

**Town of Bristol, VT
Selectboard
Minutes of Meeting
Monday, September 25, 2023**

Members Present: Ian Albinson, Joel Bouvier (Vice-Chair), Darla Senecal (Chair)

Members Absent: Michelle Perlee

Staff Present: Valerie Capels (Town Administrator), Eric Cota (Public Works Foreman), Bruce Nason (Police Chief)

Others Present: Dustin Corrigan, Jennifer Corrigan, Tom Fox, Ed Germon, Whitney Germon, Jackie Gorton, Jill Marsano (VTUMS), Bill Mount, Kristi Mount, Jim Quaglino, Keith Schnell, Dave Sharp.

I. Call to Order. Darla Senecal called the meeting to order at 7:03 pm.

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

No adjustments were made to the agenda.

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

II. Public Forum.

Dave Sharpe offered comments related to housing, and the consistency needed in the related implementation of the Town's Zoning Bylaws.

Jim Quaglino offered compliments to Valerie, noting that both she and Kris Perlee are dedicated employees up for reappointment. He also expressed his disappointment in the recent decision regarding replacement of the Howden Hall sign, noting that the cost will now be borne by the taxpayers.

Tom Fox and Keith Schnell both spoke regarding what they saw as a need for further training, performance review, and raising expectations for the Zoning Administrator position.

III. Department Head Roundtable.

Eric Cota (Public Works):

- The excavator needs some repair, which may take a week.
- The new employee is in his second (of 8-10) week of CDL training.
- Ditch work and mowing are winding up; sand stockpiling is set to go.

Jill Marsano (VTUMS):

- Water reading was just completed. There are a couple of reader fixes to take care of.
- Tomorrow will be first announced water shut off for Pine Street water project. The new line will be tied in, flow will change, and users may see some discoloration in their water.
- Joel pointed out that Mountain Health needs more than 24-hour notice for any shutoff. Jill does not believe they will have their service interrupted, but acknowledged that as much notice as possible will be provided.

Bruce Nason (Police Department):

- Still busy, nothing new to report.

IV. Regular Business

1. Water Commission: Consider request from Lawson Lane residents for assistance to relocate non-compliant water service lines from Liberty Street to Pine Street.

Valerie summarized the situation as she had outlined in her TA report, explaining that a water line and curb stops for the Lawson Lane subdivision was planned to come off the Pine Street line in 2004, but a lack of suitable pressure led to individual lines being run to the Lawson Lane lots from the Liberty Street line instead. Dustin Corrigan and Bill Mount confirmed this, and pointed out there are several detriments resulting from the current configuration, including setbacks not being met, lines crossing lots and impacting the placement of wastewater infrastructure, and a lack of easements to allow for access to the lines if necessary. They also noted that legal documents from 2014 indicate that when the service on Pine is updated and provides adequate pressure, the lines must be moved to where the original plans indicate they were to go. They indicated that they are requesting that a two-inch water line be installed to the end of Lawson Lane, so that the property owners are able to connect their homes to that line.

Whitney Germon also requested that the Town put in the line. She explained that her property just needs a service line and would not be run off of Lawson Lane.

Jill offered to check with Steve Palmer on whether this connection to the Pine Street line could be included in the current contract. However, because Lawson Lane is a private road, it cannot become part of the Pine Street project due to funding source restrictions. She also noted that a flushing hydrant would need to be installed at the end of the Lawson Lane line and other considerations must be taken into account. Jill offered to confer with Munson regarding the cost of doing the work under a separate contract while they are completing the Pine Street work. Valerie pointed out that some of the required work is already part of the current project – the curb stop at the Germon property and a curb stop tie-in for a 2" line for Lawson Lane – so Pine Street would not need to be impacted again if this work doesn't take place during the current project.

There was some discussion of this being a civil matter rather than something that is the Town's responsibility. It was agreed that more information regarding cost and logistics will be gathered at the next construction meeting for the Pine Street project.

2. Tentative: Consider proposal from DuBois & King for Briggs Hill Road slope stabilization engineering services.

Valerie reviewed the information which had been provided in the estimate submitted from Dubois & King, which outlined a total of \$160K to \$173K to be billed on an hourly basis, for the engineering services work involved in design through construction management at the Briggs Hill Road site where slope stabilization is required. Valerie said FEMA has indicated that this work would be eligible for reimbursement, they perceive that the need is urgent, and FEMA representatives have tentatively suggested that the work can be awarded to Dubois & King without going through the standard procurement process, as they were selected through the bid process for the Basin Street project and have indicated they can include soil boring work at the Briggs site when performing soil boring work at Basin Street in October.

There was some discussion regarding the condition of the lower section of slope washout on Briggs Road. Eric explained that the upper site has been secured, but the lower site is still sloughing, with the guardrail currently sitting below the road surface. Some suggestions were made for potential winter solutions to ensure safety on the road.

It was confirmed that the previous estimates provided for stabilization work at these locations were not engineered and did not include the soil boring and resulting data. There was agreement that the underlying engineering work proposed by Dubois & King will provide beneficial long-term information.

