

Final Minutes
SELECTBOARD, TOWN OF PAWLET
June 5, 2018
7:00 pm at Pawlet Town Hall
Regular Meeting

Members in Attendance:

Bob Jones
Mike Beecher
Ed Cleveland
Chuck Weeden
John Malcolm

Others in Attendance:

Kristin Powers
Daniel S. Banyai
Rebecca Hulett
Beth Moser-Duquette
Valerie Davis
Gary Hadeka
Anne Hadeka
Darren Godette
Raymond R. Duquette Sr.
Keith Mason
Michelle Tilander
Paul Tilander
John Davis
Gardiner Charlton
Linda Charlton
Rita Robson
Eli-Anita Normal
Alison Achor
Karen Folger
Joni Lee
Frank Nelson
Ken Norman

EVENT

1. Call to order at 7:06 pm
2. Addition or Deletion of Agenda Items
 - a. Additions: None
 - b. Deletions: None
 - c. Addendum: Postpone the beginning of the conversation re:
Tactical Shooting Range with Residents of Briar Hill/Warren Switch until Mr. John Thrasher's arrival. Board to continue with other agenda items until then.
3. Introduction of those present by chairperson
4. Approval of minutes from previous meeting
 - a. Motion to accept the Minutes of May 22, 2018 with no edits made.
 - Mover: Chuck Weeden
 - 2nd: John Malcolm
 - Discussion: No further discussion therefore the minutes are approved (unanimous).
5. Appearances by local citizens and visitors.
 - Conversation began at 7:40pm.
 - Mr. Duquette Sr., on behalf of the Briar Hill/Warren Switch group, began by clarifying that the group is contesting the use of Mr. Banyai's property to operate multiple businesses, including multiple shooting ranges and an alleged security company. He continued by reiterating that there appears to be improper permitting in place, and acknowledged that permits were resubmitted on 6/4/2018. He stated, however these permits solely cover the school building, not the two shooting ranges. Permit application submitted on 6/4/2018 also did not include sketch plans, suggesting lack of compliance.
 - The group informed the board that they have contacted Act 250 and has hired an attorney to represent their concerns.
 - Mr. Duquette Sr. continued by requesting support from the town officers regarding their concerns, including the protection of property values, quality of life, etc. along with the immediate termination of Mr. Mach due to conflict of interest.
 - Mr. Thrasher addressed the group:
 - Mr. Thrasher highlighted the importance of understanding the procedures of the town. Explained that folks with

concerns have 7 days to contest permit applications. Once application is denied or approved, the townspeople have a period of time to appeal a decision to the DRB by following the statute. This includes the permit application. There is a pending appeal for the DRB's decision made in April in front of the Environmental Court. Continued to state that the town has fulfilled their role of alerting interested parties for what is necessary.

- Regarding the removal of the Zoning Administrator, Mr. Thrasher reminded the group that the current Zoning Administrator is retiring as of July 1, 2018. The process of posting the position is in the works. Mr. Thrasher suggested that the removal of the current Zoning Administrator from the position may be a disadvantage to the town.
- Mr. Davis suggested that the new Zoning Administrator be overseen by the Planning Commission. Mr. Duquette Sr. supported this and continued by suggesting that we no longer have a Zoning Administrator position and allow the Select Board to fulfill the Zoning Administrator role.
- Mr. Thrasher stated that the removal of the Zoning Administrator position is not possible due to the way the statutes are set up. Fines are set by the Select Board, not the Zoning Administrator. The Zoning Administrator must be its own entity, the Select Board cannot serve this role.
- Ms. Duquette asked Mr. Thrasher what his view of the use of Mr. Banyai's property includes. Mr. Thrasher stated that his knowledge of the activity at aforementioned property is strictly based on what has been shared by Mr. Banyai and the townspeople, therefore based on interpretation. He stated that if decisions are made that are not agreeable, there must be appeals made to the DRB, from there things may be escalated to Environmental Court. There is nothing in the bylaws stating that a shooting range is forbidden. At this point, Mr. Mach still needs to establish a decision and the group has not yet been to the DRB for their current, specific concerns. The only issue which has been discussed with the DRB has been regarding the driveway.

The decision made by the DRB regarding the driveway has now been escalated to the Environmental Court.

- Ms. Duquette read from Section 5, Article 4 of the bylaws, asking for Mr. Thrasher's response. Mr. Thrasher shared that the excerpt states that no zoning permit is required for hunting, fishing or trapping, but a firing range cannot be set up and claimed as hunting, fishing or trapping. Requests need to be made to the Zoning Administrator regarding interpretations of zoning regulations. The group needs to ask the Zoning Administrator for the appropriate interpretation of the bylaw.
- The Board initiated discussion with Mr. Thrasher regarding next steps regarding this topic. Mr. Thrasher shared that there has been an appeal for the DRB's most recent decision regarding the driveway, which has been elevated to Environmental Court. The Board may decide on how actively they would like to be involved in the litigation. There is no requirement for the Select Board to participate in Environmental Court. Continued by sharing that this is a unique situation because of the way in which the appeal process was taken place.
- Mr. Weeden wondered whether or not the Select Board is included in the court appeals. Mr. Thrasher stated that they are not.
- Ms. Duquette read from the Zoning Administrator's letter, which stated that a tactical shooting range requires three permits. These are mentioned in the Minutes from May 8, 2018.
- Mr. Beecher opened the floor up for additional questions/ comments before moving along to Item 6 on the Agenda.

