

Final Minutes
SELECTBOARD, TOWN OF PAWLET
May 22, 2018
7:00 pm at Pawlet Town Hall Auditorium
Regular Meeting

Members in Attendance:

Bob Jones
Mike Beecher
Ed Cleveland
Chuck Weeden
John Malcolm

Others in Attendance:

Kristin Powers
Jackie Vallerie
Ed Vallerie
Darren Godette
Eli-Anita Norman
Judy Lake
Ken Norman
Daniel S. Banyai
Lisa Roberts
Gary Hadeka
Anne Hadeka
Bruce Hulett
Rebecca Hulett
Chad Paustian
Dolores C. Luebke
Scott McChesney
Linda Charlton
Gardiner Charlong
Amy Murphy
Keith Mason
Michelle Tilander
Ray Duquette Sr.
Beth Duquette
Frank Nelson
John Davis
Val Davis
Benjamin Tarbell
Mandy Hulett
Rich Hulett

Eric Mach
Karen Folger

EVENT

1. Call to order at 7:03 pm
2. Addition or Deletion of Agenda Items
 - a. Additions: None
 - b. Old Business: None.
 - c. Deletions: None
3. Introduction of those present by chairperson
4. Approval of minutes from previous meeting
 - a. Motion to accept the Minutes of April 24, 2018 with edits made to second motion of Item 5, Section C.
 - Mover: Chuck Weeden
 - 2nd: John Malcolm
 - Discussion: No further discussion therefore the minutes are approved (unanimous).
5. Appearances by local citizens and visitors.
 - a. Mr. Ray Duquette Sr. spoke on behalf of friends and neighbors representing the Briar Hill and Warren Switch group regarding the Tactical Shooting Range.
 - Mr. Beecher addressed the group, following up on conversations from the meeting on 5/8/18, reporting his understanding that Mr. Mach has been in touch with owners of the Shooting Range regarding permit follow-up.
 - Mr. Duquette Sr. presented a petition to the board with 153 signatures on it opposing the Tactical Shooting Range.
 - Ms. Anne Hadeka requested a better understanding of how to adjust bylaws. She suggested that the term "school" to be put into permitted use rather than conditional use. She also suggested to add definition of, "tactical shooting facility", to the bylaws, requesting that the added presence of a building be included in said change. Inquired about a certified letter that should be presented to the property owner via John Thrasher. She expressed that the town is not backing this group by providing additional help.
 - Mr. Beecher responded by stating that Mr. Thrasher informed the board that due to the power and regulations of the town, they do not have the power to address this issue to its fullest requirements. Mr. Thrasher's recommended course of action was for the townspeople to contact and alert the State Planning Commission (Act 250) who will best be able to respond to the situation at hand.
 - Mr. Duquette Sr. informed the board that Mr. Mach denied his request on May 9th to warn a meeting to iron out the wording of the zoning ordinances.
 - Mr. Mach responded by stating that the established meeting scheduled for May 30, 2018 already has an agenda in place, but the Briar Hill Group can be added at the time of the meeting.

- Mr. Beecher asked Mr. Mach whether or not a written letter had been presented to the shooting range owners? Mr. Mach responded by stating that it has not due to a conversation he had with the owners, giving them the opportunity to make things right [by filing the proper permits] before issuing a formal letter. Mr. Mach stated that he will do what is necessary if the board requests swift action from him.

- Mr. Weeden asked if there has been a resubmission of required permits on shooting range property. Mr. Mach responded, stating that there has not been yet been a resubmission, but a dialogue has been had between himself and the property owner of the tactical shooting range, Mr. Banyai. Despite the lack of permitting, work continues on range property.

- Mr. Weeden asked Mr. Banyai if he plans to resubmit the proper paperwork and Mr. Banyai responded, stating that he has hired a few attorneys whom will be in touch with Mr. Thrasher on Monday, 5/28/18.

- Motion to have Mr. Mach to supply a formal notice of violation to Mr. Daniel Banyai..

