



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Meeting Minutes
April 8, 2019

Board members present: Tony Barbagallo, Mica Cassara, John Choate (departed 6:30 p.m., meeting conflict), Wendy Hoffman, Janet Metz

Board members absent: none

Also present: Debbie Andrews (Smilie School Custodian), Paula & Mike Gervia (BVFD Chief), Andrew Pond (representing himself, former Smilie Board Chair, current MMMUSD Board Chair and Bolton Representative), John Alberghini (MMMUSD Superintendent), Lydia Parker (VRC), Virginia Haviland, Carol Devlin, Tim Grover, Barbara Tomasi-Gay (Smilie School Principal)

Clerk: Amy Grover

1. **The meeting was called to order at 6:03 p.m. by the Chair, Mica Cassara, with a quorum of 5 members present.**

2. **Additions or Deletions to the Agenda:**

Additions:

- Plow repair/replacement: Noted VLCT has determined that the plow damage to be a total loss, and can issue a payment of \$6,750 less \$1,000 deductible for payment of \$5,750. Quotes from Tenco for replacement plow of \$8,334 and Viking of \$6,750. Tony Barbagallo made the motion "to authorize the Highway Foreman to purchase a replacement plow from Viking for \$6,750." Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0). Note: suggestion to check ON any end of year discounts.
- Highway staff position: position offered and accepted, then declined (used as leverage to stay in current position). Amy Grover will repost the job opening on Indeed.com, Front Porch Forum, Facebook and place a new ad on Craig's List.
- PVR hearing (AMJM3611 LLC, 3649 Bolton Valley Access Road vs. Town of Bolton) scheduled for Tuesday May 7, 11 a.m., @ the Town Office.
- Update - O'Brien access: Resident is still seeking clarification of terms, and expectation for the town to address, but has not followed up with the BSB. Noted: consensus that the BSB is not responsible for neighbor mediation, nor legal definitions within documents. That ownership remains on the residents.
- CBDG grant meeting – well-spoken presentation by BVR LLC along with BSB members John Choate and Mica Cassara. Decision by April 19th; \$4.5 million in applications, \$2.5 million in grant funding available.
- Road Commissioner: Amy Grover to post notice, information previously sent to resident. Tony Barbagallo to follow up with the Town of Richmond.
- Mike Gervia: will be following up on an additional estimate for repairs to Rescue I.

Deletions: none.

3. **Public Comment:** none.

4. **Business:**

- Vermont River Conservancy ~ Bolton Potholes. Note: this is a compilation of comments received, not a direct transcription, regarding management, parking, port-o-lets, signage, trails. Mica Cassara opened the floor to comments and questions.

Lydia Parker, VRC:

- Thanks to all in attendance, this has been an ongoing process for the last five years. As background, the Potholes have been unmanaged, resulting in multiple issues due to their popularity. VRC believes in protecting public access, and we recognized that the Bolton Potholes needed management to address all of the issues. The VRC conserved public access to the parcel with a conservation easement, and the parcel is now owned by VT Riverlands, LLC. I am here representing both VRC and VT Riverlands, LLC. The question to the town is what management presence the town and school would like to see on the town parcel. We are in conversation with the MMMUSD regarding signage on appropriate parking which is separate from the conversation tonight. There are 3 proposals on the table: signs, a trial port-o-let period, and improved access on the town/east side with stone steps to minimize erosion and improve safety/access. That piece is on hold until funding is acquired, possibly August 2019 or not until 2020.
- The proposed signs will communicate the new management expectations.
- If port-o-lets are vandalized, they can be removed ASAP. If the port-o-lets are moderately successful we can come back to the table and discuss a plan modification.

Debbie Andrews:

- There are many issues at the school; signs probably will not be read, there are issues with dogs, and with drunken behavior and probably the port-o-lets will be tipped over or vandalized, issues with parking – lack of keeping the fire lane clear and folks “doing donuts” in the parking lot.
 - Lydia Parker: I live in a similar place I understand how upsetting all of that is. I hope that increased signage and partnership with the MMMUSD will help to address the parking in the school parking lot. I will work with the MMMUSD and the steward to engage and have a presence in the school lot. This is a team effort, backed up with signage and friendly reminders. We are sharing the burden and encourage raising the behavior bar. I did find out that port-o-lets are not tipped over very frequently.

