



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
October 6, 2014

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

Board members absent: None

Also present: Eric Andrews, William Baron and Jason Nerenberg, SOV DFPR, Chris Nordle, DTN K & W, Maureen and Michael McIntyre, Nick and Chris Barup, Liam Murphy, MS & C, Dean Grover, Grover Engineering, Mike Hopwood, Automotive Services International, Claudine Safar, MS & D

Clerk: Amy Grover

1. The meeting was called to order at 5:46 p.m. by Ron with a quorum present.

2. Additions or deletions to the agenda – none.

3. Public comment – none.

4. Appointments –

I. William Baron and Jason Nerenburg, SOV DFPR, Eric Andrews – State gravel pit off Duxbury Road.

Eric noted that:

- There had been ongoing issues with material from the gravel pit being washed onto Duxbury Road and into the ditches.
- He had met with the state representatives two times and discussed what issues needed to be addressed.

Misters Baron and Nerenberg stated that:

- Managing use of the pit and a variety of contractors was challenging; Mr. Nerenberg noted he was new to his position and had no prior experience in managing gravel pits.
- The state had pulled 2300 cubic yards of material from the pit for state projects.
- They recognized the town's concerns, and that it was not the town's responsibility to clean up material washed from the pit into the road and ditches.
- The pit needed stabilization before winter, that hopefully there would be funding available at the end of the year for that stabilization, and that the budget was difficult.
- They would be discussing with AOT how they manage the Hinesburg gravel pit, and hoped to get a clear idea of what needed to be done in Bolton.

Board members stated that:

- The ongoing issue came at an expense to the town, and that the biggest issue has been communication and lack of the previous administration being willing to work with the town.
- The town recognized that the gravel pit was pre-existing to the BLUDRs.
- Recently a contractor removed a water bar and did not stabilize it afterward, the ditch filled with material.
- Once a ditch fills in, the material washes to the Winooski River and the town is responsible.
- The state could consider utilizing a silt pond.
- Ditching cannot be done once or twice a year, the gravel pit needs ongoing operational maintenance.
- The state should consider adopting a set of written best practice/management gravel pit protocols to have on file with the town and attached to contracts for contractors; that way the issue would not have to be revisited every time there was a change in staff or a new contractor. Suggested that the state work with VTrans and Eric to create the protocols and then share them with the Select Board.

Mr. Baron noted that written protocols with the community might be helpful in funding. The group briefly discussed the state work on Honey Hollow Road. Gene noted that state damage to roads should be addressed as well, noting that gravel to touch up roads should be included in a scope of work. The state representatives noted their appreciation of the town's attention to Honey Hollow Road.

2. Eric Andrews – Town highway update

- Winter sand and crusher run has been stockpiled.
- Work on plow frames and tires were scheduled.
- Schedules and work details for staff would be written up for the time he will be out.

Board members noted it was time to start thinking about budget information for FY '15 – '16.

The group briefly discussed options for addressing speeding. It was noted that”

- The town needed an adopted speed limit ordinance and speed study; noted that CCRPC does a certain number of speed studies per year.
- Richmond PD reported on Duxbury Road; highest speed of 43 mph.
- Town would need to contract with Richmond at \$45/hour for ongoing coverage.
- Westford contracts at 20 – 30K per year with portion of that made back in ticket revenue.
- Options for borrowing signs still possible, as well as submitting a request to the state police requesting coverage noting the fatality and accidents on Duxbury Road.
- Ron will check with Richmond on borrowing signs,

3. Chris Nordle, Darby, Thorndike, Kolter & Nordle, LLP – Release of Glebe Lots

Mr. Nordle stated that:

- He was representing the Green MT Club and Britt and Lexi Haselton in a property purchase from Miriam Thomas, and Andrew Churchill in a purchase from Joy Jeffrey.
- All the properties are part of/include original school lease lots (Glebe lots); lots 9 and 122
- He was asking that the town sign a release on the lease lots as they had done that previously with other lease lots and that:
 - The lots are unusual relic of the past.
 - The Green MT Club property is being conveyed to the state and the state had specifically asked for the release.
 - It would be at no expense to the town, his clients would cover all associated fees and the cost for the town’s attorney to review the release document.

The group briefly discussed the lots, if the lots were the last three remaining unreleased lots in town, or if lots 70 or 90 were still unreleased. The board noted that the school lots were an interest in land that the town could do very little with. Jen made a motion “to release the town’s interest in school lots #9 and #122, to be outlined in the release document from Darby, Thorndike, Kolter & Nordle, with the understanding that the cost of review of that document by the town’s attorney will be provided at their expense, with accompanying authorization to publish notice, at their expense.” Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).

