

Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton VT 05676  
Select Board Minutes  
June 19, 2017

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

Board members absent: none

Also present: Jim Kilpeck, Kevin Youngman, Rob Mullen, Bonnie Mullen, Jerry Mullen, David Parot, Tom Benoit, Steve McLeod, Matt Mead, Gary Urban, Ethan Tapper, Tonya Wheelock, Betty Wheelock, Dick Streeter, Brian Mezitt, Federico Rodriguez, Amy Ludwin, Virginia Haviland, Pat Mallow, David May, Steve Goldfield, Steve Peery, Chris LaBerge

Clerk: Amy Grover

**1. The meeting was called to order at 5:48 p.m. by Jen with a quorum of 5 members present.**

**2. Additions or deletions to the agenda:**

Additions to the Agenda:

- Planning Commission request to appoint Evan Deslauriers to complete the term of Rodney Pingree (term expires 2018). The Planning Commission also noted their appreciation to Rodney Pingree for his thirty years of service as a member of the Planning Commission. Sharon made the motion *"to appoint Evan Deslauriers to the Planning Commission, to complete the term of Rodney Pingree, which expires in 2018."* Gene seconded. There was brief discussion on the value of promoting communication between the town and BVR, and potential conflicts of interest. Josh recused. Four were in favor and the motion passed (4-0).
- Back Roads grant: Sharon made the motion *"to approve Better Roads Grants #BR0389 and #BR0381, and to authorize Amy Grover to sign on behalf of the town."* Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Ordinance adoption documentation – Jen requested an updated spreadsheet for next meeting.
- Jim Tiffany – comments regarding Brattleboro Savings and Loan/Stone Hill lots. Mr. Tiffany asked that his comments be submitted for the record: *"RE: May 9, 2017 letter to Brattleboro Savings & Loan. The Selectboard has failed in their fiduciary responsibility to the tax payers of Bolton. The Selectboard has decided to confirm/stand up for the shortsighted decision of the DRB who were supplied with misinformation by the previous Zoning Director concerning Lot's 5 & 6 on Stone Hill Rd. The Selectboard has thus overridden a previously legal Bolton & State subdivision contrary to the Town's Zoning Regulation & they have sub sequentially lowered the Town's grand list. Bolton taxpayers pay more."* It was noted that attorney Chris Nordle and PC Chair Linda Baker had been in touch with each other, and it was understood that these types of issues would be reviewed by the PC in the process of updating the Bolton Land Use and Development Regulations.

Deletions to the Agenda:

- None

**3. Public comment:**

- David Parot: noted he had sent an email prior to the 6/5/17 meeting regarding potholes on the Bolton Valley Access Road, that the road was in absolute disrepair, no repairs had been made, he was communicating with the board on behalf of 21 homeowners, that the price of hotmix was \$48/ton, and asked for the repair timeline. Jen noted that the record of the June 5, 2017 meeting showed: *"Repairs to the BV Access Road (highlighted in e-mail from David Parot): complete as funding allows under the current budget line item for hot patch, and continue work as needed after July 1 (new fiscal year). Work on Notch, Stage and Nashville Roads after July 1. Will also buy culverts, begin stockpiling materials after July 1."* Jen stated that the Select Board does not set Eric's work schedule, Eric had been directed on the repairs two weeks ago, and that she would direct him again. Ron noted that the repairs were also weather dependent, consequently difficult given the recent rainy weather, and that the road needed to be dry for the hotmix to stay in.

**4. Recurring Business:**

- Minutes June 5, 2017: Gene made the motion *"to approve the June 5, 2017 minutes."* Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).

- Warrants: Signed.

5. **Communications:**

- Town Plan accounting: Carol Devlin provided statistics on the Town Plan rewrite costs from Regina Mahoney, who noted that the Town Plan rewrite was a much larger effort than anticipated, and that the cost of CCRPC staff hours far exceeded the billed amount by nearly 40K.
- Water Quality meeting 6/26/2017: Amy will ping the Conservation Commission again asking for representation from Bolton to attend the meeting.

