

Testimony of Kim Gaschel of West Pawlet

Thank you for allowing me the opportunity to share my story. I am here on behalf of my whole community. As you may know VPR and the Rutland Herald are following this story closely and have done segments on it as well with plans to continue to do so. This is getting more and more public attention. In a time when Vermont is attempting to encourage families to make their home here how can we have laws like this where residents essentially have no right to protect their home and property?

Where does the Quarry operators' right to Quarry trump our family's ability to peacefully enjoy our property?

The Constitution of the State of Vermont states in Article 1: That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

Article 4:

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Article 7:

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men.

Article 9: That every member of society hath a right to be protected in the enjoyment of life, liberty, and property.

It was my dream for years to move to Vermont. I had so much respect for the state. I was so proud when they were the first state to require the labeling of genetically modified foods as my family's health is of utmost importance to me. I felt the values shown by the state of Vermont coincided with our family's values. Vermont portrays itself as Environmental and we also respect our environment. After all the Bible States we are to be good stewards of the land. My husband got the opportunity to work remotely for his New York company and we were ecstatic to start a new life for our family here. I love to be outdoors, I love to Garden, we love animals, have chickens had hoped to get goats and ducks. We wanted to get honey bees and teach our children how to self sustain as much as possible. Just live a slower Pace life and really enjoy our property and each other. That

was our dream. When we found this house it had everything we were looking for. What are the chances? To find a property that literally checks every box! We felt like we hit the jackpot. A beautiful old farmhouse with 12 and 1/2 acres, over 50 apple trees, two ponds, a beautiful garden area. And it was great for the first nine months.

Unfortunately that's when it all changed: mid-September I woke up on a Saturday morning to hear devastation next door. It was 8 a.m. and I was unsure of what could have possibly been going on next door to cause so much scary noise. I walked in the back and encountered a young man on a bulldozer, nephew of the owner of Newmont slate. As he was 150 feet from my property line I asked him what he was doing and he informed me he was Quarrying the area. I was absolutely shocked. The only thing I could think to ask was will you be blasting? "Yup!" he said arrogantly. At that point I looked to my left and noticed there were trees bulldozed that had been tagged wetlands.

I immediately went home and called the Environmental Conservation Department reporting what I had seen. The next few months were life-changing for us. There was non-stop activity every single Saturday and Sunday all day long. I contacted numerous state agencies but got little to no info and what I did receive was disheartening "oh, it's slate? they have an exemption." I would get a sympathetic ear from almost everyone I spoke to, yet everyone's hands were tied when it came to helping me protect my home and property. All were quick to point to the exemption legislation.

Upon finding out about this exemption it was shocking to me that a state that is on the forefront of environmentalism would allow such an environmentally destructive exemption legislation. If you take a look at an aerial view of the western portion of the state it looks like a war torn environment. Our neighbors to the west, New York have common sense regulations requiring Quarry operators to reclaim the land, have set work hours, scheduled blast times, setbacks, and limits to the depths they may dig.

Right over the border in Vermont none of these exist, we liken it to the Wild West. A property may be owned by one quarry operator, mineral rights sold to someone else and then dumping rights given to other parties. There is no accountability and frankly it's extremely dangerous to not know who is dumping what so close to our aquifer. As Annette has brought to your attention in the past these sites have become dumping grounds with toxic waste, machinery, garbage. In the Quarry next to our home we not only have machinery and contaminants but have found bags of animal carcasses as well as human feces.

Our property is slowly being consumed by wetlands. And this is no accident. One side of our home is Wetlands due to drainage that had been put in for for an

operation some 80 years ago. The rest of our wetlands have developed over time from seepage of water from a large water-filled Quarry behind our home. These Wetlands feed into our pond and then neighboring wetlands so whatever toxins are in that quarry have also contaminated our pond as well as neighboring wetlands. Residing in the wetlands are endangered species to the state of Vermont such as northern water snakes. We have been fortunate enough to see them and have reported such to Tim Appleton, wildlife biologist for the state of Vermont. As a matter of fact we have so many snakes due mostly to the old slag piles everywhere that in the spring it is hard to walk in our backyard. They have also become a natural habitat for toads, frogs, Turtles, herons, salamanders, lizards and newts. It is its own ecosystem and it is amazing to witness. This amazing ecosystem has come to existence in the 50 years the quarries have been inactive and it's devastating to think what harm will come to them if they are allowed to reopen at the drop of a hat with no study on the potential effects it will have on the ecosystem. The mosquitoes coming out of these wetlands are vital to the survival of these numerous species. Because of such an abundance of mosquitoes we have 200-plus little brown bats in the attic of our home registered with the state. Can you definitively tell me that blasting and quarrying will not disrupt this already severely endangered species?

