (or lines) and shall discontinue the use of the existing water lines (from Liberty Street, so-called), at which time the aforesaid easements burdening Lots 2, 3, 4, and 5 shall be automatically extinguished. Lot Owners 2, 5, 6 and 7 shall connect to the Town of Bristol's municipal water system within 60 days from the completion date of the Pine Street water line(s) upgrade, unless circumstances reasonably beyond the control of said Lot Owners, prevent such time frame. In such event, the work shall be completed as soon as reasonably practicable thereafter.”

No records have been found explaining the decision to connect to the Liberty Street water line instead of Pine Street. Bruce Ladeau's [application to connect to the municipal water system](#) on 11/05/2004 was approved by Scott Powell on 11/10/2004. Though the referenced design plan is not attached to the application, we can presume it is the [“Hammond Property, Pine Street/Liberty Street, 7-Lot Subdivision, Bruce Ladeau and Jeanie Macdonough”](#) dated 11/04, by Tyler Hart, P.E., L.S., and subsequently approved by the State on 12/28/2004. Prior to that, Scott Powell [provided a letter on 11/05/2004](#) affirming that the municipal water system

had the capacity to serve the proposed subdivision. No reference is made to either Pine Street or Liberty Street. Scott Powell was the Town of Bristol's District Coordinator, responsible for the municipal water system, sewer system, and the landfill. He apparently had sole authority at that time to make decisions regarding water connections.

I digitally scanned and searched through Selectboard meeting minutes from 2005, 2006, and 2007 looking for any references to this project and water connections to either Pine Street or Liberty Street. The only references found to this project were the Selectboard's approvals of his curb cut application on [10/17/2005](#) and [11/14/2005](#). If time allows, I will also scan and search the 2004 Selectboard meeting minutes.

I have since come to understand that the Pine Street water line did not have enough pressure to serve the new connections at that time and it would have been very expensive for the developer to upgrade the line. At some point, a decision was made to allow the connection from Liberty Street instead, which did have adequate pressure.

It is important to acknowledge that project engineer Tyler Hart, P.E., L.S., [certified in writing](#) "... that, in the exercise of my reasonable professional judgement, the installation-related information submitted is true and correct and the potable water supply and wastewater systems were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully passed those performance tests." These certifications were provided on 09/13/2005 for Lot 5, 10/13/2005 for Lot 3, 12/07/2005 for Lot 2, 04/11/2007 for Lot 7, and 11/06/2007 for Lot 6. I wanted to call him to learn how the systems could have been certified, but found that [he died last year](#).

Residents [Dustin and Jennifer Corrigan are asking for the Town's assistance](#) in correcting this discrepancy and moving the water lines for Lots 2, 5, 6, and 7 from Liberty Street to Pine Street as originally intended from the 2004 approvals.

Installation of the new 8" water main to the westernmost end of Pine Street beyond Lawson Lane has been completed, although a number of steps will be needed before the new system goes "live" sometime in October. In addition to the upgraded water main itself, included in the cost of the project are new curb stops and related appurtenances that will accommodate the new connections from this subdivision.

RECOMMENDATION: Discussion. Determine if additional information is needed.

Although Selectboard member Michelle Perlee no longer has any personal or financial interest in the Liberty Street lot, it would probably be best if she recused

herself from the Selectboard's deliberations on the matter and, instead, participate as a member of the audience with unique information to share.

Any new connections should go through the current application and approval process to ensure the installations meet current standards and to keep our records up to date. The current ordinance requires a \$500 connection fee in addition to the cost of meters and the Water Operator's time to witness installations. Since each lot already has a meter, that will not be a new expense.

Because the curb stops will have been installed outside of the Pine Street roadway, there is no time pressure to make a determination to coincide with the project schedule. The curb stops will be able to be accessed at some point in the future without needing to cut into the new pavement when things are ready to move forward.

Pine Street is expected to be completely repaved next spring after all the excavations have been completed and the disturbed areas have had a chance to become compacted. When the time comes to install new service lines along Lawson Lane, care will be required of the heavy excavation and paving equipment to not damage the new Pine Street paving after spring 2024.

Item IV.2 Tentative: Consider proposal from DuBois & King for Briggs Hill Road slope stabilization engineering services. As previously reported, a section of the slope between Briggs Hill Road and Lincoln Road failed in the course of the rain storms that began in early July 2023, sending mud, trees, and rocks across Lincoln Road and seriously undermining the shoulder and pavement of Briggs Hill Road. Another section westward down the hill also shows early signs of sliding and being undermined. An emergency measure of stacked concrete blocks (approved by the Selectboard) was installed to stabilize the roadway.

