



**TOWN OF MORRISTOWN SELECTBOARD
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM**

On Zoom and at 43 Portland St. Morrisville, VT 05661
5:30 PM Tuesday, September 2, 2025

[Join Zoom Meeting](#) or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: [810 342 4528](#) | Passcode 05661

The meeting will be live streamed on the Town of Morristown's website:

<https://www.morristownvt.gov/community/page/meetings-agendas-minutes> and on [Town GMATV YouTube Channel](#) when possible

I. 5:30PM - CONTINUE ZONING BYLAWS PUBLIC HEARING

II. 7:00PM - CALL SELECTBOARD MEETING TO ORDER

III. 7:01PM - AGENDA CHANGES/ADDITIONS

IV. 7:02PM - COMMUNITY COMMENTS

V. 7:13PM - APPROVE MINUTES

1. Approve minutes 8-7-25 Emergency Meeting
2. Approve minutes of Public Hearing - 8-18-25
3. Approve minutes of 8-18-25

VI. 7:15PM - NEW BUSINESS

1. Contractor selection for 2025 sidewalk replacement - Court Street & East High Street
2. Village 1-Ton Dump Truck replacement due to accident
3. Abate small balances due
4. Approve Proposed Capital Improvement Plan necessary for Downtown Designation and set date for Public Hearing
5. Acceptance of Chris Palermo Resignation from Selectboard
6. Review options for filling the vacant Selectboard seat by Appointment or Election

VII. 8:00PM - OLD BUSINESS

1. Memo from VHB regarding dust emissions at 2322 Laporte Road - DL1614-1
2. Authorize Selectboard letter to be sent to ACT 250 District 5 DEC regarding 2322 Laporte Road - 5L1614-1

VIII. 8:02PM - APPROVE WARRANTS

IX. 8:05PM - SCHEDULE

1. Wednesday, September 3, 2025 - Continue Leblanc Appeal Public Hearing - 5:30PM
Monday, September 15, 2025 - SB Meeting - 5:30PM
Tuesday, September 30, 2025 - SB Public Hearing - 5:30PM pending Capital Improvement Plan approval
Monday, October 6, 2025 - SB Meeting - 5:30PM
Tuesday, October 7, 2025 - Special SB Meeting - 5:30PM (Jeff Carr, Economist)

X. 8:10PM - OTHER BUSINESS

XI. 8:15PM - ADJOURN



**SELECTBOARD MEETING MINUTES
OF AUGUST 7, 2025**

Members: Christopher Palermo, Laura Streets, Richard Craig

Absent: Don McDowell, George Cormier

ADMINISTRATION and STAFF: Judi Alberi, Executive Assistant; Sara Haskins, Town Clerk/Treasurer

PARTICIPANTS/GUESTS:

**participating via Zoom*

10:00AM - CALL SELECTBOARD EMERGENCY MEETING TO ORDER

Chris Palermo called the Selectboard Meeting to order at 10AM at the Tegu Building.

10:01AM - AGENDA CHANGES/ADDITIONS

None

10:03AM - COMMUNITY COMMENTS

None

10:04AM - NEW BUSINESS

1. Adopt and sign a Resolution for the purchase and lease of a Class A pumper fire truck from E-One.

The Selectboard held an emergency meeting to adopt and sign a resolution for the purchase and lease of a Class A pumper fire truck from E.1 for \$500,000 through a tax-exempt municipal lease with M&T Bank. Sara Haskins, Town Treasurer, explained that this resolution was necessary to move forward with the loan needed by Monday.

Motion made by Richard Craig to adopt and sign the Resolution as presented. Motion seconded by Laura Streets. Motion carried (3/0).

10:10AM - ADJOURN

Motion made by Richard Craig to adjourn. Motion seconded by Laura Streets. Motion carried. (3/0)

Meeting adjourned at 10:10AM

Submitted and filed this August 8, 2025.

Judi Alberi, Scribe

Please note all minutes are in Draft form and are subject to approval at the next Selectboard meeting.



