



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Hybrid Meeting Minutes
September 20, 2021

Board members present: Mica Cassara, Lynda DesLauriers, Paula Gervia, Janet Metz (virtual), Andrew Pond

Board members absent: None

Also present: Naomi Hahr, Juliette Juillerat, Jeremy Knepper, Joe O'Brien (virtual)

Clerk: Amy Grover

1. **Call to order:** The meeting was called to order at 6:03 p.m. by the Chair, Mica Cassara with a quorum of 5 members present.
2. **Swearing In of New Board Member Paula Gervia:** Paula Gervia took and signed her Select Board oath of office.
3. **Additions or Deletions to the Agenda:**
Additions: None.
Deletions: None.
4. **Public Comment:** None.
5. **Communications:** None.
6. **Recurring Business:**
 - Minutes September 9, 2021, Public Hearing and Meeting: Lynda DesLauriers made the motion "to approve the minutes of the September 9, 2021, public hearing and September 9, 2021, meeting as presented." Andrew Pond seconded. There was no further discussion. All were in favor and the motion passed (5-0).
 - Warrants: Reviewed and signed.
7. **Business & Action Items:**
 - Designate Regional Emergency Management Committee (REMC) Points of Contact #2 & #3: Amy Grover noted an error in this agenda item, that it was a second appointee to the REMC. Brief discussion on the REMC and appointee parameters. Lynda DesLauriers made the motion "to appoint Amy Grover as the REMC second appointee." Mica Cassara seconded. There was no further discussion. All were in favor and the motion passed (5-0).
 - Review of Hybrid Meeting/Hybrid Meeting Equipment per July Decision to Revisit:
Discussion included:
 - Recent issues with Go to Meeting (a 3 second time lag with 3 second time lag echo to the virtual speaker), using Zoom for comparison.
 - Webcam microphone is not adequate to pick up voices in the entire room, virtual attendees have difficulty hearing all speakers.
 - Webcam camera is not adequate to show all participants in the room.
 - Brief discussion on whether there is the need to continue to provide a virtual option, which is heavily recommended by the state, and the need for an equipment upgrade possibly using ARPA funds.

- Consensus that like it or not, virtual is an option here to stay, continue to use and re-evaluate with input from tech savvy residents on equipment. The purchase of an OWL camera was suggested by Amy Grover and information was provided to Mica Cassara.
- Board Clerk Authority for Payment:
 - Paula Gervia will be resigning from her position as the CC and PC Board Clerk effective September 28, 2021, due to her appointment to the BSB.
 - Carol Devlin has offered to clerk for the Planning Commission in addition to the Energy Committee for board clerk wages.
 - Amy Grover has offered to clerk for the Conservation Commission in addition to the CPC for board clerk wages.
 - Paula Gervia made the motion *“to approve the payment of current board clerk hourly wages to Carol Devlin and Amy Grover (excluding the Select Board) for performing clerking duties for Town Boards/Commission/Committees.”* Lynda DesLauriers seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- FEMA Buyout Update: The email from David Rugh was reviewed. Discussion included Amy Grover following up on FEMA assurances with Stephanie Smith, and the application timeline for alternative funding. Noted: This application is approaching the two-year mark since submittal.

8. **Appointments:**

1. **6:30 p.m. Naomi Hahr – Appointment as Representative to the CCRPC.**

- Naomi Hahr stated her interest in serving and wanted to learn more about the function of being a representative.
- Amy Grover noted that she would provide Naomi Hahr with contact information for Joss Besse and information from CCRPC on the representative function.

2. **6:40 p.m. Jeremy Knepper, Juliette Juillerat – Energy Committee (EC): Solar RFP & Town Building Heat Pumps Discussion, Grant Receipt.**

Heat pumps and grant funding - Juliette Juillerat noted:

- The EC has been investigating heat pumps for 18 months, that an energy audit of Town Office and Fire Department recommended heat pumps to reduce fossil fuel consumption and a more efficient heating system.
- The Highway Department expressed an interest in heat pump/s for the new office/break room area at the Town Garage.
- Heat pumps might be a good option for all three buildings to offset propane consumption and costs which are in flux, and to align with goals of the state energy plan, shifting away from fossil fuels.
- The EC submitted a grant application and was awarded a \$2K grant toward heat pumps.
- With the addition of solar, the town might have free heat for all the town buildings.