The situation was brought to the attention of officials with the Federal Emergency Management Agency (FEMA) and the Natural Resources Conservation Service Emergency Watershed Protection Program (NRCS EWPP), both of whom may have jurisdiction and have conducted site visits and assessments. Neither agency has jurisdiction over matters affecting Lincoln Road, as that is a Federal Aid Highway under the jurisdiction of the Federal Highway Administration. In the final analysis, only one or the other between FEMA and NRCS can provide assistance.

The Town received two quotes for permanent solutions to stabilize the slope failure ranging from more than a couple hundred thousand dollars for soil nailing and shotcrete installation to more than a million dollars for sheet piling for the upper slide. A third option of laying stone to stabilize the bank was also suggested but a cost estimate has not been obtained. Both FEMA and NRCS officials recommend an engineering study be done to determine the slope characteristics and recommend

appropriate permanent solutions. Such a study would require soil borings to determine the characteristics of materials in various locations in the area.

A [FEMA site inspection report](#) from an August 28, 2023 site visit describes the extent of damage.

Through the Basin Street project currently under way, we learned that soil boring companies have been in high demand all around the state in response to the widespread damages to infrastructure in July and August and the need to do subsurface soil investigations. Folks at DuBois & King were able to line up GEODesign, who did the previous Basin Street analyses, for our current project for a time slot in October. I [audaciously reached out](#) to GEODesign representative Jacob Wimett to ask if, by the way, while they're in the area, could they swing by the Briggs Hill Road sites and punch a few holes?

Meanwhile, FEMA and NRCS officials advised that we move forward with an engineering analysis and that the expense(s) would be eligible for reimbursement. Just this past week I reached out to DuBois & King and asked if they were interested and available to provide a cost estimate for engineering and soil boring services. They are working on it and hope to have something for us to consider in time for Monday's meeting.

RECOMMENDATION: Receive information. Discussion.

Item IV.3 Consider award of a contract for update of Bristol's Local Hazard Mitigation Plan. Bristol's federally-approved Local Hazard Mitigation Plan expires in January 2024. We received a grant through Vermont Emergency Management (VEM) of \$8,362.50. The local match is \$2,787.50, for a total project cost of \$11,150. The match can be cash or in-kind, or a combination. The grant funding runs through September 22, 2025.

With so much else going on, it's taken a bit of time to get this off the ground. A [request for proposals](#) was issued last month. Six proposals were received from the following entities by the September 20, 2023 due date:

- Exigency Consulting LLC
- katamai Solutions
- OPH Consulting
- Resilience LLC
- SEAM Solutions
- Threat Owl

Addison County Regional Planning Commission Emergency Planner Andrew L'Roe and I are in the process of reviewing the proposals. I expect to summarize our

review and recommendation in a memo to be presented at or before Monday's meeting.

RECOMMENDATION: A memo with recommendations is pending. Determine if more information will be needed. Accept the recommendation.

Item IV.4 Consider renewal of Town Administrator Valerie Capels' three-year contract. Six years ago on October 2, 2017, I began the adventure as Bristol's Town Administrator. I was stepping into the space previously occupied by Peter Coffey as Interim TA and Therese Kirby before that. I was offered a three-year contract at that time. Three years ago, renewal of my appointment was considered in executive session and extended for another three years by a voice vote in open session. I respectfully request being considered for an additional three-year appointment.

RECOMMENDATION: The Selectboard may wish to deliberate in executive session.

Item IV.5 Consider reappointment of Zoning Administrator for an additional three-year term per 24 V.S.A. § 4448. Also six years ago on October 2, 2017, Kris Perlee began is run as part-time Zoning Administrator. [State statute](#) defines the Zoning Administrator's appointment as a three-year term. Three years ago, renewal of his appointment was also considered in executive session and extended for another three years by a voice vote in open session. The Zoning Administrator position evolved to part-time at about 20 hours per week after it was vacated by the previous Administrator, who also wore other hats for the Town. Since his initial appointment, Kris agreed to take on the duties of E-911 Coordinator after Lister Craig Scribner retired.

According to available records, 53 zoning permits were acted upon in [2021](#) and 57 in [2022](#). We appear to be up to 34 applications in 2023.

In April of this year, Kris was appointed to serve as Assistant Clerk and Assistant Treasurer, two roles he is carrying out very well. The overall position is now at about 35 hours per week, with zoning administration comprising about 16 hours (2 days) per week, although it ebbs and flows from week to week.

RECOMMENDATION: I recommend Kris be appointed for another three years. The Selectboard may wish to deliberate in executive session.

Item IV.6 Review and approval of the September 11, 2023 meeting minutes. The Sept. 11 minutes are in the process of being reviewed and are expected to be e-mailed and posted online when completed. The original draft is posted online.

RECOMMENDATION: Adjustments as needed. Approval.

Item IV.7 Authorize accounts payable warrant and any liquor or tobacco licenses. The current [accounts payable warrant is online](#). The current value is \$180,003.64, but this may change if additional expenses are added prior to the meeting.