The hearing was closed. Josh and Sharon rejoined the Select Board.

4. HEARING: Maureen McIntyre, 16 Joiner Brook Lane - Plea and Waiver – Animal Control

Chris Laberge, Town Constable, reviewed the timeline and history of animal control complaints received from Nick and Christine Barup, 124 Joiner Brook Lane, regarding Maureen & Michael McIntyre’s German Shepard dog, Maggie, on their property, stating that:

1. He received a call regarding the dog chasing chickens on the property on 8/10/14, and a complaint was filed on 8/27/14, which also noted an earlier incident of another family dog on the property on 5/10/14.
2. He received a second complaint on 9/18/14 which included photos of the dog on the property on 9/14/14.
3. He received a third complaint on 9/18/14 of the dog chasing Nick Barup into his house early in the morning.
4. He had provided two warnings to the McIntyres, and on the third offense issued a \$75 ticket on 9/18/14 in accordance with Bolton’s animal control ordinance.

Maureen McIntyre provided a letter to the Select Board providing information on her perspective and noted that she was:

- Contesting the 1st complaint as her dog was under voice control and the complaint was not submitted until almost a month after the incident.
- The first complaint was not against the dog, it was against the McIntyres, there were multiple issues at play with the Barups that were impacting their complaints/reaction to their dog, including reports of the Barups tree cutting in a Class II Wetland.
- The dog is 8.5 years old, is not aggressive, would not harm children, does not harm fowl as they have turkeys, and had been accustomed to visiting the previous owner of the Barups' property who welcomed her.

Board members asked of the dog was restrained on the McIntyre's property, or if the was property fenced. Maureen McIntyre answered no to both, stating that the dog stays in their yard or in their large 4 acre field adjacent to the brook and river, that they were now going out with her in the morning, and they were unwilling to restrain her on their property.

Nick and Chris Barup stated that;

- The dog chased Nick into the house and he was fearful; that was "the last straw."
- Their main concern was their small children; 3 and 8 years old, who would not be able to get away from the dog if it chased them or latched onto them.
- One of their chickens was missing and the others have stopped laying eggs because of the stress.
- They follow the rules with their dog and they tried to talk to/email the McIntyres to ask them to do the same.
- They appreciated that the other family dog stopped coming on their property after the first incident.
- They recognize the dog had a relationship/visited with the previous owner, but they were now the owners with animals and small children and that could not happen anymore.

The board reviewed the ordinance and noted that that running at large is a violation, there was no deadline for a complaint to be filed, the Town Constable had the right to issue the \$75 ticket for the third offense, and the ordinance states that dogs need to be "restrained." The board noted their concern with how the dog is being kept under control. Chris LaBerge noted that the question for the Select Board was did the dog go onto the Barups' property, of which there was photographic evidence. Maureen McIntyre stated they were contesting the first violation.

The Board asked the Barups what resolution they were seeking. The Barups stated they wanted the dog to be restrained on the McIntyre's property whenever it was outside; leashed, chained, or tied up, so that it could not leave the property. The McIntyres stated they were not willing to do that, they accompanied the dog outside now in the morning and to the brook and river, to run in their large field, and the dog went canoeing with them. The Barups then stated they were willing to compromise and requested that the dog be restrained on a leash whenever it was off the McIntyre's property.

The Board stated they needed time in a deliberative session to render a decision, and that the decision would be issued in writing as soon as possible. Sharon made a motion "to adjourn the public hearing and address the resolution and decision in deliberative session." Jen seconded. There was no further discussion. Gene recused himself due to a family relation with the appellant. Four were in favor and the motion passed (4-0).

5. HEARING: Automotive Services International – Curb Cut – Liam Murphy; Murphy, Sullivan and Kronk, Mike Hopwood; Automotive Services International (DBA The 4 x 4 Center), Claudine Safar; Monaghan, Safar, Ducham, PLLC, Dean Grover; Grover Engineering

Sharon Murray recused herself from the hearing (and left the conference room) due to her seat on the DRB; exparte communication regarding a future application that will come before the DRB. Josh Arneson recused himself (remained in the conference room) due to his employment by Bolton Valley Resort.

