

Final Minutes
SELECTBOARD, TOWN OF PAWLET
April 9, 2019
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
Jimmy Britt - PEG-TV
Frank Nelson
Charles W. Brown
Robert Morlino
Michelle Tilander
Sarah Rath
Mark W Miller
Jay Luebke
Dolores Luebke
Eve Schaub
Valerie Davis
John Davis
Paul Tilander
Eli Norman
Keith Mason
Harry Van Meter
Julie Mach
David P. Ricard Sr.

EVENT

1. Call to order at 7:04 pm
2. Pledge of Allegiance
2. Addition or Deletion of Agenda Items
 - a. Additions: None.

- b. Deletions: Ben Tarbell during Local Citizens and Visitors, letters regarding wastewater for WP Hemp Processing facility and WP resident with delinquent fees during Old/Unfinished Business.
3. Introduction of those present by chairperson
4. Approval of minutes from previous meeting
 - Motion made to approve the minutes of March 26, 2019 with no edits or corrections
 - Mover: John Malcolm
 - 2nd: Bob Jones
 - Discussion: Mr. Weeden requested that numbers re: Tarbell Slag Pile purchase be included in minutes of 4/9. See attached document for final numbers of Statement of Tarbell Slag Pile Purchase, originally discussed on March 26, 2019.
 - Result: Approved (unanimous)
5. Appearances by local citizens and visitors.
 - Shea Miller, Environmental Analyst for State of Vermont - Discussed new, upcoming permit - issued June 30, 2019 and effective August 1, 2019. Full copy of draft permit available for public review at Town Clerk's Office. Copy of permit overview attached at the bottom of this document. Mr. Miller asked the Board members for feedback upon reviewing the draft, and any public comment may be provided via the public comment website. An announcement will also be put into the paper regarding public comment time period.
 - Bob Morlino - Requested signature from the Select Board Chair on the Local Emergency Management Plan.
 - Motion made to approve Select Board Chair, Mike Beecher, to sign the Local Emergency Management Plan.
 - Mover: Bob Jones
 - 2nd: Ed Cleveland
 - Discussion: None
 - Result: Approved (unanimous)

- Eve Schaub - Inquired about Library updates, to which Mr. Cleveland replied that proper steps are being taken and it is anticipated that the project will be going to bid in a few weeks.
- Mark Miller, resident of Heatherington Road in West Pawlet - Shared with the Board his observances of mud season this year, as well as possible grant opportunities to improve hydrologically connected roads. Mr. Miller requested that the Select Board look into the possibility of utilizing a grant such as this as well as to look into the requirements for maintaining Class III roads from the State. Expressed overall gratitude for all that has been done from the Town thus far. Discussion ensued amongst fellow meeting attendees and the Board.
- Charlie Brown - Shared that every Town in the Mettowee Valley has provided letters regarding the Slate Industry in Western Rutland County, and wanted to thank the Town of Pawlet for their support. He continued to share a bit about the slate industry and those involved in it and the historical and cultural significance of the industry to our state and country.
 - Harry Van Meter - Spoke about the letter that he, on behalf of the Planning Commission, drafted regarding the support of the Slate Industry. See attached at bottom of minutes.
 - Motion made to sign and submit the letter written by Harry Van Meter, signed by Mike Beecher and Harry Van Meter, representing the Town of Pawlet regarding the Slate Industry and Act 250.
 - Mover: Bob Jones
 - 2nd: Ed Cleveland
 - Discussion: None
 - Result: Approved (unanimous)
- Dave Ricard - Inquired about the Select Board's opinion on the speed control sign quote submitted on 3/26/19. Mr. Beecher responded, stating that the Board is interested in this addition, however this would need to be a line item added to next year's budget.

