



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Special Meeting Minutes
James Moore Tavern at Bolton Valley Resort
October 3, 2017

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

Board members absent: none

Also present: Indicated as Bolton residents on the sign in sheet: Mark ? (unreadable), Robert Mar...? (unreadable), Jerry Mor...? (unreadable), Brian M...? (unreadable), Vicky Congdon Rob Ricketson, Judith Bergeron, Rob Mullen, Will Donahue, Betty Wheelock, Tonya Wheelock, Virginia Haviland, Larissa Urban, Susanne Santor, Maureen Matthews, Gary Urban, Matt Mead, Amy Ludwin, Bonnie Mullen, Peter Jemley, Steve McLeod, Tom Benoit, Joe Croshier, Deb Shelby, David J. Parot, Ernest Levesque, Wendy Hoffman

Indicated as non-residents on the sign in sheet: Larry Burrirt, Richmond - VAST, Andrew Churchill, Indiana (Bolton property owner), Anne Macklin, Richmond, Michael Burrirt, Shelburne - VAST

Clerk: Amy Grover

1. The meeting was called to order at 5:47 p.m. by Jen with a quorum of 5 members present.

2. Additions or deletions to the agenda:

Additions to the Agenda:

1. None

Deletions to the Agenda:

1. Appointments – 7 p.m. CUSI cancelled & rescheduled for October 16, 2017.

3. Public comment not pertaining to the Preston Pond Management Plan:

- Deb Shelby, Planning Commission member noted that she was hoping to bring any negative energy into a more positive state with three quick exercises:
 - Applause for folks who had volunteered for Bolton, and noted that it takes a village to run a village; Bolton is always looking for folks to volunteer their time – multiple opportunities.
 - Recognition that the FY 17-18 municipal tax rate went down; appreciation for the Select Board who went to enormous effort to help bring taxes down, and recognition that being on the Select Board and running the town is a very complicated job.
 - We share three commonalities and a foundation that we are all aligned on and can build upon; Bolton is beautiful, we enjoy being outside, and we enjoy wildlife in many ways. We sometimes forget as a community we hold core values.

Deb asked that the group think about all these things moving forward, not take on the tone of the country of anger & frustration, recognize the effort that goes into running our town, and be compassionate to all people and animals, noting the resolution of Town Meeting 2016.

- Peter Jemley noted that he recently moved to town and found out there is not a Democratic Committee in Bolton. Although he cannot take on spearheading, he has the information necessary to form a caucus, three people are required, and to contact him if interested.

4. Recurring Business:

- Minutes September 18, 2017: Sharon made the motion “to accept the minutes of September 18, 2017.” Ron seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Warrants: signed.
- Financial Reports dispersed: legal services, expenditures, revenues, delinquent taxes, late taxes.

5. Business:

- Preston Pond Management Plan (PPMP) for the Preston Pond Conservation Area (PPCA) public comment:
 - Amy noted that the minutes would generally reflect a synopsis of the public comment and not be a complete transcription including all names with direct quotes.
 - Jen reviewed the expectations and rules for public comment, and noted:

- We not forget the current devastation and anguish in the broader world community; Las Vegas, Puerto Rico.
- There are differences of opinion but in the end, we are a community.
- There was a rumor the meeting was scheduled on a Tuesday on purpose to diminish turnout – in truth there was a scheduling conflict trying to find a Monday night in the fall when all 5 board members could be present. Due to the anticipated large turnout, and because it was Smilie School’s open house night, the meeting was moved to Bolton Valley Resort, with thanks to BVR.
- She hoped to see everyone at Town Meeting.

