



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
November 6, 2017

Board members present: Gene Armstrong, Josh Arneson, Jen Dudley-Gaillard, Chair, Sharon Murray

Board members absent: Ron Lafreniere

Also present: Charmaine Godin, Peter Jemley, Sarah Jemley, Mike Gervia, Evan DesLauriers

Clerk: Amy Grover

1. The meeting was called to order at 6:07 p.m. by Jen with a quorum of 4 members present.

2. Additions or deletions to the agenda:

Additions to the Agenda:

1. Constable's resignation expected. Brief discussion on hourly time vs. stipend. Amy will put out notice and contact neighboring towns.
2. EMD Damage Assessments. Brief discussion on need for EMD to be available electronically, need for PW to document damage prior to cleanup, generator needed for town office in order to function as the emergency command center in a power outage.

Deletions to the Agenda: Geoffrey Macdonald stated he could not attend his appointment at 6:45 p.m., BSB will still review request for tree removal 404 Bolton Valley Access Road.

3. Public comment:

- Charmaine Godin requested information on Macdonald agenda item. Jen noted that it was regarding the spruce trees in the town right of way, and Mr. Macdonald's request that the town pay for their removal.
- Charmaine Godin requested information regarding the replacement of the culvert that drains onto her property on Hummingbird Lane (crosses the Bolton Valley Access Road). Brief discussion on issues of any work outside the town right of way, culvert inventory and replacement schedules, erosion on her property and on Macdonald's property, and her property going up for sale (potential buyers have concerns). Amy noted that she had sent Charmaine the BSB minutes regarding previous discussions. Jen to follow up with CCRPC information, possible analysis by CCRPC engineer or Steve Diglio, and will contact Eric regarding that culvert's priority. Charmaine noted she was still willing to grant an easement to the town for work on her property outside of the right of way. The BSB noted concern regarding taking on infrastructure outside of the right of way and the associated maintenance.

Recurring Business:

- Minutes October 16, 2017: Gene made the motion "to accept the minutes of October 16, 2017." Josh seconded. There was no further discussion. All were in favor and the motion passed (4-0).
- Warrants: signed. Question regarding ANR permit for beaver baffle (arose as a warrant was for a reimbursement check to a resident for materials for the beaver baffle) as area is a Class II wetlands. Sharon and/or Amy to follow up with the Conservation Commission.
- Financial Reports: expenditure, revenue, trial balance, civil fines, legal expenses.

4. Communications:

- Notice from VT Land Trust welcoming their new president, Nick Richardson.
- VLCT News and workshop opportunity.

5. Appointments:

1. 6:30 p.m. Peter & Sarah Jemley – Dog Ordinance

- Peter requested that Josh recuse himself as he worked for BVR. Sharon noted it was a public meeting and generally there was a recusal only when there was a vote, and for there to be disclosure for the record. Josh noted for the record that he was aware that there was a phone call from George Potter to Peter Jemley regarding access to BVR property.

The Jemleys noted that:

- They would like people's dogs to leave them alone – period. Attempted assault, stalking and death threats were not in proportion to making a dog stop attacking their dog.

- They moved to Bolton 3 months ago, and were assured by their landlord that dogs would not be an issue, as they experienced previous issues in St. Albans. Opposite to what has been happening.
- They have seen 6 - 8 dogs wandering with a pack mentality and aggressive, and have been attacked 9 times with 2 repeat offender dogs; all unprovoked, all on a public road or trail, usually 2 or more dogs. Loose dogs come into their driveway and won't leave, they can't even turn their backs in their own driveway. Their dog is scared.
- Posted information on FPF, one person responded saying it has been a horrible situation for 25 years.
- The situation is dangerous and concerning, they don't want adults, children or dogs to be hurt, they are responsible and concerned, and feel like there is focus on them because they have reported issues.
- The dog ordinance is a reasonable ordinance, they follow it and seem to be the exception, others do not follow it, the ordinance is not enforced, and people need to be informed. Lack of follow up by the Town Constable.

The BSB responded that:

- Without a police department the only recourse is the ordinance and enforcement by the Town Constable, who has been extremely responsive in the past, and who noted that he would be resigning (official resignation not yet tendered).
- Everyone is clear the situation has not been handled as the BSB would have liked it to be handled, and the BSB owns and recognizes the lack of response.
- A stern letter would be going out to all residents in the Wentworth/Thacher area, as well as posted on social media addressing the "at large" issue and the ordinance requirements.
- Assaults and death threats are not under the BSB's purview, calling the VT State Police was/is the correct response.

The Jemleys noted that:

- They would no longer be walking on the DesLauriers land, it was not safe, and the call from George Potter felt punitive; they follow the rules.
- They had concerns around children's safety in school programs at BVR due to the employee who made death threats, and felt it was their duty to contact John Alberghini, superintendent.
- The death threat was about dogs, if dogs hadn't attacked and chased them, there would not have been an incident.
- They can't walk to the school bus any longer because of the person who made the threats, which saddens them as parents.

Jen requested that comments to be addressed to her as chair.