- Dolores Leubke - Thanked the all involved for expediting the letter regarding the Slate Industry. Shared that the reason why this needs to get to State in a timely matter is because slate is being impacted for many reasons besides Act 250.
- Ms. Powers read aloud a letter at the request of Ray Duquette, Sr. on behalf of the Briar Hill/Warren Switch group. Mr. Beecher responded, stating that he has been in touch with Mr. Wilkins and Mr. Thrasher, whom will continue to be in touch with interested and involved parties. Also reiterated that all parties involved are making sure to be handling this situation properly and mindfully.
- Ms. Powers read aloud the Zoning Administrator's letter/report provided for the meeting on April 9, 2019. See attached below.
 - Mr. Davis corrected one item from the ZA report, being that the Briar Hill/Warren Switch residents were not involved in a site visit of Mr. Banyai's property. They were involved in a perimeter check.
 - Discussions continued regarding the current status of the 541 Briar Hill regarding property assessments, meetings between Town Attorney and Zoning Administrator, etc.
 - Michelle Tilander - Inquired as to how the warning would look re: DRB's future meeting - whether it be warned as Executive Session or a vote. Discussion ensued, resulting in further discussions being needed between the ZA and DRB.
 - Mr. Beecher read aloud an email from John Thrasher, stating that he will be making contact with Mr. Banyai this coming week to address issues at the property.

6. Announcements:

- Letter sent to Anthony Traficanti regarding wastewater at WP Hemp Processing facility. The Town accepts the waste from this facility, and expects updates as waste levels and number of employees increase.

7. Reports:

- A. Zoning Administrator's Report:

- Report read aloud during Item 5 (see attached below).
 - Mr. Wilkins plans to attend the Select Board meeting on 4/23/2019.
- B. Planning Commission's Report:
- No report at this meeting.
- C. Road Foreman's Report:
- Mr. Mason shared a map of the Town's roads, indicating which roads have gotten top dress treatment and which have not - approximately 7 miles in Pawlet and 9 miles in West Pawlet stand to still be addressed and completed. Around 3 miles per year could be completed, at roughly \$19,000.00/mile of road for gravel cost only. When asked how many yards of gravel remain currently, Keith answered about 4000 or so.
 - Mr. Miller suggested looking at navigable roads vs. non-navigable as well as dead end vs not. Mr. Mason replied with other considering factors.
 - Mr. Mason also responded to some inquiries on the MRGP Grants, stating that mud is not one of the concerns, where as silt and gully erosion are higher priority due to their environmental impact. Shared information about BMP (best management practices), and their importance while being considered for grants.
 - Mr. Beecher and Mr. Mason continued discussions regarding ways to move forward, and determined this will continue to be a discussion moving forward to continue working towards a good solution.
 - Roads are drying up, the grader is running constantly and there is still work to be done.
 - Mr. Jones would like to look into all options for top dressing of roads to help with cost factor.
 - Mr. Cleveland asked about the dumpster behind the Town Garage. Mr. Mason replied, stating that he has attempted to have it dumped, and there has been some confusion as to what company is responsible.

- Mr. Mason inquired about the Waste Water Treatment Facility. Currently, a gentleman named Ian is helping the Town get by as options for a more permanent solution is determined.
- D. Assessor Report:
- Mr. Malcolm shared that the Assessor's Office received their new computers.
 - Assessors had a lot of visits to complete and are working to keep current with current use.
- E. Town Clerk's Memo:
- The Board reviewed the Town Clerk's Memo.
 - Motion made to sign the Liquor License and Outside Renewal Applications for the Barn Restaurant.
 - Mover: Bob Jones
 - 2nd: John Malcolm
 - Discussion: None
 - Result: Approved (unanimous)
 - Mr. Jones signed the four Uniform Municipal Excess Weight Permits.
 - Mr. Malcolm shared information found from the Secretary of State's office lawyer regarding abatement board.
- F. Town Treasurer's Memo:
- The Board reviewed the Town Treasurer's Memos.
 - The Board signed checks.
 - Re: Contacting Randy White for Town green - Mr. Cleveland to make contact.
 - Motion made to hire Judy Coolidge as part-time Assistant Treasurer.
 - Mover: John Malcolm
 - 2nd: Chuck Weeden
 - Discussion: None