PPMP specific comments:

- Jerry Mullen noted the history of the property is somewhat vague with respect to timeline, offered to update it for the PPMP.
- Tonya Wheelock asked what the timeframe of the PPMP process was and when it would be resolved.
 - Jen noted the process started 5 years ago; a lengthy and very public process, and the expectation was to resolve the process that evening.
- Betty Wheelock asked if there were no beavers, why are we doing this and arguing about this.
 - Jen noted because it was a broader issue and involves more than just trapping beaver, noting that the 2015 application was for trapping fisher and beaver, and that there are currently 5 – 6 beavers on the upper pond, none on the lower pond.
- Andrew Churchill (VAST and hiking trails cross his property from Stage Road for access into the PPCA) stated that he is not pro nor anti-trapping but is anti-trapping in the PPCA. His concern is compatibility with the intense recreational use, and as a property owner, not a resident, he can “vote with his land” and was trying to encourage people to make choices in a responsible way. Andrew added that there was misinformation with location of trails; he had flagged the trails on his property, which was different from the PPCA map. He encouraged people to walk and see where the VAST and hiking trails are located, as both cross his property, and noted he was hoping to connect with Ethan Tapper, county forester, to assess his property.
 - Amy Ludwin noted it would be helpful to have Andrew’s information available to the Bolton Conservation Commission (BCC). Andrew stated he would be happy to provide the information.
- Rob Ricketson stated he worked with group that created the original draft of the PPMP, as an advocate for multiple use and especially for mountain biking, the process has been public and extremely long, and he did not appreciate the intense interest at the last minute. He noted that the Bolton Select Board (BSB) had been called elitist; he saw a cross section of Bolton, commended the BSB for doing a good job balancing interests in a town with diverse people, that there definitely was compromise in the PPMP, and that he supports the PPMP language as is. Rob later added that he felt the land and users of the land were almost self-managing; people get along, he hadn’t heard of any injuries, and it was representative of our community at its best, and to not allow the tension on one issue to cloud over the fact that the PPCA is a great place which almost manages itself.
- Amy read a written statement from Brian Mezitt who noted that unrelated activities were being caught in the crossfire of an ethical debate, which would be better handled at the state level, and noted his support for the BSB’s informed decision and compromise with respect to the PPMP.
- Matt Mead stated it was not his intention to cause an uproar (approved trapping application December 2015), and he appreciated the BCC’s and BSB’s time working on the PPMP. He added that the PPCA is everyone’s land to use in their preferred way, he sees trapping as a resource; he wouldn’t tell someone they shouldn’t ride their bike or snowmobile on the PPCA, and he would not put people, dogs and children in danger.
 - Jen noted that as a parent of a Smilie student, Matt was missing the Smile School Open house and stated she was sorry he had to choose between the two functions.
- Rob Mullen noted that he is a hunting advocate, is not a fan of trapping and with his profession, works with trappers in Canada and understands the cultural aspect. Rob stated that he is against trapping on a 403 acre parcel when there are many other acres in Bolton to trap, and trusts that trappers will seek areas where trapping is more productive.
 - There was a brief discussion of the PPMP language with respect to the assessment of the property; should vs. shall. Jen noted that the wording will be changed to shall.

- Amy Ludwin stated there was a great deal of misinformation on what BCC proposed in their PPMP draft; trapping was restricted, not banned, for the health and safety of other users, and their draft was approved by the BCC 5 to 1.
 - Jen stated it was safe to say there was disagreement about that particular point.
- Steve McLeod stated he was the BCC member who opposed the trapping language which essentially was backdoor ban on trapping. Steve added Vermont had a long tradition of multiple uses on public land, use is not a popularity contest, and we cannot have one group of people telling another group what they can and cannot do. Steve stated he proposed the system used for the 2015 trapping application, which was a compromise, and that trapping is safe, a resource, a good management tool, and he supported the BSB.
- Amy Ludwin stated that Sue Morse did not have same opinion as VT Fish & Wildlife concerning the PPCA, and that she did not believe that VT Fish & Wildlife was correct when they said there was no risk, dogs will be caught in traps. Amy noted that Steve McLeod is a professional lobbyist for the sport.
- Larissa Urban noted the “Wolf Run” parcel adjacent to Bolton does not allow trapping, and that not all land has to be available for all use and access.
 - Sharon noted that was negotiated as part of deed and easement on private/Sue Morse’s land.

