

Final Minutes
SELECTBOARD, TOWN OF PAWLET
July 31, 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
Frank Nelson
Dolores Luebke
Jay Luebke
Ray Duquette Sr.
Keith Mason
Robert Morlino
Michelle Tilander
Paul Tilander
Zach Fuller
Tom Fuller
James Dunn
Anne Marie Maiello
Valerie Davis
John Davis
Gary Hadeka
Harry Van Meter
John Thrasher
Ken Norman
Lucy Norman
Eli Norman

EVENT

1. Call to order at 7:04 pm
2. Addition or Deletion of Agenda Items
 - a. Additions: Add Robert Morlino to discuss Hazard Mitigation Plan. Add John Thrasher to discuss Pending Legal Matters. Move Paving Bids to beginning of the meeting.
 - b. Deletions: None
3. Introduction of those present by chairperson
4. Approval of minutes from previous meeting
 - A. Motion to accept the Minutes of July 17, 2018 with no additions or corrections.
 - Mover: Chuck Weeden
 - 2nd: John Malcolm
 - Discussion: No further discussion therefore the minutes are approved (unanimous).
 - B. Motion to accept the Minutes of Special Meeting on July 23, 2018 with no additions or corrections.
 - Motion: John Malcolm
 - Discussion: None
 - Result: Approved (unanimous)
5. Appearances by local citizens and visitors.
 - A. Paving Bids for East and West projects - Mr. Weeden shared paving bids submitted by Fuller Sand & Gravel and Wilk Paving Incorporated.
 - Motion made to discuss budget information with Town Treasurer prior to making a decision on which paving bid to accept.
 - Mover: Ed Cleveland
 - Discussion: None
 - Result: Approved (unanimous)
 - B. Harry Van Meter - Reported that the Planning Commission had been tasked with making an addition within the by-laws to the definition of the word, "school." The Planning Commission submitted the proposed addition to the Board, which will be discussed later in the meeting.

- C. Anne Marie Maiello & James Dunn - Submitted a letter to the Select Board in response to a letter written to them from the Board regarding their garden. In order to ensure that the Board members are able to take time to read the letter thoroughly, the town requested that, if available, Mr. Maiello and Ms. Dunn attend the next meeting on 8/14/18. Addendum: Ms. Powers has added Ms. Maiello and Mr. Dunn to the agenda.
 - D. Robert Morlino - Presented the Town of Pawlet Local Hazard Mitigation Plan. The plan contains information about our community's background, potential hazards, risk inventory, strategy to mitigate hazards, potential actions we may take as a town, and how to maintain the plan. The Local Hazard Mitigation plan needs to be adopted every five years, with signatures from the Board and the Town Clerk. The plan has already been approved by VT Emergency Management and FEMA. The Board signed the plan, and was returned to Town Clerk, Deb Hawkins, for her signature. Mr. Morlino will pick up the plan from Ms. Hawkins.
 - E. Jay Luebke - Shared his gratitude to Bob Morlino for accomplishing a sustainable and effective emergency management system throughout the town of Pawlet and West Pawlet.
6. Announcements - The Select Board Assistant computer appears to be irreparable. The Board granted permission for Ms. Powers to proceed with purchasing a new computer.
7. Reports:
- A. Zoning Administrator's Report:
 - Mr. Van Meter, sitting in for Mr. Mach, submitted a list of recommendations for Zoning Administrator applicants on behalf of the Planning Commission. The Board decided to discuss the candidates during an Executive Session at the end of the meeting. Mr. Van Meter also submitted a recommendation from the Pawlet Planning Commission to the Pawlet Select Board regarding the addition to the Unified By-laws, Article XVI. Definitions: School. Mr. Van Meter and the Board mutually agreed to have John Thrasher review this proposed addition prior to making any decisions.
 - B. Road Foreman's Report:

- Mr. Mason shared details regarding and upcoming deadline for a VTrans Stormwater Mitigation permit. Essentially, the Town of Pawlet will need to file for a permit ensuring that the town's roads are maintained to the state's standards. It is anticipated that by the next meeting (8/14/18), we will have confirmed details on further steps.
 - Current culvert projects are not progressing as originally anticipated. An unforeseen wetlands issue postponed work on the culverts. However, Mr. Mason shared the opportunity to do work with the excavator in the gravel pits in preparation for Winter while we wait for culvert work to progress. Mr. Mason will keep the Board updated as planning and scheduling progresses on the current culvert project.
 - Mr. Mason shares the need to complete a Certificate of Compliance regarding the paving project on Pawlet/Rupert Mtn. Road. Currently awaiting an update to come from Patrick Wilson (VTrans). At this point, there is still a need to decide what will be put down on the remainder of the road (gravel, sure pack, etc.).
 - Mr. Van Meter inquired as to whether or not the current state of the Pawlet/Rupert Mtn. Road will get us through the Winter. Mr. Mason replied stating it would be best to top dress prior to Winter months.
 - In regards to a call from Mr. Jennings, Mr. Beecher and Mr. Malcolm discussed with Mr. Mason of maintaining and operating local class four roads. Mr. Mason shared that gates at the entrance/exit of said roads may exist but cannot be locked due to the fact that it is a public way. Mr. Thrasher shared that the town does not have any obligation to maintain a class 4 road, though the class 4 road does still classify as a public roadway and agreed that access may not be locked. Mr. Beecher to help determine the best way to get a key to Mr. Jennings.
- C. Assessor Report: No Assessor Report at this meeting.
- D. Emergency Management Director's Report- Reviewed on 7/3/18
- E. Public Health Officer's Report- Reviewed on 7/3/18.
- F. Town Clerk's Memo:
- The Board reviewed the Town Clerk's Memo.
 - Re: PEG-TV: Mr. Weeden shared his opinion, being to not have Select Board meetings filmed. Mr. Cleveland shared that

sentiment. Mr. Malcolm disagreed, stating that the filming of the meetings is of benefit to community members. Mr. Weeden asked the audience whether or not they watch PEG-TV, to which the response was no, primarily because Pawlet is not featured.

