

Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
October 16, 2017

Board members present: Josh Arneson (5:57 p.m.), Jen Dudley-Gaillard, Ron Lafreniere, Sharon Murray

Board members absent: Gene Armstrong

Also present: Joss Besse, Jeff Forward, MMMUSD, Lydia Menendez, VT River Conservancy, Virginia Haviland, CC, Eric Andrews, Ethan Tapper, Forester

Clerk: Amy Grover

1. The meeting was called to order at 5:47 p.m. by Jen with a quorum of 3 members present.

2. Additions or deletions to the agenda:

Additions to the Agenda:

1. Bolton Valley Liquor License applications: Ron made the motion "to approve Bolton Valley's two liquor license applications." Sharon seconded. There was no further discussion. Josh recused. Three were in favor and the motion passed (3-0).

2. Follow up to VTrans Notch Road Tunnel letter:

- Joss Besse, Josh Arneson and Andrew Pond met regarding drafting a response letter to VTrans regarding the Notch Road Tunnel project, proceeding as previously outlined by VTrans - rehabilitation only.
- Traffic count recently updated by CCRPC; by axle, no school data or pedestrian counts.
- Not clear if CCRPC would take a position on the project, or take an advocacy role.
- Brief discussion on scoping report, preliminary engineering, additional stakeholders; Jens Hilke, Green Mountain Club, how safety is factored in (pedestrian, runaway truck, narrowness, sight lines), grant funding, cost analysis, comparison to culvert in Sharon VT.
- Josh to draft response.

Deletions to the Agenda: CUSI appointment canceled by CUSI due to unanticipated emergency.

3. Public comment: none

4. Recurring Business:

- Minutes October 3, 2017: Sharon made the motion "to accept the minutes of October 3, 2017." Ron seconded. There was no further discussion. All were in favor and the motion passed (3-0).
- Warrants: signed.

5. Communications:

- 2017 Chittenden County Municipal Legislative Breakfast, Tuesday, December 12, 2017, 7:30 – 9 a.m. at the Doubletree Hotel in South Burlington. Sharon may try to attend.
- Economic Resource Committee Update, on file with these minutes at the town office. Schedule an all board meeting after Town Meeting 2018, and all the Boards' organizational meetings.

6. Appointments:

1. 6:15 p.m. CUSI: Intergovernmental Agreement– canceled, see above.

2. 6:30 p.m. Lydia Menendez, VT River Conservancy: Potholes Purchase and Draft Management Plan.

Lydia Menendez noted:

- The background, history, and mission of VRC, 2012 discussions with the town regarding the Potholes.
- This is the 3rd purchase agreement with the owner over the last 10 years.
- VRC recognizes this opportunity to protect public access, and recognizes that isn't possible without improved management.
- VRC is interested in being the landowners and good neighbors, to discover partnership opportunities with the town if those efforts are of interest to the town.

- VRC desired outcomes include better relations with neighbors and users, reduction in safety concerns, improvement to all of the issues that surround a popular site (litter, water quality, noise, sanitation etc.).

Jen noted the BSB had reviewed the management plan, and wanted to hear concerns from Smilie School/MMMUSD.

Jeff Forward, MMMUSD noted:

- MMMUSD/Smilie would take their lead from the town.
- MMMUSD recognizes that Smilie School has the most likely access point.
- Smilie is not interested in trying to block the driveway/access, and will not support hosting a Port-o-let on school property due to vandalism and clean up concerns. Sharon noted the site steward would be responsible for clean-up.
- Deb Andrews, Smilie Facilities noted concern about increased use resulting in increased issues; vandalism, litter, camping.
- Offering active management plan not in place currently, not doing anything is still making a decision, conditions will not improve on their own.