Aside from all of the potential hazards to our ecosystem and water supply how can anyone feel safe selling their home with 400-plus exempt quarries and having no idea where they are? I have seen the paperwork filed to get these exemptions. It is extremely vague. You cannot even tell where the quarries are. They are just highlighter marks on a vague old map. Our home is historic. Currently I am attempting to place it on the historic register. Can you tell me my historic home and the homes of all of our neighbors are not as important as extracting extra slate?

Neighbors have been on high alert lately. I recently received phone calls from two separate neighbors each a half mile down the road in separate directions from us. This was due to a tremendous blast a couple of weeks ago. Both neighbors thought there had been an earthquake. One neighbor, Sarah Post was so concerned she had stated if this continues she will not be able to keep her family here. She attempted to call multiple different slate companies in the area to determine who did the blast, and to request notice before blasts of this nature. She lives in a historic train depot on the rail trail and the blast shook the entire north side of her home. Only one company called her back only to inform her it wasn't them. She lives on the rail trail -- a public, supposedly safe walking trail.

My experience has been when concerns from neighbors arise these operators will become aggressive. Menacing my family, racing by my house up to 30 times a day and actually stopping in front of my home and peeling tires. I feel threatened and frankly scared to speak out but I am more scared of what my life

will be like if this exemption doesn't go away.

It's important to remember removing the exemption does not take away their ability to Quarry slate it just provides neighboring property owners with protections that we desperately need because unfortunately our towns are not protecting us. They wash their hands of the situation and point to the state's lack of regulations rather than step in to help their community. Personally I feel there are conflicts of interest in many of these small towns where select board members may be benefiting from allowing these Rogue operations.

Friends and family cannot believe the situation we are now facing. It's puts Vermont in a negative light. We have learned from history that when left to regulate themselves a business will not; it just doesn't happen. I feel Vermont has failed our family. Before we purchased our home we asked our agent if the quarries were active and were told no. A neighbor who moved in not long after us was also told they were no longer active. This is not standard in the Vermont real estate disclosure form and I feel had by the state. Essentially we put our heart and soul and all of our money into purchasing this house and if this is allowed to continue our home will be valueless and our quality of life will be non-existent.

May I ask how many of you had birthday parties for your children outside on a weekend in the summer? Maybe a family cookout? Well that was our hope as well when we purchased our 12 and a half acres. Unfortunately lack of regulations, set work hours, blasting schedule prohibit us from any such thing. It has completely destroyed our ability to enjoy our property. It is an absolute nuisance. It has had health implications for myself as well. My job as a mother is to protect my family. It has caused me severe anxiety as well as panic attacks which I have never before experienced. I step outside, my ear is trained immediately if I hear destruction next door my heart rate doubles and I will not go outside. The time I have spent calling, going to select board meetings, researching slate laws, the state constitution, and my rights as a homeowner has taken so much time from my three children. It has stressed my marriage and has become my full-time job. This is not normal anywhere but here and this is not something my family is accustomed to.

I'm going to share a story about a family in Poultney Vt. Some of you may know this story as it was followed by the Rutland Herald. They purchased their home 9 years ago coincidentally through the same realtor we purchased ours through. They asked if there was any possibility of the Quarry nearby reopening and were told "no, it would take an act of Congress to reopen that quarry." Why they were told that I have no idea but it seems to be common place for realtors to say what they need to to make a sale. 9 years after they moved in lo and behold the Quarry reopened right next door to their home. They tried to file an injunction to keep them two hundred feet away. Blasting caused them to lose water for 9 days,

had to change their water filter 3 times a day. Foundation bowed, cracks developed, their home now has no resale value. They are in foreclosure because of lack of funds to bring the case before a federal judge. They are now living with Kristin Silverman's parents in NY.

We are the future of Vermont, our families are the future, our children are the future, what we are fighting is the past and that is respected but we need change to protect the families and environment going forward. Otherwise you are pushing the families we so desperately need out. Families that serve the community, no less. Kristen Silverman is a teacher, her husband works at Hubbardton Forge. My neighbor Ron Taylor has been a volunteer fireman his entire life. In our situation the Quarry in question sits right behind his home right next to our property. His wife Linda has lived in that home her entire life. They do not want this. They poured their foundation in their home 20 years ago and are extremely concerned of cracks. As well as water depletion as that happened in the past, which was also confirmed by another neighbor. Also speaking with neighbor Jim Reed he informed me of rocks flying through his window in one blasting incident. What if that happens to us and it's my child's room and they are asleep in bed? Are we waiting for a catastrophe before we make some common sense changes? Are we waiting for another Bennington where the entire Community is polluted? We are on a sewer line in our small village, the area next to our home is the old town dump and yet town and state are turning a blind eye when this young man wants to reopen a quarry that has been inactive for 50 years. Our most important resource on this planet is water -- not slate -- water, and you are putting the water of our entire community in danger by not requiring Environmental Studies be done before proceeding with these operations.