V. CONSENT AGENDA.

Item V.1 Approve curb cut application #2023-05DA, Jenny Ambrose, Hardscrabble Road, per the Foreman's conditions. [Online is a driveway access application](#) to install a new access approximately fifty to seventy-five feet (50' to 75') from the main road to connect onto the existing driveway.

RECOMMENDATION: Approval per the following conditions recommended by Public Works Foreman Eric Cota:

- The driveway needs to be level with the road for seventeen feet (17') back from the edge of the road.
- The owner will be responsible for repairing any damage to the road.
- A culvert is not needed at this time but may be needed in the future at the owner's expense.
- The sight distance is good to the north, but to the south a poplar tree and maybe some brush in that area needs to be cut down

Item V.2 Approve curb cut application #2023-06DA, Jay Vrooman, 65 West Pleasant Street, per the Foreman's conditions. [Online is a driveway access application](#) to install a new driveway access at 65 West Pleasant Street to serve a new single family residence.

RECOMMENDATION: Approval per the following conditions recommended by Public Works Foreman Eric Cota:

- That the sod between the road and the sidewalk be removed and replaced with twelve inches (12") of road base.
- If the sidewalk is damaged, that it be replaced with six inches (6") of 4,500 pound concrete in the driveway.

RECOMMENDATION: Approval.

Item V.3 Approve N.H. Munsill Hook and Ladder Coin Drop application for October 8, 2023 at 15 West Street per the Police Chief's condition. [Online is an application](#) for the annual N. H. Munsill coin drop fundraiser, proposed for Sunday, October 8, 2023 in the area of 15 West Street. Police Chief Nason recommends that appropriate reflective clothing be worn while in the roadway for visibility.

RECOMMENDATION: Approval per the Police Chief's condition that appropriate reflective clothing be worn while in the roadway for visibility.

Item V.4 Approve grant application authorization request from the Hub Teen Center to the Department of Children and Families Drop-In Center Program. [Online is a request](#) from the Hub Teen Center for authorization to apply to the Dept. of Children and Families Drop-In Center Program for up to \$15,000 to create space for close personal connections and belonging and strengthen the connection of youth with the community. No match is required.

RECOMMENDATION: Approval.

Item V.5 Authorize the Town Clerk, Treasurer, or Assistant Treasurer to establish a new noninterest-bearing bank account at the National Bank of Middlebury for the purpose of pass-through grant fund administration. The \$535,000 Community Development Block Grant (CDBG) the Town received through the Vermont Community Development Program (VCDP) to support the Firehouse Apartments project requires that a noninterest-bearing bank account be used as a short-term pass-through account for the grant funds to be deposited upon a successful requisition. The funds would be used to reimburse the Firehouse Apartments Limited Partnership through Addison County Community Trust for their expenses to build the 20 units of new housing on Firehouse Drive. We used to have such an account with Peoples United Bank, but that apparently dissolved when it became M&T Bank. We proposed setting up this new account with the National Bank of Middlebury. With Town Treasurer Anthony Delmonaco on leave, I am not exactly sure who would be authorized to do it, so I am proposing a broad authorization.

RECOMMENDATION: Approval for authorizing the Town Clerk, Treasurer, or Assistant Treasurer to establish a new noninterest-bearing bank account at the National Bank of Middlebury for the purpose of pass-through grant fund administration.

VI. OTHER BUSINESS.

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

- [Bristol New Haven Springs Source Protection Plan update 2023.pdf.](#)
- [E-mail BRD Friday Newsletter 2023-09-22.pdf.](#)
- [E-mail VLRP State and Local Government Municipal Day press release.pdf.](#)

Pine Street Waterline Replacement Project Update

Installation of the water main pipe was completed to the end of Pine Street at the Public Works facility this week, including installation of all the new hydrants. Once online and over time, we expect the new hydrant installations will improve Bristol's ISO rating, which should benefit fire insurance policy holders in the area and perhaps townwide.

Work through the Liberty Street area ended up taking longer than expected because five water lines under the road were encountered that required hand-digging to get the new water main

under them. So it was slow-going. Pine Street from Liberty Street to Lawson Lane and beyond was closed Monday, Tuesday, and Wednesday to vehicles during the day of this past week.

The water service installation crew will be continuing to work their way westward toward the Town Garage. After the new water main and services have been completed, the line will be flushed, pressure tested, chlorinated, and tested for bacteria (twice). There may be some water service interruptions during this time. We will do our best to provide notice so people can plan ahead.

Once all testing has been successfully completed and our water operator and engineering team are confident the new system is ready for operation, water supply to each home along Pine Street will be transferred one by one from the old 1905 waterline to the new waterline. We expect this will be sometime in October. There will be a short water service interruption to each house when this transition occurs. Again, we will provide notice so people can plan ahead.