**SELECTBOARD MEETING MINUTES
OF AUGUST 18, 2025**

Members: Don McDowell, Laura Streets**, Richard Craig, George Cormier

Absent: Christopher Palermo,

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Judi Alberi, Executive Assistant; Jordan St. Onge, Highway Superintendent; Tyler Machia, Zoning Administrator

PARTICIPANTS/GUESTS: Melissa & Chris Leblanc, Attorney Brice Simon, Attorney David Rugh*, Tom Cloutier*, Jerry Throne

**participating via Zoom ** arrived late*

4:00PM - OPEN PUBLIC HEARING

Don McDowell opened the public hearing at 4pm.

1. Appeal of Chris & Melissa LeBlanc re: Denial of Application for permit for private use of town Right-of-Way for sewer line access to public wastewater treatment at 265 Cottage Street

The Selectboard held a duly warned public hearing to consider the appeal of Chris and Melissa LeBlanc regarding the denial of their application for a permit to use the Town Highway right-of-way for the installation of a private sewer force main line. The Chair opened the hearing by reviewing the procedure, which included sworn testimony from the applicants, a presentation by Town staff, the opportunity for public comment, and potential board deliberation. Attorney Brice Simon, applicants Chris LeBlanc and Melissa LeBlanc, Highway Superintendent, Jordan St. Onge and Town Manager, Brent Raymond were sworn in before any testimony was given.

Attorney Simon and applicants LeBlancs explained their efforts to comply with zoning regulations and village ordinances and argued that the denial of their permit was arbitrary and capricious. They emphasized that the reasons for denial appeared to shift during the review process, and they expressed frustration at the lack of objective justification or consistency in the decision-making.

Following the applicants' testimony, Jordan St. Onge described the process by which right-of-way permits are reviewed in Morristown and underscored the requirement that such approvals must serve the public good. Jordan explained that a private, pressurized sewer line under a town road presented maintenance and leakage concerns, as well as potential conflicts with future infrastructure. He stressed that because the proposed line would benefit only a single property, it did not meet the standard of public necessity. Instead, Jordan encouraged the applicants to consider alternatives, such as utilizing an on-site soil-based system, extending the sewer main under town ownership, or exploring options with Morrisville Water and Light.

A couple of questions were raised by the Selectboard members about how the proposed pump station would function, particularly considering elevation changes and design considerations. The conversation also broadened to include discussion of long-term sewer system extensions in the

village. Board members acknowledged existing limitations in the current system but noted the importance of expanding sewer access to encourage growth and attract new residents.

After discussion, the Selectboard determined that additional review and consultation were needed before making a decision. The hearing was continued to **September 3rd at 5:30 PM.**

5:00PM - ADJOURN

Please note all minutes are in Draft form and are subject to approval at the next Selectboard meeting.



**SELECTBOARD MEETING MINUTES
OF AUGUST 18, 2025**

Members: Don McDowell, Laura Streets, Richard Craig, George Cormier

Absent: Christopher Palermo

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Judi Alberi, Executive Assistant; Tyler Machia, Zoning Administrator

PARTICIPANTS/GUESTS: Jerry Throne, Stacey Heuer, Ronald Stancliff, Jamie Jaret, Erica Scott, Leah Hollenberger, Laura Green, Thea Alvin, Robyn Alvin, Evelyn Throne, Ed Loewenton, Martha Battle, Kristin Fogdall, Meg & Jeff Bickerstaff, James Tisdell, Jerry Zelenski, Luke Celentano, Elizabeth Bourne, Jane Campbell*, Bob Bortree, Tom Cloutier*

**participating via Zoom*

5:30PM - CALL SELECTBOARD MEETING TO ORDER

Don McDowell called the Selectboard Meeting to order at 5:43 PM at the Tegu Building.

5:31PM - AGENDA CHANGES/ADDITIONS

Change- move New Business item #1 before the Community Comments.

1. Approve Coin Drop for Lamoille area cancer network September 13th - Erica Scott

Erica Scott requested that the Selectboard approve this year's Coin Drop for the Lamoille Area Cancer Network to be held at Brooklyn St. on September 13, 25. This was a very successful effort when held last year.

Motion made by Richard Craig to approve the Lamoille Area Cancer Network Coin Drop at Brooklyn St on September 13, 25. Motion seconded by George Cormier. Motion carried (4/0).