- a. Mover: Chuck Weeden

- b. 2nd: Mr. Cleveland

- c. Discussion: None

- d. Approved: Unanimous

- Mr. Duquette Sr. requested Mr. Beecher read bylaw violation document Ch. 117 subsection 4451 aloud to the room. Mr. Beecher complied.

- Mr. Scott McChesney inquired as to whether or not the shooting range requires an Act 250 permit being a commercial lot (specifically re: maintaining wellbeing of the neighborhood). Also stated his understanding that it is the priority of the Selectboard to ensure the safety of our residents, leading to the desire to gain an understanding of whether or not the board can modify ordinances as they see fit to maintain safety. Neighbors informed Mr. McChesney following his questions that the state and Act 250 are involved.

- Ms. Michelle Tilander thanked Mr. Ray Duquette Sr. for being the spokesperson and ensures that he does not stand alone and that this group stands together on their views towards this issue.

- Mr. Duquette Sr. thanked the board and reiterated the primary concerns of the group: a potential decrease property value, safety of the residents and peace of the neighborhood.

- Mr. Beecher shared his compassion about the concerns, stating that there are guidelines that need to be worked through and followed throughout this process.

- Mr. Benjamin Tarbell informed the group that the Town of Pawlet is still a 1-acre town in the eyes of the state. Bill Burke has reported that the paperwork required to turn Pawlet to 10-acre town is not in place and that anyone operating by understanding that Pawlet is currently a 10-acre town is open to fines.

- Ms. Mandy Hulett expressed concern regarding the lack of efficiency when solving pressing town issues, possibly due to a lack of clear understanding of policies and proper course of action when they reach violation status. There was frustration over lack of consistency and lack of written policies.

- Mr. Mason stated that in order to establish deeper clarification, the Town of Pawlet will need to have much more thorough unified bylaws. Ultimately these larger issues need to be brought to the state rather than pressuring the Selectboard Members.
 - Mr. Beecher explained that the purpose of the Selectboard is to enforce the laws that are already set forth (i.e. zoning laws).
 - Mr. Mason supported this, stating that the town currently does not have much authority to move forward based on the lack of permitting in place from Mr. Banyai. So long as Mr. Banyai maintains an open dialogue with Mr. Mach, he has a right to do what he's doing. Mr. Mason shared his belief that the board has fulfilled their obligation with what they are able to work with thus far.
 - Mr. Scott McChesney inquired as to whether or not it is an operating range.
 - Mr. Banyai addressed the group. He began by stating that it is not a range and that he will move forward with proper next steps as of Monday 5/28/18. He also shared his intention to provide full transparency and the importance of safety. He welcomed townspeople to contact him to see what is happening on his property for themselves so decisions can be made based on fact rather than fallacy.
 - Ms. Hadeka inquired about clearing taking place is on her side of the property line. Mr. Beecher directs question to Mr. Banyai.
 - Mr. Banyai replied, stating that to his knowledge all work is happening on his side of the line.
 - Ms. Dolores Luebke stated that the property abutters have not been notified about continued work to Mr. Banyai's property. She also shared her support for procedural clarification for the public as these issues surface. She inquired about where paperwork goes after it is turned into the zoning administrator.
 - Mr. Mason shared that procedurally, papers [permits, etc.] go to DRB. In this specific case, permits, etc. have been submitted to DRB. Permits posted have a 14-day rebuttal period once they are filed.
 - Mr. Ray Duquette Sr. asked Mr. Mach to notify him when other applications are submitted. Also expressed concern over the fact that a site plan was never provided.
 - Mr. John Davis expressed concern about the noise. 10 shooters each with 100 rounds results in a disturbance which infringes in the state of peace in the neighborhood.
 - Mr. Nelson reminds the group of the DRB hearing on May 30, 2018, which will also discuss another parcel in debate.
 - Mr. Darren Godette inquired about what can be done in the future to avoid this and to put in place better checks and balances. Mr. Beecher recommended that folks directly contact the Planning Commission.
 - Mr. Ray Duquette Sr. thanked the board on behalf of the group.
6. Announcements - None
7. Reports:
- a. Zoning Administrator's Report –

