

Poultney Board of Selectmen
Meeting

Monday, December 11, 2017 – 6:30 pm

Poultney High School Library

Agenda

1) Adoption of the Agenda

2) Approval of Minutes: 11/27/17

3) Public Comments and Concerns:

Petition to Amend Bylaws, re: Section 417: Slate Mining, Section 418: Slate Processing,
Section 1424: Site Development

4) Road Report

5) Town Manager's Report

- Letters & Communications
- Budget

6) Transact Any Other Lawful Business:

7) Health Officers Report

8) Executive Session

9) Board Orders

10) Adjourn

Meeting Minutes

Poultney Board of Selectmen

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Jeff King called the meeting to order. Selectmen present included: Jeff King, Frank Fressie, Terry Williams, Tom Coloutti and George Miller. Others present included Paul A. Donaldson, Town Manager, Ron Kelly, Highway Forman, and several members of the public (see sign in sheet attached)

Adoption of the Agenda: Tom Coloutti made a motion to adopt the agenda. George Miller seconded the motion. Motion carried.

Approval of Minutes: Frank Fressie made a motion to approve the minutes of 11/27/17. Tom Coloutti seconded the motion. Motion carried.

Public Comments and Concerns:

- Jeff King stressed that the meeting was an open meeting, and that probably no decision would be made at tonight's meeting regarding the Petition to Repeal certain sections of the Bylaws.
- Members of the Slate Industry attended the Select Board meeting to discuss amending the Bylaws, re: Section 417: Slate Mining, Section 418: Slate Processing, Section 1424: Site Development. Craig Markerow, of Vermont Structural Slate Co. gave a slide show presentation highlighting the contributions of the Slate industry to the area. Craig agreed to provide a copy of the slide show to Paul Donaldson so he can circulate to the Board. In VT there are 15 operating slate companies and VT is the largest slate producing state in the US. He has seen 2 slate producing regions close down in his 25-year career. Slate industry has 400 jobs in this region (not all in Poultney), and the highest quality of slate in the world comes from this region. Craig highlighted the 3 major issues outstanding after the meeting with the Planning Commission (enlargement of conforming use, 200' setback, and dump height restrictions proposed by the PC. Steve Taran commented that it is difficult to restrict height to 40 feet because it all depends on the slope of the land as to how big a pile of rubbish can get.

- Members of the quarry group argue that regulated quarries pre-date zoning, they want 25 foot setback waived, and no dump height restrictions
- Nancy Johnson questioned why 200' setback was not being enforced. Paul Donaldson stated that the setback only applies to new operations.
- Mrs. Silverman discussed the problems that they allege have occurred from activities of Hilltop Slate, and stressed that the Silvermans were not anti-slate, but simply wanted some protection against damages they have suffered due to neighboring activities.
- Jeff King advised that he had spent much time reviewing MSHA regulations and there are many regs. That the slate operations have to follow. Discussion followed. Neal Vreeland, Esq. pointed out that MSHA protects workers in the mine and not necessarily the public.
- Attorney Paul Gillies presented the board with a letter on behalf of the Vermont Slate Quarry Association , arguing that a VT Supreme Court case from 2015 applied a “diminishing assets doctrine” which states that zoning can not restrict previously ongoing slate operations as to setbacks.
- Attorney Vreeland discussed the differences between non-conforming uses and non-conforming structures.
- Steve Taran asked Neal Vreeland if the 200-foot set back applies to pre-existing operations, and Neal stated that it did not currently, and that the Zoning Bylaws were not clear as to setbacks for slate operations, except for NEW operations.
- Bev Tatko asked about warning of meetings, and Paul Donaldson said the PC meetings had been warned in the Rutland Herald and the Free Press.
- Charles Brown pointed out to the SB that the Bylaws do not address the distinction between fee title and mineral rights, or dumping rights.
- Terry Williams inquired on Neal Vreeland in how the board should proceed to a decision. In Attorney Vreeland’s opinion, the board could either reject the Petition in whole, accept the PC proposal or send it back to the PC for further hearings, and recommendations back to the SB. Vreeland questioned if it was proper to consider Amendments, when the Petition asked for Repeals only.
- Dan Boone of Hilltop Slate commented that he heard the Silverman’s water was better. Mr. Silverman said the water was improving, but there are still issues with their house foundation that the Silvermans attribute to activities of Hilltop Slate. Mr. Silverman commented that he believes residential properties still deserved some protection, by setbacks or otherwise, from the potential damages from slate operations.
- The group is requesting Section 1424 by revised to allow 300 cubic yards in one calendar year. Discussion followed regarding the size of a dump truck (usually 14 cu yards approximately)
- Jan Edwards inquired as to how the PC came up with their proposal and whether the slate people had any input. Neal Vreeland responded that there was three hearings open to the public, attended by many slate people.

- Katie Barcellos of the Rutland Herald had questions for the board on an article she is working on regarding the slate petition.
- Charles Brown provided a sketch of a 10 acre parcel, and if the 200' setback is applied, that parcel would be left with 1.55 acres of useable slate processing land.
- Mike Flower said it was important to note that there are many regulations on the slate quarries already. Paul Donaldson responded with a question as to the potential ramifications of there are no regulations whatsoever, and couldn't that lead to many potential problems down the road.
- The board will look at both PC and VSQA proposals some more, and meet again on 12-18-17 to take up the issue and render a decision.

Road Report:

Ron Kelley reported the following:

- Grading was done on Lewis, Ward, Walker, Hanon, Gorhamtown Roads
- Finishing up Griffin Hill Grants project, had meet with Kitt Shaw at RRPC to complete grant reimbursement paperwork.
- Crew has been preparing trucks, sanders and plows for winter
- They are back to the 5-day work week
- Ron left early as snow is expected tonight

Town Managers Report:

Paul Donaldson reported the following:

- Has been reviewing budgets and costs have been up on Health Insurance, Attorney Fees, NEMRIC
- Considering switching insurance plans from Silver to Bronze, Paul still has questions on the co-pay for the Bronze Plan, and waiting to hear back from BC/BS on some questions about that. If switch plans, even worst case scenario that town pays full deductible for all employees, still save roughly \$7,000 due to the difference in fixed-cost premiums of Silver and Bronze plans.
- Discussion regarding the Citizens Bank property. Donaldson is to visit with realtor to see what possibilities the building may have for uses.
- CB Hall has asked the town to join in efforts to bring Great Meadow Credit Union to town. Paul Donaldson said he would bring proposal to the board. Discussion followed.
- Paul Donaldson advised that many entities requesting more funding in the past.. As an example ARC typically requested \$300, and now are requesting \$1,300. They have a petition circulating to get on the ballot.
- Donaldson has been working with attorney to start tax sale proceedings. Given that there are so many delinquents, it may go in a couple different blocks at different times.

- Donaldson mentioned that he had Damen Straw look at the concrete walls, and drainage at town office to get repairs to same. He also mentioned that all the windows needed replacement. He will see if there are any Efficiency VT or Broc monies he can apply for.

Transact Any Other Lawful Business:

-Discussion regarding the DRB application pending for Revive Church at former VEMAS property. Tom Coloutti made a motion to have Terry Williams attend the hearing and participate on behalf of the board to preserve party status. Frank Fressie seconded the motion. Motion carried.

Health Officer:

Terry Williams reported the following:

- On December 15 he needs to revisit property on Morse Hollow to ascertain whether landlord addressed issues with tenant house.

Executive Session:

none

Board Orders:

None at the meeting.

Adjournment:

Tom Coloutti made a motion to adjourn. George Miller seconded the motion. Motion carried.

s/Paul A. Donaldson, Town Manager