John Alberghini:

- I appreciate Lydia’s brainstorming and the process that the VRC has undertaken. I do have concerns: making the Potholes more welcoming, and making the area more of a destination. The MMMUSD, which does not have the time nor means, will have to deal with that. Over the years we’ve accommodated people parking in the lot. For the most part, they have been pretty respectful. We want to continue to let people park there if they are respectful and safe. However installing the welcome sign, port-o-lets, and steps, making the Potholes more inviting than they are now, that’s concerning. Let’s gather data in a beta year about who is parking in the lot; where they are from, the activity; are they using the Potholes, or parking to ride their bike, and trash or other issues. Use that data to make informed decisions down the road.

John Choate:

- Does the MOU between MMMUSD and the VRC deal with parking signs?
 - John Alberghini: We are working toward addressing signage to be proactive and positive.
 - Tony Barbagallo: Is the MOU just with respect to signage, and not about approving use by the VRC?
 - John Alberghini: No, it is not an endorsement. We want to be a good partner with the property owner and the town. We don’t want to do anything that the town doesn’t like; we have a good relationship and we want to keep that.
 - John Choate: An information gathering year is a good idea, there will be a learning curve in establishing management and shifting from an attractive nuisance to a managed resource.

Tony Barbagallo:

- Does the MMMUSD have an official position on the port-o-lets and signage?
 - John Alberghini: I want to be careful here; we want to be good partners and work well with the town. I'm supportive of better signage that outlines what is acceptable in the parking lot and around the school building, supportive of collecting data, and of someone managing the area – the district is supportive of those things.
 - Andrew Pond: I am here to express my own opinions, obviously influenced by school board affiliations. My views are informed by previously being on the Smilie School Board/CESU Board and by being Bolton's only MMMUSD Representative. We want to make sure we don't lose sight of the fact that a previous BSB approved putting up the guardrails by the Potholes on the Bolton Valley Access Road, and were aware that it would shift parking to the Smilie School parking lot. I'm open to the perspective of time and seeing how it goes, and we want people to be able to use lot when we are not using it, but there are concerns. As the MMMUSD Board Chair, I have concerns about the demands on the MMUDSD – we don't have the time to deal with these issues; we want to educate our students. Management of the Potholes is not why we hired John Alberghini - he is here to educate our students. My perspective as Bolton's representative is that I am concerned about messages sent to the Board by actions of the town – installation of the guardrails and now the town no longer wants to maintain the parking lot, nor move the school/town property line to address those boundary issues. Now if there are signs welcoming people, port-o-lets, and steps to the brook - that is sending the message that you want people to come park in the parking lot. We heard from the town “we want the school to remain in the town.” Implementing these changes may result in the MMMUSD Board wondering if this is the right location for us to be educating Bolton students.

Wendy Hoffman:

- Andrew- what would you do in our position?
 - Andrew Pond: I am aligned with John, use this year as a monitoring year and see what happens, gather information. I cannot support any actions that encourage folks to be on school property: signs, steps, port-o-lets. We want to be good neighbors, but we are being asked to be accommodating. We don't want to encourage more people. If we hang out the welcome mat, they are going to come.
 - Wendy Hoffman: Shifting the parking lot maintenance was meant to address a tight budget and an overworked road crew; it was not meant to be a poor neighbor to the school.
 - Amy Grover: It was also an equity issue. Costs for maintenance exceed the \$5,000 - \$6,000 range.
 - Tim Grover: Do any other towns maintain their school parking lots? (At no cost to the MMMUSD.)
 - Tony Barbagallo: No. That was the primary driver.
 - Andrew Pond: This is another discussion.

Debbie Andrews:

- We also deal with drug use and nudity. We found needles last year, and we find condoms. We have to call the VT State Police to respond to issues. There is a lot that goes on that you aren't aware of; vehicles being broken into, guns, people stripping in the parking lot in the middle of the day in front of the school and fifty other people, lack of access for any emergency vehicle.
 - Wendy Hoffman: If a VRC Steward was on site, what impact do you think they would they have on that behavior?
 - Debbie Andrews: When we try to handle things and we get sworn at, so we call the VSP. I don't know about the impact on behavior.

- John Alberghini: A steward will not be police officer, simply a presence.