- Mr. Mach reported one new notice of violation. No updates from DRB regarding Mr. Perhan's property on Maple Grove. To be discussed further in the meeting scheduled for 5/30/18.
- A few small permits have come in for horse runs and shelters. Permits have been issued. Usually horse shelters would be agricultural use, unless they're used as a part of income. Moving forward, all horse use aside from agricultural will need permit.
- b. Road Foreman's Report –
 - Mr. Mason reported that all is moving along well. Raking, sweeping have been completed.
 - Board inquired as to how much more grading is left. Mr. Mason reported that they are waiting on dust control, but we are in decent shape.
 - Right after the 1st of June there will be more to come on the Rupert Mountain project. Plan is to be done by 1st of July, moving on to culverts from there.
 - Town of Pawlet will be working with Rupert for some projects.
 - Dust control should be seen this coming week.
 - Mr. Mason to work with Ms. Powers on upcoming grants.
- c. Assessor Report-
 - State granted extension to file Grand List for FY18. Giving Town of Pawlet an extra 30 days. Grand List expected to be completed beginning of July. Hoping for completion earlier than later to keep tax bills on schedule.
 - Office Hours are 10:00am-1:00pm on Mondays.
 - Appointments can be made to meet at different times.
 - Transition overall seems to be going well. Ms. Wright and Ms. Folger work well together and their complementary knowledge helps to cover all bases.
 - Ms. Folger to inquire about education for Assessors/Listers.
- d. Emergency Management Director's Report- Reviewed on 5/8.
- e. Public Health Officer's Report- Reviewed on 5/8.
- f. Town Clerk's Memo –
 - The board reviewed the Town Clerk's Memo.
 - Mr. Beecher signed the Town Health Officer Recommendation Form.
 - The Board discussed the Certificate of Liability Insurance from Lisa Wright.
- Town Offices will be closed Monday, May 28, 2018 in observance of Memorial Day.
 - Mr. Beecher signed Town Hall Auditorium Rental Contracts. Elizabeth Gibson and Kristin Powers have access to electronic town calendar. Ms. Powers has added all approved events to the electronic calendar. Also to be added to physical calendar in the Town Hall.
- g. Town Treasurer's Memo
 - The board reviewed the Treasurer's memo.
 - The board signed checks.
 - The board reviewed the Blue Flame Contracts for 2018-19.
 1. Motion to sign Blue Flame Contracts.
 2. Mover: Chuck Weeden

3. Second: John Malcolm
4. In Favor: Bob Jones, John Malcolm, Chuck Weeden
5. Opposed: Ed Cleveland
6. Approved (3-1)
7. Addendum: Motion to sign Blue Flame Contract for locked-in, fixed price of \$2.529.
8. Approved.
 - Review of warrants
 1. Motion to approve the warrants
 2. Mover: Ed Cleveland
 3. Second: Bob Jones
 4. Discussion: None
 5. Result: Approved (Unanimous)
 - The board discussed the delinquent wastewater tax list.
 - The board reviewed a letter from Efficiency Vermont regarding free energy assessments now available for businesses located in Pawlet. The board would like to alert business owners in the town of this free assessment opportunity through Efficiency Vermont. Interested parties should call 855-317-2254.
 - h. WWTF- Mr. Beecher briefed the board on the WWTF repair updates. More tests are being done to determine what can be done to yield improvement. Tests show that we are in compliance.
8. Old or unfinished business – None.
9. New Business –
 - a. Mr. Mach inquired as to status of Zoning Administrator position. Selectboard Assistant to connect with Town Clerk regarding job posting.
 - b. Mr. Nelson provided the board with a historic notice from the Planning Commission regarding adjustments to bylaws.
 - c. The board reviewed FYIs regarding three solar arrays.
10. The board enters Executive Session to discuss personnel information regarding the Lister Position at 8:59pm.
 - a. Motion to exit executive session with no decisions made at 9:39pm.
 - Mover: Bob Jones
 - 2nd: Ed Cleveland
 - Approved: Unanimous
11. Motion made to Adjourn at 9:45pm
 - Mover: Mr. Cleveland
 - Second: Mr. Weeden
 - Discussion: None
 - Result: Approved (Unanimous)