PPMP general comments and questions (BSB responses are indicated):

- How did snowmobiling get dragged into this? VAST brings in a lot of tourism to the state that we lost because of the drinking age (laughter), let’s keep them coming. Maintaining VAST trails is done completely with volunteers, shutting VAST off doesn’t hurt the town at all, and we don’t understand that reasoning.
 - Jen noted that lack of access was referencing a conversation Mr. Churchill had had with VAST and that the town/VAST did not know Mr. Churchill’s intentions with VAST access.
- How many Select Board members spend time in the PPCA summer and winter, unclear of their intentions.
 - Response: 4 of 5 spend time in the PPCA.
- Is the BSB allowing trapping just because they have the power to do it – it’s wrong.
- The BSB should not rush to make a decision, and would like to see a town wide vote.
 - Jen stated the town received two petitions, one for trapping and one against trapping, there was not a petition received for a town vote, and noted the close numbers of resident signatures in the petitions indicated a vote could go either way. Jen added that it was an emotional issue, it had taken the BSB two years to educate themselves, to receive input, and the BSB feels the PPMP is a compromise which includes restrictions, policy and guidance, and recognizes there are those that feel it is not a compromise.
 - Amy noted the petition numbers: anti-trapping, 63 indicated that they were Bolton residents, of that 63, 56 were confirmed to be on the voter checklist, 258 nonresidents, and 3 duplicates for a total of 321. Pro-trapping petition, 72 indicated that they were Bolton residents, of that 72, 53 were confirmed to be on the voter checklist, 19 nonresidents, and 5 duplicates, for a total of 91.
- Brief review of state regulations, and noted that state laws govern trapping and best management practices.
- People are responding with emotion not realism; trapping is safe to people and dogs and not dangerous, with an offer to educate folks on trapping.
- PPCA is loved by many, it’s a high use area/populated area, and it’s simply not good policy for trapping in a populated area. It’s clear that dogs can get caught in traps; unmarked traps are a risk to people, children, and dogs.
- Access will be greatly restricted if there is trapping, users and their pets will not feel safe, which is a great disappointment. People already have had to change their access behavior because of hunting, there is a disconnect, and this change of use needs to be acknowledged.
- Lack of compromise.
- There is so much contention regarding the different ideas about what we are trying to protect.
- Why not approve the rest of the plan and not approve trapping, there has not been public comment and it is not a good decision.
 - Josh noted that the BSB strived to balance the uses of the PPCA for all users in town, and that it had taken years to craft a document to manage everyone’s desire to use the land, allowing for all uses/users, and includes restrictions and guidance.

- Ron noted that if trapping is not allowed within the PPMP, there is no allowance to address nuisance animals.
- Amy Ludwin stated the BCC allowed trapping for compelling management reasons. Jen noted the allowance was only for health and safety reasons.
- Sharon noted that as a vegetarian she doesn't impose her beliefs on the community, and respects rural traditions and what those traditions mean to people. Sharon noted that trapping is allowed on the Intervale in Burlington, hunting is not, an area much more heavily used than the PPCA.
- Sharon added that the BSB spent a lot of time reviewing input from Sue Morse, the BCC, VT Fish & Wildlife, statutes, deeds, easements, and that allowing for continued hunting and trapping was "part of the deal" when the town acquired the property. Under the PPMP trapping would be allowed on a selective basis under specific conditions, and allow for a sustainable population. Allowing trapping only on a nuisance basis often resulted in trapping out a whole colony. The BSB tried to find the path forward that could accommodate everyone, which included safeguards to address real safety concerns, which trappers were sensitive to. Sharon noted the BSB appreciated the constructive comments.