According to the Department of Alcohol Tobacco and Firearms homes within 1/2 Mile of blasting site are entitled to a pre blast assessment of home and seismograph on the well. Because these quarries are exempt by the state who is ensuring our rights as homeowners are being protected? If I called the company and request a seismograph on my well and a pre blast assessment and they say "no", where does that leave me? It almost handcuffs homeowners in a sense. When we first moved here our dream was to take out a home equity loan and put an inground pool in for our children who love to swim. Well thank the lord we didn't do that in the first year we were here. How can we have an inground pool if a quarry is allowed to blast unregulated 200 feet away? You cannot tell me that would not affect my property! My father-in-law is an engineer he said this will without a doubt damage our foundation and the Integrity of our home. There are lawyers advertising their services for homes damaged by blasting!!

On the Vermont Gov website under the town of Pawlet it says (in regard to Mineral extraction) the job of the town is to ensure the extraction does not reduce an area to Wasteland, disrupt water tables, and result in silting which will damage

nearby homes and properties. All of this has happened in the past and nobody is here to protect us. How can the state protect the business interests of a few individuals over the quality of life of our families here?

Years ago the quarry operators undermined the integrity of one of our area roads, Button Falls, and the road collapsed. Shouldn't that have been a red flag that maybe the state isn't doing what is necessary to protect its communities? I am extremely concerned if that same exact thing is happening on Route 153 in the village of West Pawlet. There is a sliver of road between two massive quarries and it is completely cracking on both sides.

Times change, with change comes progress. At one time it was completely normal for doctors to recommend cigarettes as a medicine. Women smoked and drank while they were pregnant. Now we know better. And we know better in this instance as well. It's just whether or not we are willing to do something about it. It's important to also point out that we have developed new technologies allowing for more invasive methods of gathering the slate. It is also extremely expensive and most cannot afford to put it on their roof. How often do you see a new construction going up with a slate roof? I never do. It's even unaffordable to repair slate roof frankly and I know from experience, unfortunately. At one time the entire community worked in these Quarry pits but the proportion of labor used for mining has diminished remarkably due to new technologies.

What we are allowing is complete and utter negligence by the state of Vermont. In the town of Pawlet, the draft plan states a central factor in Pawlet economic development is maintaining the character of the town that makes it attractive to new residents in terms of school, its community nature, and its aesthetic. As I said previously the town will do nothing to help. Instead pointing to the state and its lack of regulations. Are we trying to turn these areas and towns into ghost towns because that's what will happen if there is a ton of homes for sale in our village if this is allowed to occur in the center of our village. Who would possibly want to buy one of them. All of our homes will be worthless. There is no incentive to fix up the home or property with the inevitable risk of damages. What's currently happening is these operators are taking advantage of their exemption and at that point someone has to step in and take action.

I have spoken at length with numerous state employees, the Real Estate Commission, Natural Resources Board, Wetland specialist, wildlife biologists, state ATF dept. The one thing we all have in common is they believe this exemption is wrong also but their hands are tied in regards to doing anything because of this crazy exemption. You can't discharge a firearm within 500 feet of a home but yet you can use explosives right next to my property where my kids play. You need a fence up around a 4 ft tall pool but yet you can dig a bottomless pit in the earth right next to my property and leave it completely unfenced?

Vermont wants to bring families to the state. What if a developer purchased a large amount of land, put up 20 houses, turned it into a beautiful development and then five years down the line a Quarry operator comes wanting to turn a 10 x 10 puddle essentially into a huge operational Quarry. That is what is happening around here with 400 + exempt quarries and it is wrong! There needs to be protections for the homeowners. There needs to be disclosures. They are not happening so we need a change in law. Let me ask you how many of you would be okay with raising three young children 150 feet away from an operational Quarry that will not commit to telling you when they are going to blast, will not put a fence up, will not put a seismograph on your well, will not provide you with a pre blast assessment? How many of you would be okay with that? If you say yes you're lying and you and I both know it.

