



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

Board members present: Mica Cassara, (6:18 p.m.) Lynda DesLauriers, Paula Gervia, Janet Metz (virtual), Andrew Pond

Board members absent: None

Also present: Allison Smith; ERC (virtual), Tammi McGuriman; ERC (virtual), Regina Mahony; CCRPC, (virtual) Jon Ignatowski; PZA (virtual), Ed and Sue Ann Sinnamon; ERC (virtual)

Clerk: Amy Grover

1. **Call to order:** The meeting was called to order at 6:05 p.m. by the Vice Chair, Janet Metz with a quorum of 4 members present.
2. **Additions or Deletions to the Agenda:**
 - Additions: None.
 - Deletions: None.
3. **Public Comment:**

Andrew Pond provided information from the MMUUSD school board noting that:

 - The “Weighting Factor” study (which is complicated) committee is close to, or has submitted the final draft to legislature which may have a negative impact on Bolton.
 - MMUUSD considering changes to the annual meeting: shifting to Australian ballot vs. in-person, (unsure of implications to Town Clerks), and changing the date of the annual meeting which would change the date of the budget vote; unsure of amount of traction on this concept.
4. **Communications:** None.
5. **Recurring Business:**
 - Minutes December 6, 2021: Paula Gervia made the motion *“to approve the meeting minutes of December 6, 2021, as presented.”* Lynda DesLauriers seconded. There was no further discussion. All were in favor and the motion passed (4-0).
 - Warrants: Reviewed and signed.
 - Financial Reports: FY21/22 Audit Report, expense and revenue reports dispersed. Brief discussion on audit report, amount of uncommitted funds, no significant deficiencies or material weaknesses identified by the auditors.
6. **Business & Action Items:**
 - UPWP Solicitation: Brief review of solicitation and reminder that the BSB could submit an application, referencing memo provided by Chris Dubin for a more in-depth road inventory/study. Jon Ignatowski noted the PC is considering a smaller scope of assistance for amending regulations. The last request was the Bolton Valley master plan updates to the BLUDRs, which has been a significant project for all involved.
 - Town Meeting 2022, BSB Elections.
Town Meeting 2022:

- Clarification received from VLCT MAC Senior staff attorney Garrett Baxter, regarding potential to add a budget item as an Australian ballot item – not allowed unless the legislature enacts special legislation (i.e., 2021 Act 162).
- It seems extremely likely that the legislature will enact legislation ASAP once they convene in January 2022 to address pandemic safety concerns around Town Meetings.
- The BSB discussed the potential adjustments to Town Meeting 2022, and set the date of Wednesday, February 23, 2022, for a virtual public informational hearing if/as needed.
- Paula Gervia noted that she appreciated the legislature’s implementation of Town Meeting safety factors in 2021, but like many, would miss a second year of no in-person Town Meeting (still to be determined) and the associated depersonalization.

Select Board seats:

- Incumbent Janet Metz will be running for re-election - two-year term.
- Incumbent Andrew Pond will be running for his current appointed seat – one year remaining on a two-year term.
- Incumbent Paula Gervia will be running for her current appointed seat – two years remaining on a three-year term.
- Mica Cassara stated that he would not be seeking re-election, that he was honored to have served on the BSB for 4 years, appreciated the opportunity to give back to his community, and felt that with the current board makeup the BSB was in good hands. The BSB members expressed both their thanks and dismay.

- FY 22-23 Draft Budget – Full Review.

Discussion included:

- Allocation requests:
 - ✓ Waterbury Senior Center \$1,000.
 - ✓ Age Well \$200.
- Payroll – Amy Grover to run a 4% increase to see impact to draft budget.
- Highway Department Budget review:
 - ✓ Discussion, in general, of the condition of town roads, and how to approach a long-term plan, utilizing UPWP assistance for a consultant, how to provide support for the Highway Department, to review the CCRPC report more thoroughly.
 - ✓ Culvert costs: culvert timeline for replacement, review of culvert information, reduce culvert line item to \$6,000.
 - ✓ Tool line item: official request that the HD complete a tool and small equipment inventory for values above \$200. Reduce to tool line item to \$2,000.
 - ✓ Noted: Small equipment purchase includes the \$6K chloride machine.
 - ✓ Correct contracted services is \$14K, rental is \$19K.
 - ✓ Resurfacing: Discussion on needs and conditions, Amy Grover to check with Craig Deyo on Stage Road and costs for resurfacing. Potential to reduce resurfacing line item to \$100K, TBD.