- Result: Approved (unanimous)
- The Board reviewed the warrants.
 1. Motion to approve/pay the warrants
 2. Mover: Ed Cleveland
 3. Second: Chuck Weeden
 4. Discussion: None
 5. Result: Approved (Unanimous)
- Motion made to appoint Julie Mach as Town Treasure effective April 11, 2019 to fill the unexpired term of Judy Coolidge who is retiring.
 - Mover: John Malcolm
 - 2nd: Chuck Weeden
 - Discussion: None
 - Result: Approved (unanimous)
- G. Emergency Management Director's Report:
 - No report at this meeting.
- H. Health Officer's Report:
 - No report at this meeting.
- I. Waste Water Treatment Facility:
 - No report at this meeting.
- 8. Old or unfinished business:
 - The Board reviewed the updated proposed amendments to the Town's Personnel Policy regarding Compensatory Time, Leaves of Absence and Time off. The Board shared the consensus that they support the proposed amendments regarding Compensatory Time, Sick Leave and Paid Time Off and will move forward to reviewing the remaining personnel policy before approving final changes.
- 9. New Business:
 - Mike read aloud Judy Coolidge's final Treasurer Memo.
- 10. Motion made to enter Executive Session to discuss personnel items at 9:14pm.
 - Mover: Bob Jones

- 2nd: Ed Cleveland
 - Discussion: None
 - Result: Approved (unanimous)
11. Motion made to exit Executive Session with no decisions made at 9:28pm.
- Mover: Bob Jones
 - 2nd: Chuck Weeden
 - Discussion: None
 - Result: Approved (unanimous)
10. Motion made to Adjourn at 9:30pm
- Mover: Bob Jones
 - Second: John Malcolm
 - Discussion: None
 - Result: Approved (Unanimous)

Pawlet WWTF Meeting Agenda

Permit 3-1220

April 8, 2019

New Permit: June 30, 2019 issuance date with an August 1, 2019 effective date.

Draft Permit on Public Notice: TBD- April 2019

Public Meeting: None Scheduled

TMDL Overview

LM TMDL driven limits:

- Current permit phosphorous limits: 608 lbs./year
- Draft permit phosphorus limits: 608 lbs./year

Phosphorus Optimization Plan

- Details alternative methods of operating the existing WWTF
- Due within 120 days of the permit issuance date
- Implement POP within 60 days after submittal to the Secretary
- Submit Annual Report, beginning with 2020 data (attach to Dec. 2020 DMR)
- 12 months to optimize total phosphorus removal
- If the facility's TP loads reach or exceed 80% of the LM TMDL (based on 12-month running annual load), the facility will need to develop and submit a Phosphorous Elimination/Reduction Plan (PERP) that evaluates alternatives and includes a proposed schedule and financing plan for implementing the PERP.

Other New Draft Permit Requirements:

- "Monitor only" TN and Nitrate/Nitrite (NO_x) at a frequency of 1 x quarter.
- "Monitor only" TAN at a frequency of 1 x monthly.
- Annual proficiency tests for parameters analyzed at WWTF lab by Dec. 31 annually. The first proficiency test results are due by December 31, 2020.
- Non-Compliance Notification – Public notice online within 1 hour, Secretary notification on-line within 12 hours; replaces current permit requirements for public notification for *E. coli* violations (≥235 colonies/100ml).

Other Draft Permit due dates: ^{1 wot} ^{EST 9200}

- Electric Power Failure Plan – due within 90 days after the issuance date of the permit.

- Operation, Management, and Emergency Response Plan (OMERP) for the treatment facility, sewage pumping stations, sewerage collection system, and sewer line stream crossings approved in 2008 needs to be updated due by December 31, 2022.

March 18, 2019

Statement of Slag Pile Purchase

Attn: Chuck Weeden

Re: Tarbell purchase Slag Pile

Below is a list of Expenses from the sale of this property and the total purchase price.