6. **Appointments:**

1. 6:00 p.m. Improvements to Curb Cut Duxbury Road – Jim Kilpeck and Kevin Youngman. Narrative and map submitted for the record.
- Sharon recused herself as a member of the DRB, and noted that, on behalf of the DRB:
    - The DRB had asked Mr. Kilpeck to obtain approval from the Select Board to improve his pre-existing, non-conforming driveway to be used for access to his proposed subdivision: The DRB had concerns about the amount of material that would have to be moved (cutting back a steep bank) to improve the site distance, and a potential retaining wall that could be in the town right of way. Noted: the town did not want to be responsible for maintaining a retaining wall within the right of way.
  - Mr. Youngman noted that:
    - Removing material in the right of way was to increase the site line for the subdivision access, and address drainage.
    - A boulder retaining wall would be 10' at the highest point and taper on the ends, and that 95% of the wall would be out of the right of way.
  - The group briefly discussed slopes, grade, ledge, emergency access.
  - Jen noted that a letter from Highway Foreman, Eric Andrews, dated 3/20/17, submitted to the DRB stated that he had no issues with the proposed work.
  - Gene made the motion "to approve the proposed improvements to the Kilpeck subdivision curb cut/access, on the condition that the retaining wall is maintained by the property owner." Josh seconded. Ron noted it was his family's former property, and that he would abstain from the vote. Sharon recused. Three were in favor and the motion passed (3-0).

7. **Action Items:**

- Appointment – Town Health Officer: Sharon made the motion "to appoint Chris LaBerge as the Town Health Officer from July 1, 2017 – June 30, 2018." Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).
  - Chris noted an issue with people removing material from Ron Lamell property on Route 2 on the west side of Bolton – abandoned property and dangerous. Brief discussion on the state's abandonment process, and drafting an abandoned building ordinance for Bolton. Chris to research state process and report back to the Select Board.
- Appointments - CCRPC, CWAC, TAC: Gene made the motion "to appoint Sharon Murray as the CCRPC representative and Joss Besse as the Alternate, to appoint Joss Besse as the CWAC Representative and Sharon Murray as the Alternate, and to appoint Joss Besse as the TAC Representative and Sharon Murray as the Alternate." Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Choice Care – Plan change effective 7/1/2017: Josh made the motion "to approve the Health Reimbursement Arrangement Amendment." Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0). Sharon made the motion "to approve the Formal Record of Action." Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Reserves Withdrawals: Ron made the motion "to approve the withdrawal of \$250 from the Planning Fund Reserve." Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0). Gene made the motion "to approve the withdrawal of \$14,845 from the Guardrail Fund Reserve." Sharon seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Annual Internal Control Checklist: received and signed by Jen.

8. **Business:**

➤ Litigation Updates:

- Antley vs. Stevens/Thompson/Bolton – bench trial warranted, the process is moving forward, unless there is another attempt to mediate.
- Geddes vs. Bolton: Motion to Compel Discovery or for Sanctions filed May 24, 2017 by the town attorney.

➤ Road Cut Bond Payments: Catamount Bolton Water and Sewer. Sharon made the motion “to return the \$1,500 bond payments to Bolton Valley Community Water and Sewer, provided there is no signed documentation on file.” Gene seconded. Josh recused. Brief discussion on bond payment amounts in other towns, noted that Bolton’s requirements were too low. Four were in favor and the motion passed (4-0).

➤ Preston Pond Management Plan (PPMP):

- Jen noted:
  - This was a public meeting on the PPMP as submitted to the Select Board by the Conservation Commission on 3/7/17.
  - A show of hands determined there was one nonresident in attendance, Chittenden County Forester Ethan Tapper, thanks expressed to Ethan for attending.
  - Expectations for comments and conversations.
  - That there had been many public meetings with opportunity for public comment.
  - That the Select Board would not be voting that night on the plan, as they feel there is more edits to be done prior to adoption.
  - The previous process included meetings/conversations with the Conservation Commission, VT Fish and Wildlife, state fur bearer specialists, Sue Morse, VT Land Trust to review easement requirements, VLCT for general guidance, and review of many previous comments and another petition.
- Written comments for the record (full comments are on file with the Select Board minutes at the town office):
  1. Jim Tiffany previous owner/developer: *“When my partners & I entered into a purchase & Sales Agreement with the Vermont Land Trust to sell/gift Preston Pond Preserve to them we stipulated that All traditional uses shall continue forever....Trapping, horseback riding, camping, etc, etc, etc.... Let It Be!”*  
Synopsis of other comments:
  2. Steve McLeod: speaking to leash requirements.
  3. Steve McLeod: proposed amendment to the PPMP trapping provisions.
  4. Rob Mullen: suggesting that trappers can trap the other 29K acres in Bolton the 403 acres in PP should not be open to trapping.
  5. Pro-trapping petition submitted today by Matt Mead. Signatures not yet verified, it appears 74 Bolton residents signed the petition, with 37 more from surrounding towns.