Brief group discussion on:

- Port-o-lets placement and timeframe. Lydia noted that the management draft had to start somewhere, and recognized that Smilie School did not want to host port-o-lets, adding that visitors do not always make good choices with respect to sanitation. Noted: impacts to water quality, exploration of other options, i.e. composting toilet, and testing of options.
- The shift in culture at “Triple Buckets” in Richmond, & VRC in conversation about the purchase of the Huntington Gorge.
- The steward position. Financing of position, uniforms, difference in cultures between the Potholes and a mountain summit (GMC stewards), potential for uncomfortable confrontations, training, guidelines from sites staffed by GMC, VT Fish & Wildlife & state parks, utilizing a sign in sheet (as GMC at trailheads), potential of volunteers to assist steward.
- Parking issues and challenges, emergency access lanes at Smilie School kept open, Bolton Valley Access Road residents’ continued challenges with parking, and no town property for parking (lot at the bottom of the BV Road owned by the state, not maintained by the town).
- Possible need for local permits: signs, trails, parking, which may need DRB review.
- Liability insurance.
- Access and use. If VRC ownership would increase the demand for the use of the potholes, through fundraising, clean up days etc. which would all serve to advertise. Noted: VRC could purchase the property and not move forward with management.
- Signage bill, noting dangers, sponsored by Tom Stevens currently in committee, would behoove the town to support signage regardless of VRC outcome.

Lydia noted that:

- VRC is working on extending the purchase agreement deadline, and is requesting a letter from the town to VHCB (funder reviewing request on December 7, 2017) indicating the position of the town with respect to the VRC purchase of the Potholes. Lydia re-stated the VRC would be an active and willing partner at table in addressing the issues plaguing the town, property, and residents, and thanked the BSB for their time.
3. 7:15 p.m. Eric Andrews: Highway and Garage Update & Annual Review:
- Thacher and Wentworth Grants – could not upgrade the 2 grant funded culverts in size due to ledge, will check with Chris Dubin, CCRPC, but assume the town has lost that grant funding. Block header walls have been installed, as they can be re-used vs. poured which cannot be re-used. Resident concern that one block header wall is already failing. Eric noted the wall was not failing, slight lean due to ledge. Brief discussion on grant and culvert work. Completion of the ditching work will require 5 loads of stone and two days. Project timeline has been longer than desired or anticipated.

- Brief discussion on replacement of a Notch Road culvert and need to reposition to the north, off of ledge.
- Signs on the Bolton Valley Road were identified as needing replacement by the Richmond Police Department. Trees were trimmed to increase visibility and stickers removed. Current standards require larger, reflective signs. Total cost for replacing Bolton Valley Access & Duxbury Road signs, and signs at the town garage requested by insurance carrier is \$1299.50. Budget is 2K.
- Multiple requests for tree removal within the town rights of way. Bolton Valley Access Road – close to home and power lines; will need a tree service with a bucket truck. Stage road – may be able to push tree over with an excavator. Brief discussion on tree service companies and involvement of the tree warden, Luke Ingram. Consensus from the BSB for Highway Department/Eric to involve the tree warden to communicate with residents. Request Luke check the flagged pine trees on the Bolton Valley Access Road.
- Bolton Valley has downsized culverts during replacement that do not meet town nor state standards. Sharon to follow up with Bolton Valley.
- Brief discussion of town garage infrastructure.
- Sharon made the finding that the BSB needed to conduct an annual evaluation, and made the motion “to enter executive session under V.S.A. 01 § 313 (a) (3) the appointment or employment or evaluation of a public officer or employee.” Josh seconded. All were in favor and the motion passed (4-0). Sharon made the motion “to exit executive session.” Ron seconded. All were in favor and the motion passed (4-0). The employee evaluation was completed.

7. Action Items:

- Alternate Appointment to the DRB – Adam Beaudry. Josh made the motion “to appoint Adam Beaudry as a third DRB Alternate, until Town Meeting 2019.” Ron seconded. There was no further discussion. Sharon abstained. Three were in favor and the motion passed (3-0).

8. Business:

1. Tabulators:

- Noted, per VT statute, “a town with 1,000 or more registered voters as of December 31 in an even numbered year shall use vote tabulators for the registering and counting of votes in subsequent general elections.” Bolton's checklist stood at 956 as of December 31, 2016. A tabulator would not be required unless the checklist stands at 1000+ as of December 31, 2018, for general elections beginning in 2020, confirmed by the VT Elections Division. Tabulator costs not required for inclusion in the FY 18-19 budget.

