



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton VT 05676  
Select Board Minutes Special Meeting  
June 20, 2014

Board members present: Josh Arneson, Gene Armstrong, Jen Dudley-Gaillard, Ron Lafreniere, Chair  
Board members absent: Sharon Murray (noted: it was arranged for Sharon to call in at 6 p.m. – she was not able to get through on the town phone lines for an unknown reason until 7 p.m. and was unable to participate in the meeting.)  
Also present: James Eric Bayne IV, Celebrations Fireworks, Christine Geiler  
Clerk: Amy Grover

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

**2. Changes or additions to the agenda:**

Ms. Geiler stated she was making an addition to the agenda and proposing a moratorium on all fireworks in the town of Bolton until there was a fireworks ordinance in place. The Board noted that would preclude the annual July celebration in Wheeler Field with fireworks, an upcoming resident's wedding, and that based on legal input, the Select Board must reconsider the application for which the special meeting was convened.

**3. General Public Comment: none**

**4. Appointments: none**

**5. Business and Action Items:**

**1. Fireworks Permit, Celebrations Fireworks, June 21, 2014.:**

- Ms. Geiler vehemently opposed reconsideration of the permit including: the lack of the board to take action and draft an ordinance, lack of understanding by the board of VT Statute, an invalid reconsideration, safety concerns, lack of notification time to conform with the statutory 15 day deadline or with the 7 days notification the board said it would give residents prior to the shoot, the frustration with a Board that drags it feet, an extravagance at the inconvenience of residents.
- Ron noted that while Ms. Geiler was certainly allowed to voice her opinion, she needed to be recognized by the chair to speak, and noted the board was well aware of Bolton Valley residents' concerns from their meetings on June 20, 2014 and May 5, 2014.
- The Board reviewed their position, the complexity of the tie vote, and the legal opinions from both VLCT and the town attorney.
- Mr. Bayne stated that:
  - ~ He had never had an issue with permits being approved for his company, and had never had a permit denied by Bolton, or by any other town in the state.
  - ~ His standard with Bolton had always been to submit the application for the Select Board meeting that was held just prior to the shoot.
  - ~ His issue was that the town had already approved permits for other companies in 2014, that the town was targeting his company by issuing permits for other companies and not his.
  - ~ He had moved up the shoot time to 9 p.m. and would shorten it to 10 minutes, ending at 9:10 p.m.
  - ~ He apologized for his late application.
  - ~ He pleaded for the Board's indulgence to not ruin the event for the wedding couple, for his company, or for The Essex; it was bad business for everyone involved.
- Discussion followed, including discussion around drafting an ordinance and fees. Mr. Bayne noted that the highest permit fees he paid were \$250 for a permit in NY, and \$300 for a permit in So. Burlington for a fire truck and crew to be standing by at the event. Ms. Geiler volunteered to help draft a fireworks ordinance.

Vote on reconsideration of the application:

- Josh recused himself and stated that he had recused himself from the previous vote, and felt that he should recuse himself from this vote as well, noting that he was employed by Bolton Valley, the same entity that owns The Ponds where the event was taking place.
- It was noted prior to the motion/vote that to approve the permit a 3 – 0 vote would be needed. Per statute, 1 V.S.A. §172, there has to be a concurrence of the majority (3) of the total number (5) of members of the board for approval.
- Jen motioned “to reconsider the application by Celebrations Fireworks for a permit at The Ponds on June 21, 2014.” Gene seconded the motion. There was no further discussion and the motion carried (3-0).

Vote on permit issuance:

- The board noted the difficulty of the vote, and all that they were taking into consideration in voting.
  - It was noted prior to the motion/vote that to approve the permit a 3 – 0 vote would be needed. Per statute, 1 V.S.A. §172, there has to be a concurrence of the majority (3) of the total number (5) of members of the board for approval.
  - Gene made the motion “to approve the permit for Celebrations Firework’s fireworks display on Saturday, June 21, 2014 at The Ponds from 9:00 p.m. – 9:10 p.m.” There was no further discussion and the motion failed (2-1). Noted: although the vote was 2 – 1 to APPROVE the permit, it was not a concurrence of the majority of the total number of members of the board, as noted above.
6. **Other Business:** Gene made the motion “to enter executive session under Title 1 VSA § 313 (a.) (3.), evaluation of a public officer or employee.” Josh seconded. There was no further discussion. All were in favor and the motion passed (4-0) at 7:04 p.m. Gene made the motion “to exit executive session.” Jen seconded. There was no further discussion. All were in favor and the motion passed (4-0) at 7:10 p.m.
7. **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 (4-0).

Attest: Amy Grover, Clerk

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

June 30 2014,

  
Ron Lafreniere, Chair, For the Board