Public Comment Synopsis:

- Frederick Rodriguez: I’m concerned about safety of children and dogs, and liability. Jen noted traps were required to be located 30 yards off trail, and/or 5’ up, and/or located under the water/ice. Amy Ludwin noted there would be posted notice to alert land users that trapping and hunting take place on the property.
- Dick Streeter: my family retains a deeded right of way through the property and I maintain the road continually (culverts, ditches, flooding - as the beaver baffle is not working) because of the beaver activity; 15K of my own money and time. If there is an alternative to stop flooding – great, if not, trap the beavers to stop the flooding and damage. Brief discussion on culverts, maintenance, machinery. Plan going forward is for Mr. Streeter to be looped into conversations regarding road maintenance/funding with the CC, PP Steward, and the County Forester.
- Steve Peery: the PPMP is a reasonable document and I encourage the Select Board to pass it as is, or close to that. Mr. Streeter’s situation is exactly the kind of situation where the Select Board could step in and have the beaver trapped; a good example of what the document is trying to address.

- Tonya Wheelock: if we stop beaver trapping, where does it stop? Will we then target hunters, then VAST? It should stay the way it is; public land for everyone's use.
- Jen Dudley Gaillard: the PPMP reflects a huge amount of work by a diverse group of volunteers over a number of years, many thanks to all. Trapping and dogs are just a small piece of the PPMP; we are reviewing the entire document, not just the parts that are more contentious or exciting. If the 74 people that signed the petition all volunteered one hour, we could accomplish an enormous amount. If you are passionate about the issues and want to contribute to the town, contact the PP Steward.
- Steve McLeod: I am a member of the CC, we did collaborate as a group and reached consensus on the PPMP in general, but I parted ways with other members on the trapping portion; it's a back door ban as a recreational use and I am very opposed to that – the CC is split on that issue. I submitted a proposed amendment to rescind the back door ban on trapping and allow trapping as it is presently; on a case by case determination by the Select Board. There are a number of safeguards included. Public use of public land should not a popularity contest, we should embrace recreational diversity. The site visit with fur bearing specialists, answered the concerns of the CC, and concluded that the majority of the CC concerns were not based on fact. The Select Board can deny an application and impose limits, and I hope they support my amendment. Jen read the current language of the PPMP on trapping and noted that the piece that Mr. McLeod disagrees on is when trapping is allowed and notification of trapping. Jerry Mullen: the language is characterized as a ban on trapping – it is not. Trapping requests are brought to the CC, and then passed on to the Select Board, I want to emphasize that.
- Brief group discussion: general recreational trapping vs. nuisance trapping, guidance for the number of permits that should be issued annually, a trapping lottery, the basis to make a sound decision on the number of permits/animals taken, fisher trapping, degraded beaver habitat, inability for forest restoration/plantings due to the easement restrictions, fragile ecosystems impacted by beaver– i.e. hemlock forest and rare plants.
- Ron asked Dick Streeter and Tonya Wheelock their thoughts on leashing dogs more than just during rifle season, if the area sees a lot of hunting activity outside of rifle season. Mr. Streeter: mostly there are hunters just during rifle season, there are more hunters and too many hikers; i.e. Libby's Lookout is so popular there are people hiking in the area all the time. Hunters stay more on the lower side now. It would be a good idea to close access for the two weeks of rifle season. Tonya Wheelock: there are limited places to hunt – it now is hard to find a place to go. Brief discussion of leash laws on state land, extending the leash requirement time for the PPMP.
- Ron asked Rob Mullen about his experience on the other 29K acres of land in Bolton. Rob Mullen: I mostly access the blueberry hill area, west across Stage Road, and the PP area. I have the most success with photography there, because I know the animal behavior in that area. Ron: so you feel tied into that property – I feel that way too and I understand that I am sharing it with other people. This is town land to be shared by everyone – hiking, fishing, hunting, trapping, and walking dogs. We all have a stake in this land, we all pay for the land and we all should be able to enjoy it. Rob Mullen: I enjoy sharing the trails and land, and I respect trappers - I work with them in far north. The issue I have with trapping here is the effect it has had on the area – there are no beavers in Preston Pond, and only a few on the upper pond, I can do a quantitative count as I can individually identify them with my photos. I do understand and accept beavers do need trapping from time to time.
- Jen: there is confusion with respect to camping; pages 27 and 29, clarification is needed. Brief discussion on camping, fires left burning, and human waste issues.
- Brief group discussion on dedicating the PPMP to Lars Botzjoorns; no opposition, and acknowledgment of Lars' years of work on the Preston Pond area/acquisition and the PPMP.
- Brief discussion on dusk to dawn parking. No overnight parking more appropriate and easier to regulate by the Town Constable.
- Jen: page 8, map missing. Noted the earlier version was missing the map, that had been corrected.
- Group discussion on the appendices and the need for them to be sequenced/numbered.
- Matt Mead: I have children and I bring them with me to PP, and with me trapping. Nobody is out setting traps that will risk a child getting hurt. For my trapping permit, I only requested under the ice, in the middle of the winter. There are tons of other wildlife there – and other ways the wildlife can benefit from trapping, as well as allowing the land to rebound. I don't see any safety or legal reason to ban trapping. I want to say thanks to all for everyone's time.