6. Announcements - None

7. Reports:

a. Zoning Administrator's Report –

· Mr. Mach was not present at the meeting.

b. Road Foreman's Report –

· Mr. Mason inquired about the garden located at the gallery property behind the Pawlet Post Office.

• The Board Assistant and Mr. Mason will investigate last year's letter regarding expansion issues and will write another letter for this year.

- Roads crew will begin work on Pawlet/Rupert Mtn. Road this upcoming week with some help from Rupert Roads Crew.
 - Dust control tanks have arrived and some work has begun with those. So far, work has been of benefit.
 - New Town Road's employee began this week and all is well thus far. Orientation has been completed.
 - Roads Crew attended to an emergency call for the Town of Wells to assist with broken equipment.
 - Roads Crew will be working with existing grants for summer work, in addition to miscellaneous other projects which will work towards town improvements.
 - The Board signed the document indicating intent to participate in Municipal Roads Grants program FY19. Letter to be returned to the state by June 22, 2018.
 - Roads Crew responded to an excessive speeding complaint on the Saw Mill Road. Trimmed out speed limit signs and ensured they were current in an effort to highlight speed limit.
 - Discussion re: paving proposals. Mr. Mason to put together timelines (anticipating early September 2018) and proposals for next meeting.
 - Mr. Jones mentions necessary brush cutting on River Road. Mr. Mason is aware.
 - All equipment is in good condition.
- c. Assessor Report-
- Ms. Folger expresses hope to lodge the Grand List by Monday, June 11, 2018, pending no excessive grieving.
 - Due to the fact that Ms. Wright is new to town, she anticipates making a visit to every property who submits a grievance.
 - Further discussions to be had regarding Ms. Folger's position for FY19 at the end of the meeting.
- d. Emergency Management Director's Report- Reviewed on 6/5/18
- e. Public Health Officer's Report- Reviewed on 6/5/18.
- Ms. Duquette has reported that the DEC has left the oil collection containers on the renter's property. A request has been made for Mr. Morlino to contact DEC to request removal of the containers.
 - Addendum: Upon further investigation, the drums and other equipment were removed by the contractor during the day of June 5th.
- f. Town Clerk's Memo –
- The Board was provided with copies of the VLCT Model Rules of Procedure for Municipal Boards, Committees and Commissions.

- The Board addressed the front porch and will be investigating local carpenters.
 - Mr. Jones spoke to the issue regarding the inability to reach Mr. Ricard. Mr. Jones followed up with the concern of an animal located on Rte 133 who appeared to not have proper care (lack of food, water, etc.). Mr. Jones has spoken with the animal's owner.
 - Blue Flame has been approved to follow through with cleaning.
- g. Town Treasurer's Memo
- The board reviewed the Treasurer's memo.
 - The board signed checks.
 - Review of warrants
 1. Motion to approve the warrants
 2. Mover: Bob Jones
 3. Second: Chuck Weeden
 4. Discussion: None
 5. Result: Approved (Unanimous)
 - The board appreciated the name tags provided. Will continue to utilize paper name tags and will ensure clear introduction at the beginning of each meeting.
- h. WWTF- Mr. Beecher briefed the board that the RBC unit is scheduled to be rebuilt on June 19, 2018.
- A discussion was had with Key Equipment regarding new parts. Key Equipment shares willingness to contribute funds to make up for Pawlet's expenditures. Mr. Beecher expressed disappointment with Key Equipment's parts and their lack of ability to correct their mishaps.
 - Once new RBC unit is rebuilt, there is a hope to have Tom Foster come in to help further equipment rebuild.
 - Both Paul and Jeff are under the mutual understanding that the clarifiers are inadequate.
8. Old or unfinished business –
- Mr. Weeden asks Mr. Thrasher for an update for Slag Pile sale. Mr. Thrasher shares his attempts to negotiate a settlement, but has not received clear responses from some folks involved. He is waiting to hear back from attorneys of two parties impacted regarding settlement proposals. Shares that there is unrest due to things moving slowly. At this point, the town needs to resolve via litigation or a settlement needs to be agreed upon. Mr. Thrasher suggests that a settlement be reached as opposed to litigation due to financial benefit.

- Mr. Jones asks Mr. Thrasher to clarify whether Pawlet is considered a 10-acre town or 1-acre town. Mr. Thrasher has spoken with Mr. Burke and Mr. Burke has shared that there are some requirements regarding street layouts and streetlights in order to be considered as a 10-acre town as opposed to a 1-acre town. Mr. Thrasher made a presentation to the Planning Commission and has done some research as to how we could adopt certain language that would bring Pawlet closer to meeting the qualifications.

9. New Business – None.

10. The board enters Executive Session to discuss personnel information regarding the Assessor Assistant Position at 8:23pm.

a. Motion to exit executive session with no decisions made at 9:18pm.

- Motion to hire Ms. Folger as Assistant Assessor at rates discussed for FY19.

- Mover: John Malcolm

- 2nd: Bob Jones

- Approved: Unanimous

11. Motion made to Adjourn at 9:21pm

Result: Approved [Unanimous]

Mover: Mr. Cleveland

Second: Mr. Weeden

Discussion: None