Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
June 15, 2015

Board members present: Gene Armstrong, Josh Arneson, Jen Dudley-Gaillard, Ron Lafreniere, Chair, Sharon Murray
Board members absent: None.
Also present: Eric Andrews, Russ Clark, Tony Lamoureux, Lisa Fuller, Michael Thompson, Chris LaBerge, Ed Flannagan, Carol Devlin, Al & Shirley Nemethy, Kimberly Ead, Leroy Yoder, Jerry Chabot, Melissa Bailey, Daniel Champney, Michael Hauser
Clerk: Amy Grover

1. **The meeting was called to order at 5:45 p.m. with a quorum of 5 members present.**
2. **Additions or deletions to the agenda:**
   Additions:
   - *Memorandum of Wages:* Upon direction of the auditors, memorandums of FY 15 – 16 wages for town office and highway staff were signed by the Chair.
3. **Public comment: none.**
4. **Appointments:**
   Russ Clark and Tony Lamoureux – Clark's. Clark's representatives met to discuss the '08 International. It was noted and discussion included:
   - Appreciation of being invited to meet and long relationship between the town and Clark's.
   - Recognize that the '08 International has had numerous warranty repairs (including a 17K engine rebuild 2/15 that was under warranty), understand the concern of the extended warranty expiring in November 2015, and concern truck still smells of antifreeze.
   - Extended warranty cannot be extended further.
   - Recognize the '08 – '09 timeframe was when emission rules changed, a transition time for transmissions - designs problematic. Newer designs are less problematic and more efficient.
   - Clark's happy to come to Bolton and ride with Eric to troubleshoot.

The board asked for their recommendation on how long to keep a truck. Answer: for as long as the extended warranty.

The group discussed trade in value for the '08: 45K – 50K range, costs for a fully equipped 2016: 140K, tandem180K. Clark's noted their availability and willingness to work with the town and run numbers on purchase & leasing options.

Eric Andrews – Highway Update:
- Hope to have Notch Road fully open by Wednesday afternoon.
- Compiling photographs of all areas affected.
- Estimates of repairs run to 220K+.

The group discussed the emergency repairs and process for permanent repairs. Unsure if event will be declared a FEMA event. Tracking time, materials and all costs necessary for either State Emergency Fund application or FEMA. Noted: application/s will need to be by road. Many kudos expressed by residents for the road crew. Sharon continuing to follow up as EMC.

Representatives from Bear Mt. Road, Fern Hollow, and Mountain View Drive – request for the town to take over those three private roads. Association President Melissa Bailey spoke on behalf of the Association stating they were there to start the conversation and move the process forward. It was noted and discussion included:

- The residents submitted a memo outlining the reasons for their request. (That memo is on file with these minutes filed in the town office.)
- Requirements would be for roads to meet A-76 standards and for a survey of all roads. Roads may also need to meet new/additional ERAF requirements depending on the timing. Noted by a resident: all the roads were built to A-76 standards, that only the right of way is substandard.
- The town does get state funding for roads, and needs to consider the costs associated with maintaining and additional 1.5 miles of road which translates to a 7% increase of roads. Although unwritten, the town has a long standing policy to not take over private roads.
- Noted by residents: 50 people live on the three roads, nearly 5% of the population of Bolton, they pay $7,500 per year for plowing and grading, their properties are over-appraised due to the cost of road maintenance. They pay their share of full taxes with some of the highest appraisals in town, and then have to pay to fix their roads on top of that.
- Noted by residents: the Association is dysfunctional.
- Noted by resident: Mountain View Drive listed as public road in the Town Plan. Sharon noted that was an error.
- The board noted: it might be worthwhile for the residents to meet with the Planning Commission, that a benefit of a private road is that they can deny/restrict access – i.e. a previous application submitted to the DRB for a subdivision was denied, and that roads are required to be built to A-76 standards for emergency access.
- Residents asked what the town could do to help them; i.e.use of equipment, purchase of materials. The board noted that the town could not assist; case law of Town of Springfield vs. Newton determined that acceptance can be implied by allowance of repairs by the town. Additionally private roads could not be included in applications for state or FEMA funding. It was suggested that the group approach Varin's gravel pit for possible help with materials.
- Residents asked why this was not just a procedural process. The board noted it was not an automatic acceptance.
- The group discussed the formal process. Residents were advised to look at statute for clarification and the proper order of steps, and that town highway maps are archived on the VTrans website for review.

Lisa Fuller, Michael Thompson and Chris LaBerge: Zoning and Animal Control. It was noted and discussion included:

- The Fuller/Thompson application to build a 16' x 20' pole barn was denied due to being in the FHA.
- There had been difficulty in communication with the state, and the state directed them to the Select Board. Board members stated that was an error, they should have been directed to the DRB to go through review.
- The group discussed requirements for agricultural exemptions, FHA regulations, floodplain designation, base elevations and the issue of animal control; sufficient shelter for animals.