Questions and discussion included:

- Lynda DesLauriers asked what runs heat pumps.
 - Juliette Juillerat noted heat pumps were 100% electrical, and the idea was to pair the heat pumps with solar to both heat and cool town buildings.
- Paula Gervia asked about the payoff timeframes for solar and heat pumps.

- Juliette Juillerat stated each heat pump was approximately \$3,500, there were different heat pump systems to consider, and with using the existing ducts in the Town Office, the quote was \$14K. A small ductless unit was less than \$5K.
 - Janet Metz stated the BSB needed documentation on costs, and how many years for a return on investment.
 - Juliette Juillerat stated that without solar, the return on investment would not look as good, and that the next step would be to investigate heat pumps.
 - Mica Cassara stated that he personally felt that reducing fossil fuels was a good thing, that the BSB needed to consider costs as the Town would be using taxpayer dollars, that he agreed with Janet Metz that the BSB needed to have documentation costs/payback periods, and asked if the Town could use ARPA funds.
 - Amy Grover stated she did not believe ARPA funds could be used and would double check.
 - Mica Cassara noted that the BSB cannot commit taxpayer dollars without sufficient financial information on which to base a decision.
 - Janet Metz asked if propane fuel would remain the backup fuel when temperatures were below the limits, noting that her home's heat pumps were not effective below 20 degrees.
 - Juliet Juillerat stated that yes, the Town would still need backup fuel, and would retain the propane system as backup.
 - Andrew Pond questioned utilizing a higher efficiency pump, noting some were effective to 30 degrees below zero.
 - Juliette Juillerat stated cold climate heat pumps would be used.
 - Brief group discussion on the layout and use of the Fire Department spaces, and that some of the heat would need to go to the truck bays.
 - Group consensus that cost estimates for heat pumps were the next step.
- Solar RFP – Jeremy Knepper noted:
- The EC was given approval by the BSB in April 2021 to draft an RFP for town solar, the EC is seeking approval to post the RFP, there was concern noted from the last BSB meeting that issuance of an RFP would be a commitment to purchase, and that it was not required that an RFP be awarded, based on language in the Town Procurement Policy.
 - There were different capacity levels, there would be additional electricity consumption with use of heat pumps, solar panels have a 25-year life span, financing would be about the same as current electricity payments for 10-15 years, with 50% of lifespan being a return on investment.
- Questions and discussion included:
- Paula Gervia asked about owning vs leasing solar panels.
 - Jeremy Knepper stated that was to be determined, there were different options.
 - Paula Gervia asked if solar panels could be installed as roof structures exist.
 - Jeremy Knepper stated the Town Garage standing seam roof was highly viable, that the Fire Station roof was viable, although the Town Garage was the best option, though the issues with the standing seam sliding down were

recognized, part of the RFP included an engineering assessment. The panels would add 2-3 lbs. of additional load per square foot.

- Janet Metz stated the during the last solar discussion it was made clear there was ongoing BSB discussion about replacing the Town Garage, but that a decision had not been made, and questioned if it made sense to move ahead with solar for a building with an undetermined future.
 - Brief group discussion on Irene’s impact to the Town Garage, if that was sufficient reason for a move, no current viable alternative site, the need to have a much more robust discussion on replacement especially with 2 new BSB members, to determine if this is an appropriate time to move an RFP forward, that garage replacement discussions had been occurring for years, and if that was sufficient reason to not move solar ahead. Noted: Solar panels could be moved.
- Jeremy Knepper stated the RFP was to assess the attractiveness of solar, that the RFP could be expanded to be inclusive of Fire Station to compare the two buildings, that the solar would need to be larger on the Fire Station because of the slight north face and not being as effective as the south facing Town Garage, that the town should move forward and see how the economics play through.
- Lynda DesLauriers asked if solar would actually be zero cost to the town.
 - Jeremy Knepper stated solar was the same cost as electricity at his home.
- Janet Metz stated she was concerned about the RFP language and asked why the EC was doing an RFP instead of an RFI, as the RFP envisioned the town making an award, the town was not ready to do so, and it was disingenuous to issue the RFP.
 - Juliette Juillerat stated the EC had issued a RFI last year with no response, that no companies were willing to spend their time to issue an RFI.
 - Jeremy Knepper stated the intent of sending out the RFP was meant to generate greater interest, to gain viable numbers to make a decision, that a local solar company was interested in providing an RFP, and a second iteration was needed to include the Fire Station.
 - Group discussion regarding the need for legal review regarding sending out an RFP with no intent to award a bid. Amy Grover will follow up.