Janet Metz:

- How is monitoring going to be accomplished, and what is your group's responsibility?
 - Lydia Parker: that is dependent upon this discussion. Our responsibility and legal obligation is protecting access – no “no trespassing” signs on our property, no new structures, and to channel management activities.

Janet Metz:

- How is data going to be gathered?
 - Lydia Parker: We have no jurisdiction over school lot, parking concerns or safety. We are developing surveys to include the weather that day, license plate information, number of dogs and people, daily trash tally, things observed (sunbathing, altercations), description of incidents or antidotes. We will aggregate an approximate visitor-ship number. We will be monitoring on the west side. If the town or school wants us to engage on the east side, I am here to seek input.

Tony Barbagallo:

- There is not a “no alcohol” sign.
 - Lydia Parker: We support signs on school property stating no alcohol. We are trying to find middle ground between clear and manageable rules and knowing that there will be alcohol use. If we state no alcohol, we become much less credible as a property manager. We are not condoning use of alcohol, and we will consider adding no alcohol on the rules sign, but we need to be realistic. No glass is critical, and will be more stringently discussed, reminded, and enforced (limited authority).
 - Debbie Andrews: there is not supposed to be alcohol or drugs on school property, but on the good side we get lots of bottles in our recycle container (laughter).
 - John Alberghini: There clearly is no drugs or alcohol allowed on school property. Could you imagine folks walking through the MMMU parking lot with cases of beer? There should not be any alcohol on any school property. We would not condone that at any other building.

Wendy Hoffman:

- If the steward witnessed drug use, how will that be handled?
 - Lydia Parker: We will not be asking the steward to put herself in dangerous situations, and yes it is a her, she has been hired. It would be her judgement call. She patrolled the Burlington waterfront last summer, yes that is a different area, but she has seen a lot. We would encourage her to reference the sign with the rules, and try to communicate that this is private property and these are the rules.

Wendy Hoffman:

- Where is the line when law enforcement is contacted?
 - John Alberghini: What did she do in Burlington?
 - Lydia Parker: Engaged with visitors, picked up trash, provided information, but I recognize that is a different situation.
 - Tony Barbagallo: And there is a heavy police presence in Burlington.
 - Lydia Parker: We will leave these judgement calls to her; to leave the area and call if she feels unsafe. We will provide a list of phone numbers for the steward to contact, including law enforcement. We are not telling her to call law enforcement every single time; the role is a friendly greeter and rule enforcer.

Tony Barbagallo:

- What about minors drinking alcohol on the property, and that liability. Have you contacted your insurance carrier?

- Lydia Parker: Hence the creation of VT Riverlands, LLC. We want to educate the safety risks so that people do not enter the area unaware. The steward job is akin to the Green Mountain Club summit's caretakers, but I recognize that is somewhat comparing apples to oranges. The GMC has a great program that benefits the natural resources, shows a process, and reminds; the caretaker is seen as a resource. The Potholes are a much more difficult situation. But it is tried and true if you're not "a badge," the most effective person to person communication is positive communication. Going from a completely unmanaged site to a site with expectations and stated behaviors reinforced with signs, is going to take some time to shift the culture. In five years when we have a conversation, I hope we all say it's a little better. That's why I think visual signs are an important step in creating a use culture at the Potholes. The missing piece has always been the landowner of the Potholes. Here I am now, trying to change that.

Wendy Hoffman:

- Do you have backlash concerns?
 - Lydia Parker: I'm anticipating backlash from everyone - people don't like change! I'm also working with those who like the Potholes the most; I want them on my side to assist with the culture. The Friends of the Bolton Potholes is the second line of defense. I'll be establishing communication lines and building networks with the regulars so that they are on my side.

Paula Gervia:

- I know there are parking issues, and I want to point out that there is another area down Route 2 with parking issues and vehicles spilling out onto Route 2 and affecting safety. (Noted: Climbers parking along Route 2 accessing the "Bolton Dome," recently purchased by CRAG VT) The area is very congested with parked vehicles, and vehicles that travel very fast on Route 2. Now we have two areas, a second "tourist attraction" being highly promoted along Route 2 that people are flocking to. This is a valid safety concern to be aware of.