5:33PM - COMMUNITY COMMENTS

Evelyn Throne spoke on behalf of beautifying the town. In specific she would like to improve the weedy area at Cumberland Farms store. The board encouraged her to connect with others and develop a plan.

5:47PM - APPROVE MINUTES

1. Approve Minutes 8-4-25

Motion made by George Cormier to approve the minutes of 8/4/2025. Motion seconded by Laura Streets. Motion carried (4/0) with amendments.

Under Old Business: Elmore EMS strike "or EMS services will be terminated."

2. Approve minutes 8-7-25 Emergency Meeting

No action taken, move item to September 2, 2025.

5:50PM - NEW BUSINESS

1. Set FY 25-26 Municipal Tax Rates

Motion made by Richard Craig to set the FY 25/26 municipal tax rate of \$.7413. Motion seconded by George Cormier. Motion carried (4/0).

2. Highway Department bucket loader purchase and borrowing as per 19 V.S.A. § 304(a)(3); 24 V.S.A. § 1786a(b)

The current bucket loader is not working and is financially not worth repairing. There were other vehicles assessed with the lowest competitive price chosen. However, an additional offer was made during the meeting. Discussion ensued, and the board decided to allow Brent and Jordan to make the best decision for the town.

Motion made by Richard Craig to authorize Brent Raymond and Jordan St. Onge to decide on the choice of an appropriate bucket loader vehicle not to exceed \$197,440. Motion seconded by George Cormier. Motion carried (4/0).

Motion made by Richard Craig to allocate \$70,000 for the down payment plus two loan payment installments for FY 25/26 to be taken out of the Highway Capital Equipment Fund. The balance will be financed over a period of 5 years after Sara Haskins, Treasurer, sends out the bids to financial institutions. Brent Raymond has the authority to select the financing that has the best terms. Motion seconded by George Cormier. Motion carried (4/0).

3. Discuss Downtown Capital Plan approval process

Brent Raymond will be asking the board to approve the Downtown Capital Plan on September 2nd as required for Downtown Designation application. Brent has been in touch with Scott Johnstone/Village trustees for their review and approval. The Planning Commission has been invited to the next Selectboard meeting for their input and approval. The Public Hearing will be held on Tuesday, Sept. 30th at 5:30PM.

4. Review and authorize letter to be sent to ACT 250 District 5 DEC regarding 2322 Laporte Road - 5L1614-1

Don McDowell read the draft ACT 250 letter. Several comments were made requesting the letter be revised using stronger language. The intention is to deny the rock quarry work due to pollution of air, noise, and water due to the hazardous material found in recent rock testing. This also violates the town plan. The letter will be reviewed by the legal consultant and sent to the Selectboard members.

5. Selectboard members moving to iPads from paper

Discussion began regarding the Selectboard members use of iPads for the meetings. All meetings since 1997 have been scanned into the software. Going paperless will allow the town to save money by eliminating printing and paper for the meetings. Training will be provided for the members. Judi will provide individual and group training sessions for Selectboard members on using the new iPad, and organize a mock meeting to demonstrate how the iPad system works for Selectboard meetings.

6:20PM - OLD BUSINESS

1. Update on scheduling meetings to discuss potential tax sources: Including consideration of short-term rental registry, vacancy tax, local option tax, etc.

Laura Streets formed an informal committee to explore potential revenue sources and the input she gathered was that the public will go to vote on any suggested revenue sources. George Cormier emphasized the importance of clearly defining how any tax revenue would be allocated. While several infrastructure needs have been identified, he believes public input is essential. Brent Raymond will

reach out to the economist, Jeff Carr, to present to the Selectboard and the public his findings from the presentation to the Charter Committee in April 2024.

6:20PM - APPROVE WARRANTS

Motion made by Richard Craig to approve the warrants. Motion seconded by George Cormier. Motion carried. (4/0)

6:30PM - SCHEDULE

1. Tuesday, September 2, 2025 - SB Meeting - 5:30PM
Monday, September 15, 2025 - SB Meeting - 5:30PM

6:35PM - OTHER BUSINESS

None.