Jen asked if there were any more questions or comments. There were none. Jen thanked the group for the dialogue, consideration, emotion, and respect shown to neighbors. She added that it was a contentious issue and would likely remain so, and hoped that all could continue to speak respectfully to each other. Jen noted that she would not ask the group to join hands and sing "Kumbaya" (laughter).

BSB discussion included:

- VT Land Trust is fine with the PPMP with respect to the conservation easement currently. VLT will review after final edits.
- Amy Ludwin requested it be made clear the BSB made substantial changes to the BCC's draft.
- Brief discussion on liability and insurance: town vs. VAST, and Andrew Churchill's request to be added as an additional insured on the town's policy.
- Parking areas, BSB does not want to commit to maintenance by the town at this time.
- Sections in the history section that were omitted. Noted: Jerry Mullen offered an updated version.
- Discussion on degraded habitat, other areas of beaver activity outside the PPCA, and of adding language on habitat in general specific to other animals. Sharon noted the previous mammal section was almost all specific to beavers, made it more in general.
- Brief discussion of changes needed to maps, removing vegetation prohibited, drones, vernal pools, breeding adults.

BSB amendments:

1. **Cover** – deleted CC adoption date per request.
2. **Page 6.** In late 2015 and into 2017, the BCC worked to complete, update, and modify the plan, which involved further input from the public, especially regarding the issue of trapping, and the addition of the Forest Management Plan. This draft PPMP was formally approved by the BCC on March 7, 2017. Following receipt of the draft PPMP, the SB conducted additional research and community outreach, and adopted the PPMP as substantially amended on October 3, 2017.
3. **Page 21.** Deleted sentence about conditions/birds
4. **Page 32.** corrected 3270 to 3720 Stage Road
5. **Page 32.** An assessment of the property by a Vermont Fish and Wildlife Biologist, or an independent biologist recommended by the Department of Fish and Wildlife, if a state biologist is unable to complete the assessment in a timely manner, shall occur at a minimum of every three (3) years to guide the BSB in processing any trapping applications during that time frame. Funding for assessments shall be made from the Bolton Conservation Fund.
6. **Page 33.** Trappers must agree to adhere to Best Management Practices as recommended by the Vermont Fish & Wildlife Department.
7. **Page 33.** Current policy of Vermont Land Trust (VLT) and Vermont Housing Conservation Board (VHCB), co-holders of the Conservation Easement for the Town Forest, prohibits the use of motorized vehicles, including drones—except for snowmobiles, special needs, and emergency use—on all of its properties.

8. **Page 34.** ...trail (i.e., greater than 500' in length and/or 100' laterally from the existing location), in the PPCA shall undergo review by the BCC, **the BSB**, and VLT, according to the following guidelines: Well in advance, and prior to any substantive work being done **within the vicinity of the Lower or Upper Pond or other wetland areas**, the Forest Steward shall discuss the project with the Town Zoning Administrator **and Vermont Wetlands Program staff** to inquire if a permit is needed for proposed work in the PPCA.

Gene made the motion "to adopt the Preston Pond Management Plan." Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).

Business Continued:

- October Evaluations: Discussion on upcoming evaluation.
- Emergency Management Director:
 - Michael "Pete" Siegel has volunteered to serve as the EMD. Sharon made the motion "to appoint Michael "Pete" Siegel as the Emergency Management Director" Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- VTrans Letter: Brief discussion on a meeting with stakeholders and devising an action plan.

6. **Communications:**

- RPD noted some Bolton Valley Road signs were in need of replacement.
- Concern by resident on Wentworth regarding the town blocking driveway culverts during grant work. Gene to follow up on site.
- Waterbury LHMP draft to be forwarded to Pete Siegel.
- COTS annual meeting and appreciation breakfast October 27, 2017.

7. **Appointments:**

1. CUSI – cancelled – see above.

8. **Action Items:** none.

9. **Closing:** Gene made the motion "to close the meeting." Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 9:45 p.m.

Attest: Amy Grover, Clerk

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

October 16, 2017

Jen Dudley-Gaillard, Chair, For the Board