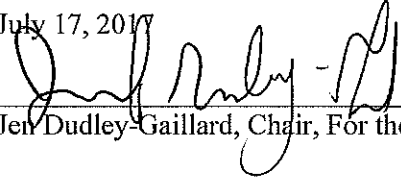
- Group discussion on how to determine animal numbers, how make a decision to allow trapping in a particular year, and/or how many animals, and perspective from Ethan Tapper on management: trapping is similar to timber management – the forests do not need us to cut them to be healthy. It is the management of a resource – you/the town needs to determine the management objectives and address them. Beavers will self regulate and we can be a part of that process or not, depending on objectives and goals - it's a human problem.
  - Virginia Haviland: If a part of the recreational value of the land is the opportunity to view wildlife, to view the beavers, then that needs to be in the management plan. This is the town's land and maybe it needs to go to a vote, to see what the town values and wants to see on the land. Personally, I have been back and forth on this.
  - Brief group discussion on costs of an unbudgeted special election, what a ballot would ask, not wanting to divide the town further, misinformation, knee jerk voter reaction, not necessarily the wisest way to proceed, vote discussed previously by the Select Board, sense that the PPMP trapping requirements may be too strict.
  - Brief group discussion on boat access, ecological protection zones, permitting requirements. Sharon: if boating is allowed, then you have to address access.
  - Brief group discussion on parking areas; CC intends to further address. Rob Mullen volunteered to help with maintenance.
  - Brief group discussion on faster user yielding to slower user, page 27. Ownership is on faster user – take due caution in overtaking slower user.
  - Brief group discussion on tracking use; sign in box, game cameras. CC and PP Steward volunteers already have full plates – if tracking use is desired, then a volunteer needs to step forward to take on managing sign in boxes.
  - Brief group discussion on action item: resolve remaining land owner issues and no funding source. Intent is to resolve collaboratively without legal expenses.
  - Brian Mezitt: with respect to bicycle use, I have been working with the landowner to allow biking on the VAST portion of the trail only, as an option from Notch to Stage Roads. The landowner said he was waiting for a letter of agreement from his lawyer – that was three months ago. The Vast Richmond Ruff Riders have no issue with bike use, but it is up to the landowner for year round access.
  - Ethan Tapper: Steve's McLeod's draft amendment is not that far apart from what is in the PPMP. The difference is the process to vet and issue the permit. Both are exceedingly reasonable. What is missing is how the Select Board vets those permits. Both provide a lot of control but are missing the guidance. Steve McLeod: I beg to differ. The CC language is a tall bar to climb to allow trapping, only as an ecological benefit or safety. My proposal tries to keep reasonable conditions, and leaves the discretion up to the Select Board without advance criteria that are almost impossible to judge or to be met. There is a big difference between proposals.
  - Tom Benoit: all traditional uses of VT land should be allowed. We are all paying for it together we should all have the opportunity to use it together.
  - Gary Urban: I don't hear much about caring for the ecological integrity of PP which is our charge and the primary responsibility of the town and CC.
  - Jerry Mullen: as far as bringing this up to a vote, if it comes as a petition I hope the Select Board will reject it. Amy noted – the Select Board may not be able to do that if all the statutory requirements are met.
  - Sharon: I appreciate the work of the CC and time that folks have spent on this discussion with us, there obviously is a lot of interest and passion. Thank you to all for coming along on the ride, it is helpful.
  - Amy Ludwin: The CC put in a lot of time into this plan, and had discussion of many viewpoints before arriving at our current wording. We've presented a plan that makes it possible for wildlife viewing to continue.
  - Bonnie Mullen: Dick Streeter said he was willing to discuss other methods of control. People would be willing to help with this. Jen: that was the point that I made previously – if everyone that signed the petition volunteered an hour of time, we could accomplish much with folks rising to the occasion to help.
  - Matt Mead: as far as the beaver baffles not working, they do need to be shaken out because the beavers do plug them up. Brief group discussion on forming a group to help maintain the baffles.
  - Jen: thank you all for coming and for your respectful conversation. We never have this many people come for the budget! (laughter) I appreciate your tone and cooperation, and the good connections made with people speaking their hearts.
9. **Any Other Business:** none.

10. **Closing:** No other business was brought before the Board at this time. Gene made the motion "to close the meeting." Ron seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 9:20 p.m.

Attest: Amy Grover, Clerk

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

July 17, 2017

  
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Jen Dudley-Gaillard, Chair, For the Board