Tony Barbagallo:

- Does the Conservation Commission have an official position on this?
 - Amy Ludwin (CC Chair): I don't think we do.
 - Tony Barbagallo: That's wise (laughter).

Tim Grover:

- I support Lydia's efforts - nothing ventured nothing gained. I understand there are concerns about the port-o-lets. There are no port-o-lets available, even at the Bolton Store. People are going in the woods; our dog finds it, it affects water quality. You have to try something. If a port-o-let gets tipped over, maybe that's not the right location. There was talk of a port-o-let on the Bolton Valley Access Road.
 - Amy Grover: Neither VTrans nor the town recognize that area as a permitted, official lot.
 - Carol Devlin: Property values would decrease with a port-o-let in an adjacent lot. I want to add that CRAG VT may be using the school lot for parking as well.

Brief group discussion: Bolton Dome purchase by CRAG VT and issues with parking along Route 2.

Amy Ludwin:

- It seems that if you are going to go ahead with a survey, you should officially include all the neighboring land owners in that.
 - Tony Barbagallo: my recommendation is if the town moves forward with any of this, the BSB holds a warned hearing for public input.

- Carol Devlin: I want to point out that Lydia has done a great job including the neighborhood in the process. Most landowners are aware, and aware of what the VRC wants to do.

Tony Barbagallo:

- Are we making a decision tonight?
 - Mica Cassara: A decision is not on the agenda.

Virginia Haviland:

- I am a Bolton resident, Conservation Commission member, I work at Smilie, and am involved with the gardens. There has been a tremendous uptick in use, use changed due to the internet. It got wild and wacky. It's worth trying things, especially the port-o-let. The water is not the same color it used to be, we don't swim there anymore. Lydia has visited the school property and we discussed port-o-let placement; where it won't be an eyesore and where the odor won't drift to our open windows. It's worth trying on a trial basis. I don't think people want to tip over port-o-lets! It won't put any more poo in the brook.
 - Carol Devlin: Vandalism is why the Bolton Store doesn't have a port-o-let anymore. Also on the sign front, for the town and school to consider; maybe not the welcoming sign but at least the safety sign. I have gone to talk to families when I see them heading to the Potholes knowing they probably have no idea about the safety issues. If a sign could save one kid's life, it would be worth it. I was there the day the father of a 10 year old boy was pacing the road for hours, waiting for his son's body to be recovered.
 - Debbie Andrews: The BVFD had one call to the Potholes last summer for an injury.

Amy Ludwin:

- Can the VRC go onto websites that list the Potholes and be in touch to amend those listings?
 - Lydia Parker: We have a list of those sites and will ask to please be included.
 - Amy Grove: The town has tried to amend sites, for example when guardrails were placed and parking along the BV Road was eliminated, information was sent with no response and no changes.
 - Carol Devlin: Utube videos help promote the Potholes as a great place to jump and party, you should take a look sometime.

Andrew Pond:

- What is the next step?
 - Mica Cassara: To determine whether to let the VRC to go forward with a trial period.

Tony Barbagallo:

- What is the liability around the signs?
 - Amy Grover: The VLCT (insurance carrier) noted no concerns, and said providing more information, especially around safety was helpful, and that they were very glad that the VRC owned to the east bank of Joiner Brook.

Wendy Hoffman:

- Andrew, are you opposed to signage? To the safety sign?
 - Andrew Pond: I have no issue to content, the issue is with the placement of signs. No visitor will know that it is town property, not school property, or even VRC property. Any sign that is welcoming will be taken as a welcome. Even signs that say "don't go here," the response is often, oh, let's go there, that must be a fun place to go. I know it would be helpful to have the signs there. My concern is the future of that property owned by the school, remaining as a school.
 - Carol Devlin: Well then where would Bolton students go? 100 Smile students? There isn't room in Richmond or Jericho for them.

- Andrew Pond: There will be questions around that in two years, a larger school is better for students and better for tax payers.

Discussion started to address education perspectives and Chair Mica Cassara redirected the conversation back to the warned agenda.

John Alberghini:

- Issues that happen in the Smilie School parking lot are the MMMUSD's problem. I ask the BSB to consider that when making a decision.