3. 7:00 p.m. O’Brien Family: Request to Renew Temporary Right of Way on Stage Road Property – Discussion Only No Decision:

Joe O’Brien stated that:

- He had submitted a petition request for the BSB to renew the temporary 5 year right of way (ROW) to his parcel, requiring traveling 1000,’ off Stage Road, and that the BSB had issued the temporary ROW in 2016 which had expired September 7, 2021.
- He required access to his property to continue executing his 10-year forest management plan recorded in the town Land Records.
- He had previously received permission for 2 timber harvests in a 5-year period, and due to short winters, had only harvested a certain percentage of that. Marketable timber remained on property which he would like to have harvested.
- He had verbal consent from Julie Dion (current property owner of the former Joji Filmore parcel across which ROW access was needed), and that he would like to

have something in writing as he was expecting resistance and potential safety issues from other neighbors, as there had been 5 years ago.

- The ROW only crosses the property of Dion, Maureen Matthews has a deeded ROW over the road to access the back of her property.
- A Johnson Company has deeded access on the same ROW and had no issues with his ROW use.
- He would prefer to not take up the BSB's time with this matter.

Questions and discussion included:

- Paula Gervia inquired why the access request was for 5 years if the forest management plan had been written for 10 years.
 - Joe O'Brien stated that a 10-year plan was common practice and that he continued to consult with his forester, Scott Moreau.
- Mica Cassara asked if Mr. O'Brien was requesting continuation of logging operations.
 - Joe O'Brien noted yes that access was needed to execute his forest management plan, which included other aspects; maple syrup production, and hiking trail maintenance, and that 5 years ago his main interest was the commercial removal of marketable timber. There was still timber standing, but he was mostly interested in being able to go onto his property at his pleasure, with his truck and a chainsaw, to produce domestic firewood for his use; his main interest was firewood.
- Mica Cassara asked if it was correct that Mr. O'Brien had built a sugar shack on his property.
 - Joe O'Brien stated yes, the sugar shack was permitted by the town in February 2019 within the timeframe of the approved ROW.
- Andrew Pond noted that Mr. O'Brien was requesting that the BSB renew a ROW which was issued 5 years ago, and that the property owners had changed, and that the forest management plan stated that activities would be completed on or before 10/1/21, asked if there was an assessment of what has been done and what needs to be completed within the forest management plan, and if there were productive conversations with the Dions why Mr. O'Brien was asking the town to intercede.
 - Mr. O'Brien noted: There was work to be completed on the forest management plan, that he was coming to the BSB due to his experiences in the past 5 years where he and his family were personally targeted resulting in conflict and police involvement, which was dysfunctional and unnecessary. It was unsettling to enter his property legally through approval by the BSB and have to address negative, toxic, concerning, and aggressive behavior toward himself and his family. Although he had verbal permission for use of the ROW, he recognized the Dions may not continue to own the property and he wanted a guarantee of access.
- Lynda DesLauriers stated that if there were neighbor issues for the past 5 years, there was nothing that the town or BSB could do to repair that relationship; if permission was given for another 5-year ROW, nothing would be different.
 - Joe O'Brien stated he wanted a legal stance and piece of mind knowing that his access was legal.