2. Litigation update Catherine Antley:

- Scheduling trial date, last effort for mediation, trespass charges dropped.

3. PPMP address drones:

- Cara Montgomery, VT Land Trust noted that VLT had reviewed the final PPMP and with the exception of addressing drones, the easement co-holders (VLT and VHCB) have no further comments as the plan meets the criteria in the conservation easement and is approved by the easement co-holders. Cara noted drones are not contemplated under the current policy of the easement co-holders. It is fine if the town doesn't want to allow drones but it is not accurate to say that it is the easement co-holders that do not allow them.
- Sharon made the motion “to strike the language ‘including drones’ from page 33 of the PPMP.” Josh seconded. All were in favor and the motion passed (4-0). Amy will follow up with Cara Montgomery at VLT and provide final PPMP documentation.

4. BOLL Grant Funds 2012: Request by Amy Ludwin to purchase books with funds left from 2012. Request denied per VT statute that funds cannot be carried year to year with the exception of the Highway Department.

5. Transportation Alternatives and Back Roads Grants, Due November 2017:

- Brief discussion on road inventory, budgeting engineering to determine plans, grant timelines and ability to complete grant work. Consensus to not apply for either grant.

6. Stone Hill Road Access for Logging:

Ethan Tapper, Chittenden County Forester noted:

- Moving forward with logging per the approved PPCA Forest Management Plan, with the goal of a two year contract, logging over the next two winters.
- Lack of access on Notch Road, historic logging access identified at 115 Stone Hill Road, a private road.
- Brief discussion and review of the draft “Temporary Land Use License Between the Town of Bolton, VT and Brattleboro Savings and Loan” (owner of 115 Stone Hill Road). Discussion included:
 - The town has no responsibility for maintenance of Stone Hill Road, issue with language under 2. (a). Need to transfer that responsibility to the contractor.
 - No transfer of liability to the town, liability to logger, cash bond required.
 - The logging will require three separate contracts.
 - Request contingency that no wood is left stranded should the license be canceled.
 - Access for firewood and processing options.
 - Review needed by town attorney, Amy to follow up.
 - Permission needed from Stone Hill Road property owners/Homeowner’s Association. Amy to provide contact information to Ethan.

7. Municipal Roads General Permit Draft:

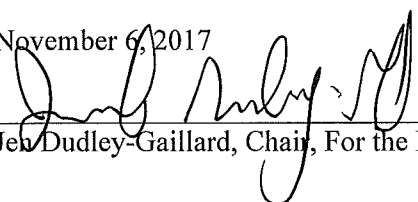
- Last opportunity to provide comments on the permit draft.
- Permit requires a road inventory by 2020, upgrades to all roads by 2037.
- Concerns noted:
 - Across the board annual fee of 2K, no proration for town size.
 - No estimate of cost to towns, an unknown factor until road inventories are completed.
 - Bolton has 15.8 miles of hydrologically connected roads, lack of accommodation for mountainous terrain or soil types – would have to meet standards for roads of 10% plus by 2025.
 - Multiple grant programs instead of one dedicated source of funding, more planning funding needed to have shovel ready projects.
 - Grant cycles need to sync with town budget cycles and construction schedules.
 - Ability of Bolton (and all other small towns) to apply for and administer multiple grants.
 - Work outside of the town right of way requires landowner permission, the town may have to acquire more r.o.w. or easements at a cost, unclear on funding for that element.
 - Inventories and plans have to be tracked & updated every 5 years – unclear of CCRPC’s involvement in establishing the inventories. Town will have to maintain them.
- Brief discussion:
 - Town will provide feedback to CCRPC and respond to ANR by the October 27, 2017 deadline. Sharon volunteered to draft response.
- A potential need to establish a reserve fund for the MRGP.
- MGRP Standards need to be added to the road policy, or will be in violation of permit.

9. **Closing:** Josh 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 9:40 p.m.

Attest: Amy Grover, Clerk

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

November 6, 2017



Jeb Dudley-Gaillard, Chair, For the Board