Municipal Energy Resilience Program Grant Awarded

The grant application Richard Butz submitted to the [Municipal Energy Resilience Program](#) (MERP) through the Vermont Department of Buildings and General Services this summer was fully funded! It will provide FREE Level 2 energy resilience assessments on three of Bristol's municipal buildings.

Building	Address	Square Feet	Assessment Type
Holley Hall	1 South Street	7,200	Level 2 Energy Resilience Assessment
Lawrence Memorial Library	40 North Street	3,890	Level 2 Energy Resilience Assessment
Howden Hall	19 West Street	3,165	Level 2 Energy Resilience Assessment

The Level 2 assessments will provide a phased scope of work, estimated costs, and a timeline for the recommended improvements designed to reduce operation and maintenance costs, enhance comfort, and reduce energy demands. The recommendations will also include an estimate of equipment lifecycle costs and consumption data.

The assessments will include blower door testing to measure air leaks. During this test, which can take an hour or more to complete, the vendor will need to close all exterior windows and doors to get an accurate reading. In other words, the Town Office, Library, and Howden Hall will need to be closed to the public during this test because all ingress and egress points must be kept closed. This audit also requires the town to provide five years of monthly electrical and heating fuel use information and building architectural, mechanical, and electrical drawings.

The next step is for the Addison County Regional Planning Commission to reach out with a schedule for the vendor to begin the assessments. Applications for MERP implementation grants of up to \$500,000 are expected to open this fall. We are advised to submit applications as promptly as possible after receiving our assessment data.

Basin Street Project Update

The "Local Concerns Meeting" which is part of the VTrans project development process, will be held Monday, October 16, 2023, as part of a regular Selectboard agenda. The goal will be to get broad input from the community about the many issues affecting the Basin Street area and to provide information about the Basin Street improvement project.

GEODesign's soil boring subcontractor is planning to be in Bristol to conduct geotechnical borings during the week of October 16-20. Support from the Public Works Department may be needed to assist with removing a guardrail panel or two along Main Street to position the drill rig for the two borings proposed at the top of slope. A proposed boring location within Basin Street is likely to require the road to be closed for a few hours. We will provide notice to residents of any anticipated temporary access disruptions.

TA Schedule

With the extra week between this and the next Selectboard meeting, I will be taking some days out of the office to tend to some personal matters. Otherwise, I generally plan to get in the office around 9:00am most days. I plan to still work remotely one day a week, most often on Tuesdays, although with the Pine Street weekly construction meetings scheduled for Tuesday mornings through the fall, some may be in person and some may be via Zoom. On the remote 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.

** There will be three weeks between the Sept. 25 and Oct. 16 meetings. **

Week of September 25

Monday: In the Office.
7:00pm – Selectboard meeting.

Tuesday: **Working from home.**
10:00am - Pine Street waterline replacement weekly construction meeting (Zoom).
2:30pm – Med appt.

Wednesday: In the office.

Thursday: In the office.
10:00am – FEMA Follow-Up meeting.

Friday: **Out of the office.**

Week of October 2

Monday: **Out of the office.**

Tuesday: In the office.
10:00am - Pine Street waterline replacement weekly construction meeting.

Wednesday: In the office.

Thursday: **Out of the office.**

Friday: **Out of the office.**

Week of October 9

Monday: **Indigenous Peoples Day holiday. The Town Office will be closed.**
Tuesday: In the office.
10:00am - Pine Street waterline replacement weekly construction meeting.
Wednesday: In the office.
Thursday: In the office.
Friday: In the office.

Upcoming Meetings

- [Selectboard](#): Mon., Sept. 25, 7:00pm, Holley Hall and via Zoom.
- [Planning Commission](#): Tues., Oct. 3, 7:00pm, at Holley Hall and via Zoom.
- [Development Review Board](#): Tues., Oct. 10, 7:00pm, Holley Hall and via Zoom.
- [Bristol Energy Committee](#): Weds., Oct. 11, 7:00pm, via Zoom.
- [Conservation Commission](#): Thurs., Oct. 12, 6:00pm, Holley Hall and via Zoom.
- [Selectboard](#): Mon., Oct. 16, 7:00pm, Holley Hall and via Zoom.
- [Bristol CORE](#): Thurs., Oct. 19, 9:00am, via Zoom.

Upcoming Agenda Items

- Basin Street Improvement Project public concerns meeting.
- Consider long-term options for stabilization of the Briggs Hill Road slope.
- Web site improvement options.
- Quarterly budget review.
- Lawrence Memorial Library septic system management update.
- Review of updated sidewalk replacement plan.
- Continued review and update of the Revolving Loan Fund documents.
- Continued Selectboard decisions for use of ARPA funds.
- Continued consideration of Police Station alternatives.
- Continued consideration whether to pursue Police District expansion.
- 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