



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton VT 05676  
Select Board Remote Meeting Minutes  
May 4, 2020

Board members present remotely: Tony Barbagallo, Mica Cassara, Lynda DesLauriers, Wendy Hoffman, Janet Metz

Board members absent: none

Also present remotely: Lydia Menendez (VRC), Larry Lewack (Bolton PZA), Andrew Pond (MMUUSD), Clerk remote: Amy Grover

1. **The meeting was called to order at 6:04 p.m. by the Chair, Mica Cassara, with a quorum of 5 members present.**

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

Additions:

- Notch Road slope failure – discussion included:
  - To date there has been no response from FEMA (with regular asks) regarding the two repair plan options provided (inside the ROW, outside of ROW) for the Notch Road slope failure. FEMA PDM Kelli O’Brien has indicated the options are under FEMA’s legal review.
  - Amy Grover to contact PDM Kelli O’Brien regarding concerns with respect to additional washout and responsibility for those repair costs.
- Mill Brook Road berm issue: Discussion on how to best address run off in the vicinity of 221 Mill Brook Road, ongoing discussion since October 2019. Mica Cassara to circle back to Chris Dubin @ CCRPC.
- Sara Holbrook Parcel- Fiddlehead Harvesting:
  - Sharon Murray, Sara Holbrook Parcel Steward, sent an email to the BSB on May 4, 2020 expressing concern about the overharvesting of fiddlehead ferns on the parcel, noting that signage regarding both overharvesting/harvesting and trail closure (GMC Long Trail) was in place, asking if there were concerns shared, as expressed by Amy Grover, around additional volunteers to patrol (confrontation, safety, liability).

Discussion by the BSB included:

- There is currently a lack of an enforcement process, and not all members would be open to/supportive of drafting an ordinance.
- These are extraordinary times (due to COVID-19) and not a time to start taking extraordinary measures, including an increase in volunteer patrols, especially with respect to people who may be foraging for food for their families and/or trying to find additional/replacement income sources.
- Request that the Conservation Commission reach out to buyers and ask what steps they are taking/can start to take to confirm that the fiddleheads they purchase have been responsibly sourced and sustainably harvested.
- To be mindful of terminology chosen to describe harvesters.
- Consensus – it is close to the end of harvesting season, these are extraordinary times, take no further action, review next year.
- Reynolds Property 4123 Stage Road – Resident Complaints  
Discussion included:
  - PZA had requested clarification on enforcement from the BSB previously.

- Several complaints have been received by the PZA and BSB regarding recent activity on this parcel; an additional RV has been moved onto the property with water/sewer hookup and electrical service.
- There is a long history of zoning complaints and enforcement activity going back to 1989 regarding the burned-out house, abandoned and damaged mobile homes, blowing trash and debris, dozens of abandoned vehicles, failed septic system, contaminated well, concern about safety of families/children living on the parcel, and the negative impact to the neighbors.
- A couple appears to be living on the property and have indicated that they were going to purchase the property, were cleaning it up, and would be moving into a mobile home on the parcel.
- It was noted in person to the couple and via a phone call (no name) that it would behoove anyone interested in purchasing the property to understand the costs that could be associated with clean up, financing issues, and to be cautious around shouldering any clean up responsibility prior to a sale.
- Options to address the complaints include a zoning violation letter, noting that subsequent court action would come at a cost to the town, filing a complaint with the SOV re: salvage yard regulations. The last contact with the property owner appears to have been around 2007.
- Consensus for Larry Lewack, PZA, to draft an enforcement letter with a timeline included for action, including a timeline for a complaint to be filed with the State (suggested to allow for a week warning), and send to the BSB for review prior to sending to the property owner.
- Additional discussion on an ordinance requirement that would allow the PZA to write enforcement tickets, create a paper trail; strong consensus for the town to pursue. Larry Lewack to research model ordinances and provide to the BSB for review.

Deletions: none.

3. **Public Comment:** none.

4. **Recurring Business:**

- Minutes April 20, 2020: Janet Metz made the motion *“to approve the minutes of April 20, 2020 as presented.”* Mica Cassara seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Warrants: dispersed for review and signature by Mica Cassara.

5. **Appointments:**

1. 6:30 p.m. Lydia Menendez – VRC Potholes update:

Lydia Menendez noted that VRC wanted to touch base with the town to provide an update; to hear ongoing/new concerns, review 2020 plans for the stewardship position, parking, and continue communication with Smilie School.

Discussion included:

- Town concerns: no new issues, long history of concerns/issues.
- Stewardship for 2020:
  - Funding would be a 50/50 split between Richmond Land Trust/Conservation Commission for the Huntington Gorge, and AmeriCorps for the Potholes.
  - The Pothole Steward would be on site on VRC side (west) of the Potholes, 15-20 hours per week.
  - Duties include completing user surveys, gathering user behavior information, tallying the number of visitors, picking up trash, helping with parking, maintaining data on trail usage, and maintaining the management plan.
  - Noted: these are unprecedented times and it is not clear what the summer looks like with respect to the Potholes. “Option A:” the stay home order lifted, summer recreation is allowed, and the VRC will be able to staff the Potholes and maintain the public messages

around use, proper behavior, and etiquette. “Option B:” the stay home order is still in place, the closure is still in effect, enforcement would be nonexistent, there would be no steward on site.