Mica Cassara:

- We will discuss the requests further and come up with a decision, and have a public hearing if needed as the next step. What is the timeline for VRC?
 - Lydia Parker: We are moving forward with plans for management on the west side; sign manufacturing, and trail improvements. We researched permits with the town and are OK permit wise. There will be a press release which will highlight that this property is being actively managed with an informational tone.

Amy Grover:

- What outlets are you going to use for the press release?
 - Lydia Parker: VPR, Seven Days, Bolton media channels, and the Bolton Gazette.

Tony Barbagallo:

- You don't want to do baseline counts before you start all that? Previously you stated you were not going to promote use, that's not what I'm hearing right here.
 - Lydia Parker: It's a fine line between staying in business and funding. The Potholes depend on it being better taken care by people who visit there and support our work in managing it. We don't have the funding to do the work; funding for the steward, funding for the future management. We are in a tricky place unless we get all of the grant funding we applied for.
 - Tony Barbagallo: So you need to promote the Potholes to fund the Potholes.
 - Lydia Parker: We will promote our role to actively manage a publically accessible place.
 - Tony Barbagallo: People will hear that as promoting the Potholes.
 - Lydia Parker: If you had a private landowner who needed support to fund management, the town would help. That landowner is me.

Mica Cassara:

- Planning all this for the upcoming season, when do you need town decisions?
 - Lydia Parker: Between now and the middle of May. If the town says "no" to everything, we will save thousands of dollars. If the town says "yes" to the signs, we will realize cost savings if the two sets of signs are manufactured at the same time.

Wendy Hoffman:

- Could we consider the signs in phase – the danger and rules, and wait on the welcome sign?
 - Lydia Parker: Yes, 100%, do what works for everyone. Wording doesn't have to say "Welcome" it can say "Information." And port-o-lets and signs are easily removed.
 - Virginia Haviland: It's not like the sign is going to be out on the road with an arrow directing people to the Potholes. It would be by the access point.
 - Tony Barbagallo: But it will be on the website.

Lydia Parker:

- I'm grateful for the opportunity to be here to discuss this all, and to carry out what is best for the town, the school, and the river.

Wendy Hoffman:

- We appreciate your honesty and for being so candid.

Mica Cassara asked if there were any additional comments or questions from the group. There were none. The majority of the folks present departed. Andrew Pond remained and joined the BSB in further discussion which included:

- The boundary line between the MMMUSD and the town; history, the legality of the town being able to purchase Smilie School for \$1, Article of Agreement revote, board vote.
- Promotion of the use of the Potholes, concern about a difficult situation getting worse.
- The difference between allowing parking and encouraging use, and that the parking MOU between the MMMUSD and VRC is in effect until September 2019.
- The obligation to provide emergency access to Smilie School.
- Concern about Smilie School redoing the sidewalks over the summer (access and vandalism).
- Town decisions and actions regarding the Potholes being seen as a hostile act toward the school district.
- A large concern that continues to grow – operating that school in that location, and town actions having a negative impact on the school.
- That the question of operating a school in this town is going to come up, and that decisions made by the town accumulatively are all arrows pointing in the wrong direction.
- Promotion of the Potholes is akin to the increase of use of the PPCA trails/area - word is “out,” there is no going back.
- All were moved by Carol Devlin’s comment regarding safety signs.
- Access points, placement of signs, and sign language, including Smilie School parking lot signage.
- Sign language regarding the rules may promote rules that don’t apply to town property – lack of understanding by the user on boundaries between the school/town/VRC.
- A possible addendum to the safety sign, noting/acknowledging that the “rules” are posted on the VRC/west side of the brook, and that the Potholes are privately owned.
- Property neighbors should help inform actions, potential for a hearing.
- Encourage the VRC to explore composting toilet options that could be placed on their property.
- After September 2019, allow parking in the Smilie School parking lot for building use/access only.

BSB Consensus:

Yes, to posting the danger sign, pending legal review.

No to placing port-o-let/s.

Reference the rules on the danger sign, or post an additional sign noting private ownership, location of the rules sign.

Formal vote to be held at the April 15, 2019 meeting.

5. **Closing:** Janet Metz made the motion “to adjourn the meeting.” Wendy Hoffman seconded. There was no further discussion. All were in favor and the motion passed (4-0) at 9:10 p.m.

Attest: Amy Grover, Clerk

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

April 15, 2019



Chair, For the Board