Evan DesLauriers noted that:

- He had given his opinion on application of the dog ordinance at BVR to Mr. Jemley, but was unaware of all points, and since, he had informed himself.
- His understanding was that a dog had been repeatedly struck, and a person struck as well.

Jen responded that the assault was a VT State Police issue, not a BSB issue.

- Peter Jemley stated that information was included his official police report; he struck the dog once, swung at the person involved and missed.

The BSB noted that:

- The matter at hand was dogs running at large, and the culture of a neighborhood.
- They want Bolton to be an inclusive community, and if people do not feel safe in the neighborhood, that is a problem for the BSB.
- The BSB will need to receive the official resignation of the Constable before they can search for someone willing to be appointed to the position.

The Jemleys asked what the instructions were from the BSB going forward with respects to attacks.

The BSB stated that:

- That they do not have the answer to that at this time due to lack of an active Constable, and that hopefully the letter going out will help.

- They urged the Jemleys to continue to follow up with the VT State Police as needed, noting the Jemleys could call the VSP, who may provide assistance, however it is a separate jurisdictional issue, the VSP cannot enforce Bolton's ordinance.
- To keep filing dog incident reports with the town, because in a small town often enforcement of rules are complaint driven.

Brief group discussion on increasing fines, and appointing a separate animal control officer. The Jemleys thanked the BSB for their time.

Evan DesLauriers noted that his experience was that there were no issues with the BVR area dog community. Brief group discussion regarding BVR – to consider designating an off leash area, or host dog training classes. Jen asked that Evan please help the BSB by letting people know there is a dog ordinance in place, that everyone's experience is different, and especially that the public roads need to be open and accessible for everyone.

The BSB briefly discussed: that during town work on Wentworth and Thacher dogs were often seen in the parking lot areas with no owners in sight, to revisit the dog ordinance and possibly enact a strict leash law, the subjectiveness of "reasonable restraint" with respect to running at large, animal control vs. Constable, to send the "at large" notice out ASAP, and to include that notice in the December Gazette.

2. 6:45 p.m. Geoffrey Macdonald – Trees in the Bolton Valley Access Road right of way – removal.
 - Mr. Macdonald was unable to attend the meeting due to unavoidable work demands. The BSB reviewed the information to date and noted that the town did not change its stance that the town would not pay for the tree removal, and that Mr. Macdonald was welcome to remove/have the trees removed at his own expense.
3. 7:00 p.m. Mike Gervia – BVFD update:
 - Engine 1:
 - Inspection ran out on 11/1/2017. Call in to DMV on suggestions to get the vehicle inspected, have not responded yet. Noted: griping performed, cracked frame.
 - Brief discussion and consensus to get Engine 1 inspected to determine official pass/fail, use that information to move forward.
 - Brief discussion on fire truck purchase options, prebuilt vs. ordering (one year from ordering), procurement policy. Noted firm costs needed to go to town vote if a new truck is needed.
 - Budget:
 - Amy to provide blank budget copy for Mike to draft and meet with the BSB on 12/4/17 at 6:15 p.m.
 - Propane:
 - Amy to follow up with Bourne's to confirm auto-fill and apprise them that the propane generator ran for 20 hours during the 10/30 – 31 power outage.
 - Bolton Valley fire hydrants:
 - Two non-functioning fire hydrants (out of 9) at Village Lane and Thacher Road "tagged out." Bolton Valley notified, responsibility of water company to repair/replace hydrants, probable broken connections in hydrants. Noted also the water company's responsibility to keep the hydrants shoveled out in winter for access.
 - Mike to send formal notification of non-functioning hydrants to water company.

6. Action Items:

1. VT River Conservancy – Potholes Sales Letter
 - Draft letter reviewed and discussed. Sharon made the motion "to support the Vermont River Conservancy's purchase of the 'Potholes' property." Josh seconded. There was no further discussion. Three were in favor and the motion passed (3-1)
2. 2018 BCBS Insurance Costs
 - Maintain employee cost share at current level.

3. Town Garage Water Heater Replacement
 - Amy to contact Bourne's regarding timeline for bid. Procure additional bids for 11/127 meeting.
4. Records Management Policy and Retention Schedule
 - Sharon made the motion "approve the Records Management Policy and Retention Schedule." Josh seconded. There was no further discussion. All were in favor and the motion passed (4-0).
5. Delinquent Tax Collection Policy:
 - Sharon made the motion "approve the Delinquent Tax Collection Policy." Gene seconded. There was no further discussion. All were in favor and the motion passed (4-0).
 - Jen made the motion "approve the payment of penalty fees to the Delinquent Tax Collector." Gene seconded. There was no further discussion. All were in favor and the motion passed (4-0).
7. **Business:**
 1. VTrans Letter: draft approved for submission regarding the Notch Road Tunnel rehabilitation project, and VTrans' lack of addressing numerous safety concerns, and lack of updated traffic & pedestrian data.
 2. Tree Policy: tabled.
 3. FY 18-19 budget: tabled.
8. **Closing:** Gene made the motion "to close the meeting." Sharon seconded. There was no further discussion. All were in favor and the motion passed (4-0) at 9:30 p.m.

Attest: Amy Grover, Clerk

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

November 27, 2017

Jen Dudley-Gaillard, Chair, For the Board