7. **Appointments:**

1. 6:20 Jon Ignatowski – Sculpture 3500 Bolton Valley Access Road.

Jon Ignatowski noted:

- It has been an interesting process to address the anonymous complaint regarding the “tacky” (per the anonymous complaint) bears sitting on a chairlift seat, encroaching the town right of way (ROW) by approximately 5-8’.
- This is defined as a right of way issue, not a zoning issue.
- The bears sitting on the chairlift seat is identified as a sculpture, not a structure, which is art under the first amendment, protected from all zoning regulations, and not specifically addressed within the BLUDRs.
- Per state law all uses of a town ROW require town approval.
- The property owners are considering legal action against the town.
- The Highway Department has verbally indicated that the encroachment does not negatively impact road maintenance. A written letter stating such was requested.

Extensive group discussion included:

- Moving the sculpture, liability concerns for both the owner and town, responsibility of the BSB to approve uses of the ROW, process to address, permit requirements, waiver option.
- Andrew Pond made the motion “to direct the Town Clerk to send a letter to the property owner requesting that the property owner apply for the ROW use permit, and to waive all associated fees.” Janet Metz seconded. There was no further discussion. All were in favor and the motion passed (5-0).

2. 6:35 p.m. ERC representatives - ARPA funds process, formal request for \$200K ARPA allocation for Broadband.

Allison Smith and Tammy McGuriman noted:

- The ERC reviewed the major points of information provided to the BSB including that increasing broadband was identified as a goal in the Bolton Town Plan, the ERC had already received significant community support through surveys and line extension grant applications. (That information is on file with these minutes.)
- The ERC recognizes the tight timeline, and that the deadline of 1/15/22 for the grant application was set by the VT Community Broadband Board (VCBB), not the ERC.
- The ERC recognizes the financial significance of dedicating \$200K in ARPA funds to broadband.
- The ERC needs to furnish the town’s commitment letter by 1/3/22 and provided a draft letter for the BSB.
- Waitsfield Champlin Valley Telecom (WCVT) has been a strong partner, the town is fortunate to have the assistance of a local company, and WCVT is committed in bringing fiber to Bolton across the board.
- Funding competition will be stiff, and time is of the essence.

Group discussion included:

- There will be a funding commitment by WCVT, allocating \$200K in ARPA funds for those under or unserved provides a strong message of partnership and hopefully will help to garner additional funding from VCBB, WCVT will move forward with whatever funding is in hand, funding through the “infrastructure bill” is still uncertain, other potential projects for ARPA funding include land record digitization at approximately \$50K which would leave a balance of approximately \$100K for other projects, how much of Bolton has fiber, line extension grants on the Bolton Valley Access and Stage Roads, needs have shifted with the pandemic, impact to real estate sales, the timeline for completion 1.5 – 2 years.

- Regina Mahony noted that it was not a clean-cut application process with a certain percentage of match required, confirmed that VCBB funds are tight and that the town commitment of ARPA funding will be looked at very favorably.
 - Paula Gervia made the motion “to approve that \$200K of ARPA funds be allocated to the Bolton fiber installation project.” Andrew Pond seconded. There was no further discussion. All were in favor and the motion passed (4-0).
 - Amy Grover to follow up with providing the signed letter on town letterhead to the ERC.
 - The BSB expressed thanks to Deb Shelby and all the ERC on the town’s behalf.
8. **Adjournment:** Paula Gervia 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 8:17 p.m. p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on January 3, 2022.