I'd like to also bring up Carrara dolomite quarry. The trailer park that sits 1,600 feet away from blast site and has experienced major failures of water and sewer lines. Much like the family in Poultney their water is full of sediment and has to be treated with an air stripper to filter out gasoline contaminants that came from just south of the park where loose-fittings resulted in underground storage tanks leaking. Six of the homes on the premises have a special air filtration system to filter out gasoline contaminants MTBE and benzene. Presumably caused by the Quarry operations. Neighbors have stated the blasting shakes homes, causes cracks in walls and windows, causes damage to water and sewer lines and is shocking even when they know the blast is coming. Is that the quality of life we want to provide our residents in Vermont with? Is this okay to any of you? When there are no regulations and no accountability who is ensuring that these companies are not blasting in the vicinity of buried tanks underground or in in our instance an old landfill! This is going to cause an environmental catastrophe. They are getting more bold, more brazen, and more invasive with their methods. It's only a matter of time.

I'd also like to know what makes slate so special that they are exempt and no other mineral is? All other Industries are regulated under Act 250 except slate. Why is this? What exactly is Vermont getting out of the deal? In our instance we plan to grieve our taxes and encourage our neighbors to do so as well, its only fair! We are paying taxes on an assessment of 305,000. Who in their right mind would pay 305k for an old home on 12 acres next door to an operational Quarry? A business so invasive and destructive it is a deterrent to other businesses that might want to come to the area. Who would want to put a little coffee shop or arts and crafts store next to an active Quarry?

I interviewed another young woman living next to a quarry who had the opposite effect of the dry well in her instance the water actually came blasting up through the cap of her well. That is how contamination occurs. When bringing up the

possibility of water contamination to our town select board they informed me that it is a neighborly dispute and I would have to sue my neighbor. We are asking our families to go to bat against multimillion-dollar companies. We are asking families to give up their lives and life savings to fight these multimillion-dollar companies who can afford the best lawyers just to protect their quality of life and their water. How disturbing is that? In a state like Vermont that prides itself on its environmentalism. I have spoken with reporters one who off the Record told me after following numerous stories such as this that this is what these operators do they get close enough to your home to devalue your property to the point it has virtually no resale value and then they try to buy it off of you for nothing. How absolutely horrible and insulting that this is even allowed to occur?

When we first came to looked at our home before purchasing the first thing I saw was huge slate mountains, what I have later learned are called slag piles or waste. They are intimidating and frankly put me off to the home right away however they are being slowly reclaimed there are trees growing out of the top of the piles and if no one gives these areas a chance they would be ghost towns. After moving in I drove around the community to find slag piles absolutely everywhere, they are everywhere you turn. Its astonishing, and why?? Because they can. And no one tells them otherwise! Because who doesn't like to look out their window in the morning and watch the sun come up over a beautiful pile of waste slate.

On Route 22 headed north towards Granville if you look to the right you will see an enormous slate volcano behind the homes. Can you imagine how our neighbors living in these homes on 22 in New York where there are common-sense regulations must feel about having their beautiful mountain view completely overshadowed by an enormous slate volcano that is getting higher by the day? This is not only obtrusive, devaluing to their home but it is downright dangerous. I can guarantee if any one of you sitting here had a beautiful Mountain View that all the sudden was marred by an enormous pile of an Industries waste you would be outraged. And rightfully so. If you want to put up a windmill you need a permit if you want to put up a billboard or sign you need a permit.. everything has a regulated height but if you want to put up a mountain of waste slate that is completely acceptable? We have a petition going in our village against the operation of the Quarry. I plan on encouraging our entire Community to forgo paying their taxes until something is done. Desperate times call for desperate measures and I will stop at nothing to protect my home, my quality of life and my family. I will not stop. I will make a YouTube channel documenting my experiences of moving to Vermont. I will record activity next door Non-Stop and I will share it in every outlet I can think of. This needs to get out there because if anybody else is considering moving to Vermont this is something they need to know because if I knew it I would not be here today.

The revision of act 250 is very complacent in my opinion. I feel nothing has

changed. We need to specify that these quarries need to do Environmental Studies and be regulated by Act 250 the same as all other minerals. Not just to protect families, to protect the environment and the wildlife located therein. When these pits have not been used in 50 plus years they become a natural habitat and that needs to be respected. We infringe enough on nature as it is. If we are truly a state that cares about the environment we have to show it. This is not going to stop them from being able to quarry but just offer protection to the neighbors and the environment in a time when it needs it the most. Can you imagine the destruction that will occur if they are allowed another 50 years of unregulated mining? It will be devastating not just to the environment but to the community as well. Even just another year or two is too much. I am begging you to please remove this exemption this year. Please, create a separate bill removing the exemption as soon as possible. We as a family and community strongly support VCE's proposed changes to the legislature.

Thank you for your ear, your time and your attention. Together we can make a difference.

The Gaschel Family of West Pawlet, Vt