MOTION: Ian made a motion to accept the proposal from Dubois & King for Slope Stabilization Engineering Services on Briggs Hill Road. The motion was seconded by Michelle. All voted in favor.

3. Consider award of a contract for update of Bristol's Local Hazard Mitigation Plan.

This item was postponed to the next meeting in order to provide more time for Valerie to better prepare the related information.

4. Consider renewal of Town Administrator Valerie Capels' three-year contract. May include deliberation in executive session.

MOTION: Michelle made a motion to renew Town Administrator Valerie Capels' contract for three years. The motion was seconded by Joel. All voted in favor.

Board members offered their thanks to Valerie for her dedication.

5. Consider reappointment of Zoning Administrator for an additional three-year term per 24 V.S.A. § 4448. May include deliberation in executive session.

There was some discussion regarding ensuring that Kris provides reports to the Board in the coming year. There was also acknowledgment of the difficult portions of the position and some specific situations that arose in the past year.

MOTION: *Ian made a motion to reappoint Kris Perlee as Zoning Administrator for a three-year term. The motion was seconded by Michelle. All voted in favor.*

6. Review and approval of the September 11, 2023 meeting minutes.

This item was postponed.

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

The warrant was for the amount of \$ 194,307.73

No approval of license applications was necessary.

8. Selectboard Roundtable.

Michelle thanked Eric for always helping when she calls to report issues.

Ian reported that he is still working on getting the bus shelters in place. He is waiting for responses from several people/organizations.

Ian offered condolences on the passing of former Energy Committee member Mike Corey.

Joel asked about several projects:

- The tree removal from the section near the Highbridge at 116 : Eric reported he has been trying to schedule this with Josh Masterson. This will likely happen in the spring at this point.
- The fishing platform: Valerie confirmed this is expected to be completed in October
- The Lincoln Road riverbank work: Valerie reported that Roy Schiff and his team did a site visit on Lincoln Road to assess whether there was additional damage from the storms. She will check in with them.
- A new hydrant on Pine Street near Munsill is potentially located where tractor trailers may hit it. He also expressed concern about some of the pavement that is breaking away. Eric said he has spoken with Steve Palmer about the pavement and will continue to follow up.

Darla congratulated the Rec Department on a successful Harvest festival.

Ian noted that the Declaration of Inclusion adopted by the Board has been added to the website, as well as the Driving Equity Toolkit presented recently by Porter Knight.

Joel raised the issue of insurance coverage for the Rec Department van being used as a jitney shuttle. It was confirmed that appropriate coverage is in place.

Joel indicated he would like to plan the sequence of water line replacements to coordinate with street paving plans.

9. Town Administrator's Report.

Valerie had nothing to add to her written report.

V. Consent Agenda

MOTION: Ian made a motion to approve the Consent Agenda, consisting of the items listed below. The motion was seconded by Michelle. Some clarifications were provided. All voted in favor.

- Approve curb cut application #2023-05DA, Jenny Ambrose, Hardscrabble Road, per the Foreman's conditions.
- Approve curb cut application #2023-06DA, Jay Vrooman, 65 West Pleasant Street, per the Foreman's conditions.
- Approve N.H. Munsill Hook and Ladder Coin Drop application for October 8, 2023 at 15 West Street per the Police Chief's condition.

- Approve grant application authorization request from the Hub Teen Center to the Department of Children and Families Drop-In Center Program.
- 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.

VI. Other Business.

1. Correspondence/reports received were reviewed.

VI. Executive Session

MOTION: Michelle made a motion to enter executive session in order to discuss 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). Peeker seconded. The motion passed unanimously. Eric Cota was invited to participate.

The Selectboard met in executive session from 8:50pm to 9:25pm. Upon returning to open session, no action was taken.

VII. Adjourn.

The meeting adjourned at 9:25pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Valerie Capels, Town Administrator

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25 September 2023

Good Evening,

I would like to speak briefly with regard to the appointment of the Zoning Administrator to an additional three-year term, which is on tonight's agenda. I am confident that the board will take careful consideration of the candidate's professional qualifications and history of job performance in making its decision. I would urge the board, when doing so, to consider both clearly expressing the duties and expectations of the position, and the board's plan to provide oversight and training in order to ensure that those duties are accomplished. As I have previously stated to the board, this position has a problematic history in Bristol over the past several years, which has led to the non-enforcement of the Unified Development Regulations and to inaccurate information being conveyed to both the Development Review Board and to the public. If allowed to continue, this could create the appearance of impropriety and would certainly undermine whatever credibility the Board has in managing development in the Town. The Board should make it very clear that the purpose of the position is to impartially enforce the regulations approved by the public, and not to act as a co-applicant or advocate for applicants and developers. It should also mandate that the appointee undertake training such as that offered through the Vermont League of Cities and Towns in order to ensure that he is aware of his duties and legal options for enforcement. I thank you all for your time and consideration.



Keith Schnell