- Paul Gervia noted that the Forest Management Plan stated in the map area 2 intermediate thinning was to be completed by 10/1/21, and that it would be helpful for the BSB to see what activities had been accomplished under the plan before rendering a decision to provide for checks and balances.
 - Mr. O'Brien stated there was a paper trail to show what had been accomplished and the date of 10/1/21 was the five years to complete 2 timber harvests which was aligned with the previous BSB decision.
- Mica Cassara read an email from the Town Attorney which stated that as the ROW had expired, and there were new property owners, best practice would be to start the logging road layout process anew pursuant to 19 V.S.A. § 958 and the procedure set out in 19 V.S.A. § 923, there was no authority in the statute to extend the length of time the ROW may be used.
- Amy Grover noted that the email from the Dions should be read into the record.
- Mica Cassara read the email from George and Julie Dion opposing the request to extend temporary right of way, and for the town to reject the request. Mica Cassara noted his confusion regarding the lack of alignment between the email content and what Mr. O'Brien reported as the Dions' verbal approval of ROW use.
 - Joe O'Brien stated he was confused and disappointed as well, that Julie Dion had walked the property with him and given verbal consent of use of the ROW.
 - Mica Cassara stated that given the conflicting views the BSB will need more information from the Dions, Ms. Matthews, and the A. Johnson Company.
 - Amy Grover stated all those parties were notified of the meeting, appointment time, and virtual access.
- Andrew Pond stated that the town attorney advised the BSB to go through the process with new property owners, the need to clarify the Dions' position, and to confirm that the process was necessary.
 - Joe O'Brien stated that the email from the Dions did not change the reason for him coming to the BSB, that he was formally requesting the BSB renew the ROW, that he would be happy to provide information on the forest management plan, and that his main interest was in domestic removal of firewood for his house. The property is landlocked, the BSB granted access 5 years ago when the former property owner wanted to deny access as well.
 - Amy Grover noted that as stated by the town attorney, there was no statutory vehicle for renewal, the process would have to start anew.
- Mica Cassara asked what period of access Mr. O'Brien was seeking.
 - Joe O'Brien stated 5 years, and that he wanted to remind the BSB he had paid \$814 in damages 5 years ago to cover the damages of 2 years of heavy machinery equipment, and if granted, and if the BSB felt damages were necessary for one commercial harvest, he would be willing to pay consistent with that previous number: ½ of that for \$407. If there was no commercial harvest, he did not feel he should be expected to pay for damages.
- Lynda DesLauriers asked if other possible access points were fully investigated 5 years ago.

- Mr. O'Brien stated yes, that there was no other reasonable access other than through the logging road, which had been on Bolton town maps for 100 years.
- Lynda DesLauriers noted that the other properties had deeded access and questioned why the O'Brien property did not.
 - Joe O'Brien stated that 50 years ago previous access was a "handshake agreement" with the Streeter family, that after the sale to Joji Filmore access became an issue. He would have been happy to purchase deeded access, or to complete a boundary adjustment, he had attempted to purchase deeded access rights from both Joji Filmore and the Dions, and both were unwilling, even although the road did not go through the heart of the property or where there might be development. He wanted access to his land, and to be a good neighbor and steward.
 - Lynda DesLauriers noted that maybe his offer was not financially sufficient.
- Andrew Pond stated that in reviewing the statute, the interested persons had changed, the ROW had expired, there were brand new questions, and that although that the BSB recognized and was appreciative of the history, between the changes and the recommendation from the town attorney it was not a simple question, it was a brand-new question with a brand-new process, notification, inspection, and decision. That may be unfortunate, but that is what it appeared to be.
- Joe O'Brien asked if the BSB had any suggestions for access.
 - Mica Cassara stated that Mr. O'Brien needed a formal agreement, not an informal agreement, and that it seemed his best option was an agreement with the Dions rather than all 3 of the property owners.
- Mica Cassara asked if there were any access options from the Richmond side.
 - Joe O'Brien stated that had been investigated 5 years ago, the topography was difficult and there was no other reasonable route.
- Mica Cassara stated the BSB needed more information from the Dions before continuing.
 - Joe O'Brien stated he would be diligent in providing whatever information the BSB needed and what the timeline would be.
 - Amy Grover noted the last process was 7 – 8 months.
- Joe O'Brien asked if the BSB could just renew the ROW.
 - Paula Gervia stated no, there was no statutory vehicle for renewal, it would be a new process.
- Joe O'Brien asked if extenuating circumstances could be considered.
 - Andrew Pond read 15 V.S.A. § 958 regarding the laying out of roads for removal of lumber.
- Joe O'Brien stated that if there was no other way than to go through he process again, he was formally requesting the process.
- Mica Cassara stated the BSB would discuss and be in touch re: next steps.
- BSB discussed timeline, process, circumstances, prior process, statute, forest management plans, the criteria for establishing necessity, and consensus to start the process.

9. **Adjournment:** Paula Gervia made the motion "to adjourn the meeting." Lynda DesLauriers seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 8:37 p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on: October 4, 2021.