Additional discussion noted that:

- AmeriCorps decision on funding with respect to COVID-19 restrictions is out of the VRC’s hands, VRC is happy to discuss the alternative of town funding.
  - Members of the BSB felt that it was more important to have the steward on site if closure of the Potholes remains in effect. Noted: the stewardship job has not been advertised to include the enforcement of closure.
  - Wait until after May 15 (current stay home stay/safe order expiration) for more conversations around closure.
  - Closing the Smilie School parking lot would impact mail delivery for the school and for the adjacent resident (mailboxes are located at the back of the parking lot), and impact emergency response to the school, and access to the dry hydrant in Joiner Brook at the back of the school (on town property).
  - Amy Grover noted that the closure appears to have very limited impact on the number of people visiting the Potholes as 75 – 100 people walked by her house to go to the Potholes in the course of 2 – 3 hours on Sunday, May 3rd, despite closure signage posted in five areas.
- VRC is planning for added signage, safety precautions.
  - With respect to the closure of the Huntington Gorge, VT Digger suggested visiting other popular swimming holes including the Potholes. Kudos to the VRC for getting that removed.
  - VRC would like both a Smilie School and a BSB representative to come together for another smaller conversation. VRC to connect with MMUUSD, Andrew Pond will also touch base with MMUUSD, with the recognition that it is not currently “business as usual” for the MMUUSD.

## 6. **Business & Action Items:**

- Appoint CCRPC PAC Representative and Alternate to Two Year Terms Ending June 30, 2022 – Joss Besse and Larry Lewack: Wendy Hoffman made the motion “to appoint Joss Besse as Representative and Larry Lewack as Alternate to the CCRPC Planning Advisory Committee for a two year term ending June 30, 2022.” Lynda DesLauriers seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- CPC – Review Charge, Review and Vote on Adoption of Draft Capital Improvement Policy, Capital Asset Schedule, Project Worksheet. Discussion included:
  - Review of the three documents (Draft Capital Improvement Policy, Capital Asset Schedule, Project Worksheet) sent by Sharon Murray, and the 2018 Charge and Membership document, overview provided by CPC member Tony Barbagallo.
  - Noted: CPC members have been re-appointed.
  - Janet Metz made the motion “to approve and adopt the CPC Charge and Membership document as amended, effective for two years, and to approve and adopt the Draft Capital Improvement Policy, Capital Asset Schedule, and Project Worksheet as amended, effective for two years.” Tony Barbagallo seconded. Brief discussion on annual review, invitation for a second BSB member to serve on the CPC. All were in favor and the motion passed (5-0).
- COVID-19:
  - Appointment of “Health Officer On Site” and Mandatory Training Due May 4, 2020 per Executive Order Addendum 11, 1. k. & l:
    - Mica Cassara made the motion “to appoint Cody Quenneville as interim Health Officer On Site for the Highway Department until Eric Andrews returns from vacation, and Amy

- Grover and Carol Devlin as Health Officers On Site for the Town Office.” Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- ¾ of Town Office staff have completed the mandated training. Mica Cassara has provided the training document to Highway Department to complete the training and required certification.
  - COVID Payroll: updated costs provided to the BSB.
  - Green Up Day May 30<sup>th</sup> Town Garage Staffing/BBQ:
    - Town Garage Staffing: Filled trash bags need to be brought to the town garage, and/or left on town highways for pickup, as always. Highway Department staff will need to be available at the town garage for drop off on May 30<sup>th</sup> and will follow all necessary safety precautions.
    - BBQ: Discussion on multiple safety concerns for a community BBQ, including lack of venue due to the closure of Smilie School and the Fire Station to non-members, food service touch points and concern on safe handling/preparation, social distancing. Consensus that the town cannot safely hold the 2020 BBQ due to COVID-19 safety concerns and restrictions. Amy Grover will post notice.
  - May Senior Dinner: Discussion included lack of venue due to the Fire Station being closed to non-members, food service touch points and concern on safe handling/preparation, social distancing for an at-risk population. Consensus that the May Senior dinner cannot safely be held, including dinner delivery, due to COVID-19 safety concerns and restrictions. Janet Metz to follow up with Senior Meal Coordinator Doris Wheelock.
  - Update Paving RFB: Notice posted on the Town website and published in Seven Days. John Choate sent RFB to Pike, Whitcomb, Ireland, ST Paving, Hutchins, receipt acknowledged. Bids due May 18<sup>th</sup>. Brief discussion on paving funding, scope of work, and concern about the process issue from draft to final RFB.
  - Executive Session – Employee Status: Janet Metz made the motion “to enter executive session under 1 V.S.A. § 313 (a) (1) (B).” Tony Barbagallo seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 8:16 p.m. Wendy Hoffman made the motion “to exit executive session.” Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 9:08 p.m. Decision made to hold a special meeting on Wednesday, May 6, 2020 at 6:30 p.m. Amy Grover will post notice as required.
7. **Adjournment:** Wendy Hoffman made the motion “to adjourn the meeting.” Mica Cassara seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 9:09 p.m.

Attest: Amy Grover, Clerk

*Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on May 18, 2020.*