- Motion to not have PEG-TV film Pawlet Select Board meetings.
 - Discussion: Resulted in a vote, tied 2-2. The Select Board Chair broke the tie stating, Nay.
 - Result: PEG-TV Not Approved to film Select Board meetings (3-2)
 - Motion to approve the Assessor's Errors & Omissions.
 - Mover: Bob Jones
 - 2nd: John Malcolm
 - Discussion: None
 - Result: Approved (unanimous)
 - The Board reviewed the note from Wade Masure Sr. and will forward copy to Mr. Mason
 - The Board signed the Hazard Mitigation Plan Adoption and Rental Contract for Town Hall Auditorium.
 - The Board reviewed the letter from John Thrasher to Mr. Banyai.
 - The Board reviewed the citizen complaint about the hazard of the rotting wood in the Town Hall. The town is currently awaiting availability of the contractor.
- G. Town Treasurer's Memo:
- The Board reviewed the Treasurer's memo.
 - Motion to accept the finalized Tax Rate for 2019. The finalized tax rate has been set as follows: Residential Rate \$1.8618 and Non-Residential Rate \$2.1057.
 - Mover: Chuck Weeden
 - 2nd: Bob Jones
 - Discussion: None
 - Result: Approved (unanimous)
 - The Board reviewed inquiries regarding WWTF from John Mudgett. Mr. Beecher stated that there was intent to receive reimbursement from Key Process for several costs. At this point, there are no plans for additional work to be done to the plant.
 - The Board signed checks.
 - The Board reviewed the warrants
 1. Motion to approve the warrants
 2. Mover: John Malcolm

3. Second: Bob Jones
 4. Discussion: None
 5. Result: Approved (Unanimous)
- h. Waste Water Treatment Facility: No new business other than was was discussed in Item 7, Section G, third bullet point.
8. Old or unfinished business – None.
 9. New Business –
 - Mr. Thrasher shared a summary of the Banyai appeal: Last Monday, the Environmental Court Judge gained an initial understanding of the situation on Briar Hill Road. At this time, the Judge determined that permits in place are currently not valid. Appellants have until August 27th to submit an appeal. The town will have an opportunity to respond following then. No appeals have been submitted at this time. Mr. Thrasher was contacted by Mr. and Mrs. Hadeka's attorney making him aware that an event was going on this weekend. Mr. Thrasher to let Mr. Banyai know that permits are not current and no business activity is permitted at this time. Mr. Thrasher suggested he speak with the Board regarding whether or not they would like to seek an injunction.
 - Mr. Thrasher provided comment regarding an addition to the definition of the word "School" to the state statutes/by-laws. Mr. Thrasher approved the proposal with a few suggested edits. The Planning Commission now needs to hold a public hearing to change the bylaw, which would be followed by the Select Board hosting public hearing to make the change. No public hearing dates set at this time.
 - Mr. Duquette asked Mr. Thrasher about a cease and desist order on Mr. Banyai, to which Mr. Thrasher stated that anyone may file an injunction and that at this time, the Town has supported the efforts put forth to Mr. Banyai to clarify the fact that his permits are not currently valid.
10. Motion made to enter Executive Session to continue ongoing settlement discussions and to review Zoning Administrator candidates at 9:07pm.
- Motion made to exit Executive Session with no decisions made at 9:55pm.

- Mover: Bob Jones
 - 2nd: Ed Cleveland
 - Discussion: None
 - Result: Approved (unanimous)
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- Motion made to offer the Zoning Administrator position Hal Wilkins recommended by the Planning Commission.
 - Mover: Ed Cleveland
 - 2nd: Chuck Weeden
 - Discussion: None
 - Result: Approved (unanimous)
 - Consensus of the board to have Harry Van Meter negotiate the employment details with Mr. Wilkins; agreeing upon salary, office hours and further job requirements while acting as an independent contractor for the Town of Pawlet.
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- Motion made to not pursue an injunction at this time regarding the Banyai property, but for the town to defend the DRB's decision in the normal course of the pending litigation.
 - Mover: Bob Jones
 - 2nd: Chuck Weeden
 - Discussion: None
 - Result: Approved (unanimous)

[Mr. Beecher recused himself from the board during the preceding motion.]

- Motion made to authorize John Thrasher to continue negotiations to settle the Slate Quarry property dispute.
 - Mover: Bob Jones
 - 2nd: Chuck Weeden

- Discussion: None
- Result: Approved (unanimous)

11. Motion made to Adjourn at 10:06 pm

- Mover: Chuck Weeden
- Second: Ed Cleveland
- Discussion: None
- Result: Approved (Unanimous)