The board noted an email sent to the applicant by ZA Miron Malboeuf noting areas of need and concern from the highway foreman, Eric Andrews which included:

- Addressing lack of site distance downhill with signage.
- Utilizing a 30' / 24" culvert.
- Review under A-76, B-12/B - 71 standards.
- Drive sloped away from the Bolton Valley Access Road to mitigate water running onto that road.

The applicant and his representatives stated that:

- The applicant was more than willing to post signage with respect to lack of site distance.
- The applicant would be requesting a waiver of the B-71 widths due to constraints near a wetland, and that and turnout areas would be addressed at the DRB level.
- The curb cut would have a 30' radius for access.
- Grade standards of < 15% would be met.
- Trucks would not be accessing trails at the curb cut; access would remain from the Timberline parking area.

The board noted their concern about access for emergency vehicles and asked about trips per day. Mr. Hopwood noted that trips vary dependent on the season, and that during their busy season it was an average of 6 – 8 trips per day.

Gene made a motion “to approve the curb cut application of Automotive Services International on the Bolton Valley Access Road, 700’ south of the Timberline Lodge Access Drive, provided conditions outlined by the Highway Foreman are met, the curb cut stays within 10’ of the centerline of the original site, and that the applicant will return for subsequent approval from the Select Board as needed relative to the DRB process.” Jen seconded. There was no further discussion. Three were in favor and the motion passed (3-0).

Mr. Murphy stated that the applicant would have no objection to coming back to the Select Board if there was a significant change; that was a reasonable condition.

Jen made a motion “to enter deliberative session as provided for in 1 V.S.A. § 312 (e) to render a decision on the Animal Control Plea and Waiver Hearing.” Sharon seconded. Gene recused. There was no further discussion. Four were in favor and the motion passed (4-0) at 7:45 p.m. Josh made a motion to exit deliberative session at 8 p.m. Jen seconded. Four were in favor and the motion passed (4-0). The decision will reflect affirmation of violations of the Town Ordinance for the Control of Dogs and the fine reduced from \$75 to \$60.

5. Business and Action Items:

- Loan Refinance BVFD: Jen made the motion “to accept Merchant’s Bank bid letter for the BVFD Capital Improvement Note Refinance of 2.197% to be issued on or around November 1, 2014. Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0). Noted: Jen had not heard back from the VT Municipal Bond Bank regarding consolidation of loans.
- Tax Policy: Sharon made the motion “to adopt the Town of Bolton Refund and Small Credit Policy as presented, and to provide a signature page for the Select Board.” Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Sexual Harassment Policy: Sharon made the motion “to adopt the Town of Bolton Sexual Harassment Policy as presented, and to provide a signature page for the Select Board” Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- ERAF: A copy of the state draft model was provided to Gene for his input prior to subsequent discussion.
- Website: The board reviewed information from Steve Barner and gave approval to keep the process moving forward with training to be determined within two weeks.

New Business

- 2014 Audit: The 2014 draft Financial Statements/Auditor’s Report and governance letter were dispersed for review prior to signing. Noted: an opportunity for a “Management Response” to the schedule of findings.
- Life insurance: Note: optional life insurance available from VLCT.
- Expenditure Reports: Dispersed.
- Warrants: Signed.

- Minutes September 22, 2014: Gene made the motion "to approve the minutes of September 22, 2014." Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0).

6. **Communications: none**

7. **Other Business:**

- Sharon noted that there was an issue with the costs associated with the scope of work outlined in the Planning Commission's Municipal Planning Grant. The grant was written for 8K, scopes of work were submitted at 14K and 15K. The PC originally presented and received approval from the Select Board for an 8K non matching grant. In light of the scope of work information, the Planning Commission was requesting the use of 2K from the PC budget to match and fund a grant request of 14K. Jen made the motion "to authorize the Planning Commission to use 2K from their annual budget as a local match in the Municipal Planning Grant application." Gene seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Review of the BVFD's status with respect to nonprofit/incorporation status could be complex. Meeting to be scheduled with Chief and Treasurer for review.
- Sharon is working to provide documentation to the town attorneys with respect to LeDuc et al v. Antly et al/Mill Brook Road access.
- Confirmation from Misha Bailey, SOV, of the need for administration of the HMPG grants to go out to bid by the town. Sharon to follow up. Suggested the town review CCRPC's model FEMA procurement policy.

8. **Closing:** No other business was brought before this Board at this time. 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 9:15 p.m.

Attest: Amy Grover, Clerk

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

10/20, 2014



Ron Lafraniere, Chair, For the Board

