

Final Minutes
SELECTBOARD, TOWN OF PAWLET
November 6, 2018
7:00 pm at Pawlet Town Hall
Regular Meeting

Members in Attendance:

Bob Jones
Mike Beecher
Chuck Weeden
John Malcolm

Others in Attendance:

Kristin Powers
Jay Luebke - PEG-TV
Rich & Mandy Hulett
Keith Gallagher
Kim Gaschel
Joshua Gaschel
Frank Nelson
Harry Van Meter
Paul Tilander
Michelle Tilander
Ray Duquette, Sr.
Valerie Davis
Lowell Ferguson
Keith Mason
John Thrasher
Janno Gay
Kathryn Lawrence
Martin Kravitt
Gary Hadeka
Anne Hadeka
Jackie Vallerie
Ed Vallerie
Cynthia Legg
Judy Coolidge, Treasurer
Eli Norman

Dolores Luebke
Ken Norman
Rita Robson
Barbara O'Connor
Steve Williams

EVENT

1. Call to order at 7:04 pm
2. Addition or Deletion of Agenda Items
 - a. Additions: Kim Gaschel to discuss West Pawlet Quarry Concerns, Budget Conversations to take place during the Town Treasurer's Memo, Discussion regarding an email forwarded to Select Board during New Business, Executive Session at the end 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 October 23, 2018 with edits made to Item 7, section H.
 - Mover: John Malcolm
 - 2nd: Chuck Weeden
 - Discussion: No further discussion therefore the minutes are approved (unanimous).
5. Appearances by local citizens and visitors.
 - Kim Gaschel, West Pawlet: Informed the Board of new quarry blasting and activity taking place at the Newmont Slate Company's quarry, and the effect it is having on her family, home and the community of West Pawlet. Further discussion ensued. Later in the meeting, a request was made to see the Town's code/policy on Ethics.
 - Cindy Legg: Shared photos taken via drone of the Newmont Slate Quarry and surrounding areas, pointing out where quarry work is/will take place and what areas stand to be effected by existing and future quarry activity.
 - Mike Beecher: Shared a memo provided by Zoning Administrator, Hal Wilkins, containing information found regarding quarry activity, past and present.

- John Thrasher, Esq.: Shared the Town's roles and responsibilities in situations such as these, along with what roles and responsibilities the state has.
- Martin Kravitt: Proposed a question to John Thrasher regarding what action the Town may take in the event of the institution of a class action suit regarding the quarry activity. No direct answer could be provided without knowing more about the hypothetical suit.
- Ultimately, it was determined that the Town did not have the authority to make any official decisions regarding this matter at the meeting. The Board would like to reach an amicable outcome for all involved, working together as a Town.
- Ray Duquette Sr.: On behalf of the Briar Hill/Warren Switch group: Requested to know why the Town was not upholding the Bylaws as they pertain to the business and development located at 541 Briar Hill Road. Continued to inquire as to how the Town could consider issuing another permit to that address given the activity thus far.
 - At the Request of the Board, Mr. Thrasher responded, sharing that the Town has taken enforcement steps when they became aware of a building on the property. If there are alleged violations of the bylaws, he encouraged the group to first go to the DRB, whom will connect with the Town's Zoning Administrator for further investigation. Regarding the permit inquiry, he shared that the permit in question was for a garage and apartment (non-commercial). That said, the Town does not have much of a reason to deny this permit seeing that it is permitted use and previously required fines have been paid. Later in conversation, it was shared that written alleged bylaw violations could be submitted to Zoning Administrator, Hal Wilkins.
- Mr. Davis shared a photo of a no trespassing sign posted at 541 Briar Hill.

- Keith Gallagher: Inquired as to whether or not the resident at 541 Briar Hill has to provide permits and requirements to the Town for their operation and if not, who should be contacted regarding necessary permits. A response was provided, stating that the Town has no jurisdiction on this, yet has an obligation to make residents aware of possible permits needed. A permit specialist in Rutland was suggested.
- Mr. Mason shared that permits submitted after April 1st, it will be appraised for the following tax year.
- Mr. Nelson: Proposed a question to Mr. Thrasher regarding the potential for future edits to conditional use language in the Town's Bylaws. Mr. Thrasher shared that if there are suggested bylaw changes, they shall be brought to the Planning Commission, whom will attempt to address these concerns in the Zoning Bylaws via amendment processes. Mr. Van Meter added that this month's Planning Commission meeting is to focus on conditional and non-conditional uses.
- Mr. Tillander wondered how the property on Briar Hill can keep adjusting its usages. Mr. Beecher stated that these observations need to be recorded and brought to Mr. Wilkins.
- Mrs. Tilander shared a photo of a no trespassing sign located at 541 Briar Hill.