- Amy to provide DFRIM information, and Fuller/Thompson to meet with Miron Malboeuf, ZA, to schedule a DRB hearing to determine options. Ms. Fuller noted that she was asking for a fee waiver for the DRB hearing.

PC Representative: Carol Devlin – Appointment, Resignation, CCRPC contract

- Jen made the motion *"to accept Carol Devlin's resignation as a member of the Planning Commission with the understanding that she would remain as Clerk (non-voting).* Sharon seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Jen made the motion *"to appoint Deb Shelby to Carol Devlin's remaining three year term on the Planning Commission.* Sharon seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Sharon made the motion *"to approve the agreement for the CCRPC Work Plan as presented with noted changes."* Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).

5. **Business and Action Items:**

Old Business

- *CCRPC and TAC Appointments:* Gene made the motion *"to appoint Joss Besse as the Bolton representative and Sharon Murray as the alternate to the Chittenden County Regional Planning Commission for a term of two years beginning July 1, 2015 and ending June 30, 2017, and to appoint Eric Andrews as the Bolton representative to the Chittenden Regional Planning Commission's Transportation Advisory Committee for a for a term of two years beginning July 1, 2015 and ending June 30, 2017."* Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- *Community Service/Court Diversion Program:* Noted: more information needed for program. Board agreed to an age minimum of 16 years and arrangements for background checks as needed. Amy to follow up with program representative.
- *Leduc et al vs. Antley et al vs. Town of Bolton Discovery Requests:* Board members noted that legal help was appropriate and needed. Sharon to follow up with attorney.
- *CDBG Loan Update:* It was noted that the state is responsible for providing close out, discharge, and/or re-assignment documents to the town.
- *DRB Update 4 x 4 Center:* It was noted that a hearing is scheduled on 7/9/15 for an appeal of conditions of approval with respect to drainage. Input from the board and highway staff might be helpful. Ron to check availability to attend.
- *PILOT Changes:* Board to schedule meeting with Tom Stevens and Rebecca Ellis to review H.490 language and options regarding the PILOT formula. Amy to follow up on scheduling.

New Business

- *Ratify June 10, 2015 Meeting Actions:* Jen made the motion *"to accept the June 10, 2015 meeting actions and plans to proceed with road damage repairs."* Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- *Internal Control Checklist*: The board reviewed and signed the Internal Control Checklist provided by the Treasurer mandated under VSA § 24, Chapter 51, subchapter 2, Section 1571 – Accounts; reports.
- *Mutual Dues Update*: Capital Fire Mutual Aid System noted that dues would increase from $100/year to $250/year, to be reviewed at the July 15, 2015 meeting at the Northfield Fire Station.

- *CIP Committee:* The group briefly discussed the need for and formation of a Capital Improvement Plan Committee. Joss Besse and Jen volunteered to serve. To consider targeting former Select Board members to serve.
- *FEMA Grant Opportunities:* Noted that FEMA had opened the application period for PDM and FMA grant programs.
- *Expenditure and Revenue Reports:* Distributed.
- *Warrants:* Signed.
- *Minutes June 1 & 10, 2015:* Gene made the motion *"to approve the minutes of June 1 & 10, 2015 as corrected."* Josh seconded. There was no further discussion. All were in favor, and the motion passed (5-0).

6. **Communications:** Green Mountain Clean Energy communications facility on Ricker Mountain. Ed Flanagan spoke on behalf of GMCE and noted that:
   - The application was to convert a meteorological tower to a communications tower with a support structure and facility on Ricker Mountain.
   - The same application had been submitted two years ago to the PSB, but at the last moment, all became aware that the PSB did not have jurisdiction over a meteorological tower, hence the second application, with no changes.

The group briefly discussed the project. It was noted that:

- A 12 x 20 cement panel building will be erected at the base of the tower. May use a helicopter for construction material transport.
- The tower size is not changing; 180', with the base at an elevation of 3,016".
- Co-location is encouraged, however there is not room on the other tower.
- Concerns noted: Conservation District, headwaters, Bicknell Thrush and bear habitat. Also noted, DRB does not have jurisdiction, ANR will review with a MOU from previous application.
- Comment period open until July 16th. Sharon to review – copy also was provided to the PC for review and comment.

7. **Other Business:** A special meeting was scheduled for Monday, June 22, 2015 6 p.m. Agenda to include Personnel Policy, road damage/funding updates.
8. **Closing:** No other business was brought before this Board at this time. Gene made the motion *"to close the meeting."* Jen seconded. There was no further discussion. All were in favor and the motion passed (5-0), at 9:25 p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on:

6/22/15,

Ron Lafreniere, Chair, For the Board