Revenue

Sale to Mr. Ben Tarbell	\$7519.63
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Expenses

Mance Engineering (initial survey)	\$5510.00
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Legal Fees	\$1813.50
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Mance Engineering (second survey) \$1295.00	
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(less \$1000 paid by Mike and Paul Beecher)	\$295.00
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Mr. Ben Tarbell renegotiation	\$2000.00
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\$9618.50

Net Loss	[\$2098.87]
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Sincerely,

Julie Mach

Pawlet Assistant Treasurer

**Re: Daniel Banyai - 541 Briar Hill Road, West Pawlet
Tuesday, 9 April 2019**

In response to the *Appeal* to the actions of the ZA as submitted on 4 March by Mr. Raymond Duquette and in conformance with the requirement of Vermont Statutes 24 VSA Chapter 117, § 4465 4466, et seq. and the more specific language of the Vermont Environmental Court's 4 January 2019 *Decision*, the Town has scheduled an executive session of the Development Review Board for Thursday, 2 May 2019 to review and act upon the Court's *Decision* and to then advise all involved parties of the Town's intentions as regards the unpermitted commercial activities at 541 Briar Hill Road in West Pawlet.

The ZA office is in close communication with state and federal agencies and will include their recommendations in the 2 May meeting with the DRB.

The Briar Hill Road residents and their associations have been kept informed of the ZA's actions and participated in a site visit on Tuesday, 2 April 2019. The Town has been made aware of the results of a federal agency inspection on 3 April 2019 and will include that information in the agenda that will be discussed with the DRB on 2 May 2019. Federal authorities have requested that the results of their inspection report not be disclosed at this time and town officials were intentionally not involved with federal agency inspection activities.

State regulators and environmental agencies have been similarly informed and the town is now waiting for their comments and recommendations.

The Town and the ZA office appreciate the support of the various state and federal agencies and the continued patience of the neighborhood associations as we all work through this complicated, contentious matter.

Hal J. Wilkins
Pawlet Zoning Administrator



TOWN OF PAWLET

Chartered 1761
122 School Street
Pawlet, VT 05761

April 9, 2019

Act 250 Commission
Attention: Study Committee
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Dear Commission Members,

For nearly two centuries the quarrying of slate and the processing of the stone into useful building materials has been an economic cornerstone for the Town of Pawlet and our neighboring towns. Most of these quarries have been family owned for generations.

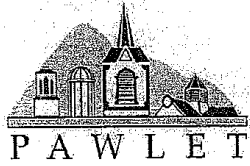
“With the building of the Rutland and Washington Railroad in 1851 through Rupert, West Pawlet and Granville, N.Y., many quarries were opened to mine the prolific slate in the area which was processed into slate roofing shingles, flagging and other products”

Pawlet Historical Society – History by John Malcolm

Still active today and still, in many cases, family owned and operated these businesses contribute to the economy of our Town and to the State of Vermont. But with higher cost of labor, taxes, material and equipment, not to mention the increase of restrictions on operations dictated by heavy regulations, profitability of the local quarrying industry has suffered. And still owners and operators struggle to produce and distribute world-wide an exceptional product that makes Vermont a recognized leader in providing quality stone to the building industry.

The Town of Pawlet salutes our quarry owners and operators for their conscientious and diligent adherence to good practice standards of manufacture and for their strict adherence to the regulations of Act 250. Indeed, the Town is supportive of the role this legislation has played in helping to preserve the natural wellbeing of the environment we all depend on for the quality of our lives and for the futures of our children. However, we must state that without relief or exemption from more restrictive regulations our quarry businesses will become unprofitable and may not survive the enactment of these regulations.

We strongly feel that the state legislature can find a solution that will support responsible environmental controls as well as work cooperatively with the quarry industry, so that the natural environment receives the protection it deserves and the quarry owners and operators can continue to maintain a profitable industry in the State of Vermont while exercising responsible stewardship of the land that supports that industry.



TOWN OF PAWLET

Chartered 1761
122 School Street
Pawlet, VT 05761

The Town of Pawlet urges the State legislature to develop a responsible multi-lateral set of environmental guidelines that will satisfy the more stringent requirements of the Act 250 expansion and provide protection for the important slate and stone industry that has benefitted the Vermont economy for the past 150 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry Van Meter".

Harry Van Meter, Chairman
Pawlet Planning Commission

A handwritten signature in black ink, appearing to read "Michael Beecher".

Michael Beecher, Chairman
Pawlet Select Board