6. Announcements:

- None.

7. Reports:

A. Zoning Administrator's Report:

- Nothing additional to the report provided earlier by Mr. Beecher regarding activity at Newmont Slate.

B. Road Foreman's Report:

- Culvert is in on Herrick Brook Road.

- Highway budget to be discussed at the meeting on the 20th. *[Addendum: budget details to be discussed at a Special Meeting on 11/13].*
 - Ken Norman shared that Briar Hill and Warren Switch were graded and are now nearly un-drivable.
- C. Planning Commission's Report:
- None
- D. Assessor Report:
- The Board reviewed the Assessor's Office Equipment Upgrades as of 10/31/2018.
 - The Board approved of the office pursuing necessary upgrades, however asks that they present the total cost of upgrades prior to submitting payment.
- E. Town Clerk's Memo:
- The Board reviewed the Town Clerk's Memo.
 - Regarding the survey situation on Cemetery Hill, Mr. Thrasher to send the residents a message letting them know that the town will wait to pursue anything until they have received the outcome of their survey.
 - The Board reviewed the email included from Mr. Banyai. Mrs. Coolidge added that she has been corresponding with Mr. Banyai regarding his requests and added that she is awaiting payment for a bill for the advertisement of a DRB Hearing.
 - The Board discussed Mr. Banyai's concerns with Mr. Thrasher serving as Town Attorney. Mr. Beecher asked the Board Members for their opinions on the issue, and all four Board Members agreed on being in favor of continuing to work with Mr. Thrasher as the Town's Attorney.
- F. Town Treasurer's Memo:
- The Board reviewed the Town Treasurer's Memo.
 - Judy Coolidge began budget discussions, distributing the Town's General Proposed Budget for 2020 along with the Town Clerk's budget overview and requests. Conversation ensued, with the determination of several items in the proposed budget to be

discussed in further meetings and/or Executive Session for personnel reasons.

- Janno Gay, representing the Library, presented the proposed Library budget. Ms. Gay thanked the Board for hearing their requests and for participating in strategic planning.
 - Regarding Audit Report from John Mudgett, Judy will be in touch with Mr. Beecher regarding necessary paperwork to be signed.
 - The Board signed checks.
 - The Board reviewed the warrants.
 1. Motion to approve the warrants
 2. Mover: Chuck Weeden
 3. Second: John Malcolm
 4. Discussion: None
 5. Result: Approved (Unanimous)
- G. Emergency Management Director's Report:
- The Board reviewed the Emergency Management Director's Report.
- H. Health Officer's Report:
- The Board reviewed the Health Officer's Report.
- I. Waste Water Treatment Facility:
- Still waiting on generator repairs, but the facility is running very well at this point with no explanation. Seemingly, something has shifted yielding wonderfully positive results. Mr. Weeden wondered if we took pump samples, to which Mr. Beecher stated no. Mr. Beecher shared that a large amount of hypodermic needles in pumping stations.
8. Old or unfinished business:
- None.
9. New Business:
- Email from Mr. Banyai discussed in Item 7, Section E.
 - Mr. Nelson asked if there were any updates on the Wood property. The Board shared there were no updates at this time.

- Mr. Nelson thanked the Board for their efforts in working through the evening's meeting.
10. Motion made to enter Executive Session at 9:13pm to hopefully finalize the Tarbell settlement, discuss strategy on the Banyai appeal and to discuss personnel items. Mr. Beecher recused himself from the session, however participated in conversations as an interested party.
 - Mover: Chuck Weeden
 - 2nd: John Malcolm
 - Discussion: None
 - Result: Approved (Unanimous)
 11. Motion made to exit Executive Session with decisions made at 10:10pm.
 12. Motion made to accept the proposed settlement regarding the Tarbell matter, contingent upon Tarbell agreeing to the current location of the pins. The Board will appoint Chuck Weeden to sign the settlement agreement to be held in escrow until Tarbell agrees with the current pin location.
 - Mover: Bob Jones
 - Second: John Malcolm
 - Discussion: None
 - Result: Approved (Voted 3-1 (with Mr. Beecher recused and Mr. Cleveland not present))
 12. Motion made to Adjourn at 10:18pm
 - Mover: Chuck Weeden
 - Second: John Malcolm
 - Discussion: None
 - Result: Approved (Unanimous)