6:40PM - ADJOURN

Motion made by Richard Craig to adjourn. Motion seconded by George Cormier. Motion carried. (4/0)

Meeting adjourned at 8:08 pm
Submitted and filed this 8/20/25.
Bonnie McDermott, Scribe

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Sidewalk Replacement 2025- Court St, East High St

Project Description:

Complete replacement of sidewalks on Court St. and East High St, that are not ADA compliant, and too rough to maintain during winter months. This work was budgeted at \$104,217 and if approved, will be completed this Fall.

Court St – 440’ ADA Compliant Sidewalk, 330’ Granite Curb

East High St – 200’ ADA Compliant Sidewalk, 200’ Granite Curb

- All Sidewalk to be 5’ Wide, 4” thick, 4,000 PSI concrete, with fiber additive
- All Curb to be 6” wide, 17” tall granite with 6” reveal

Town Forces to:

- Manage all traffic control
- Remove all existing curb and sidewalk
- Rough in grade
- Deliver any needed subbase
- Backfill and seed excavated area
- Complete all patch paving

Percy’s - \$104,891

Court St - \$65,573.00

East High St - \$39,318.00

MSI - \$116,506.20

Court St

East High St

Blow and Cote - \$162,900

Court St - \$106,900

East High St - \$56,000

Village 1- Ton Dump Truck

Reason for purchase

- Morristown's 2022 F-350 Diesel 1-Ton dump truck was recently rear-end while stopped at a construction zone in Johnson VT.
- As a result of being struck, damage was done to the rear end including a leaf spring bracket that Ford considers part of the frame, and a non-serviceable part.
- Insurance has totaled the vehicle, with a total payout of **\$61,605.60**

Replacement options

- Like Replacement - 2025 F-550 Diesel
 - Twin State Ford
 - 6.7L Diesel
 - 3 Year Bumper to Bumper Warranty
 - 5 Year Powertrain Warranty
 - White with Black body
 - **\$80,960**
- Gas instead of Diesel – 2025 F-350
 - Lebanon Ford
 - 7.3 L Gas
 - 3 Year Bumper to Bumper Warranty
 - 5 Year Powertrain Warranty
 - White with Black body
 - **\$75,839**
- Used Diesel – 2023 F-350
 - 8,000 miles
 - 6.7L Diesel
 - 3 Year Powertrain Warranty
 - White with Black body
 - **\$68,000**
- Chevrolet – 2024 3500HD
 - Lamoille Valley Chevrolet
 - 6.6L Gas
 - 4 Door Crew Cab
 - 3 Year Bumper to Bumper Warranty
 - 5 Year Powertrain Warranty
 - Red with Black body
 - **\$60,578**

MORRISTOWN DOWNTOWN CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS

Fiscal Year 2026 through Fiscal Year 2031 (Draft 08-20-2025)

Morristown's Downtown Capital Improvement Plan includes Village and Town improvements for budget year FY2026 and the next five program years through FY2031. Investments in sidewalk replacements, shade tree installations and several utility improvements (water and sewer) including fiber line extensions will support the existing vibrant downtown area.

CHANGES FROM PRIOR YEAR CIP

This is the first adopted Capital Improvement Plan for the downtown area since 2012. The Town annually publishes a capital equipment replacement plan which serves the entire town (like plow trucks and police cruiser replacements) while this CIP focus on projects specific to only the downtown area.

NOTES

Amounts expressed in current year \$1,000. Morristown's fiscal year runs July 1 to June 30.

SUMMARY of DOWNTOWN CIP EXPENDITURES

Description	PRIOR	CIP BUDGET FY26	5-YEAR PROGRAM (\$000s)					TOTAL FY26 - FY 31	BEYOND FY 31	
			FY27	FY28	FY29	FY30	FY31			
Expenses										
Downtown Sidewalk Replace	155	50	50	50	50	50	50	300	200	
Copley Lot Tree Planting	-	57	-	-	-	-	-	57	-	
Brigham St Water Line	-	200	-	-	-	-	-	200	-	
Congress St Water Line	-	-	-	650	-	-	-	650	-	
Water Supply Wells	-	-	4,000	-	-	-	-	4,000	-	
Portland St sewer relining	-	75	-	-	-	-	-	75	-	
Brigham St sewer relining	-	-	-	35	-	-	-	35	-	
East High St sewer relining	-	-	-	-	130	-	-	130	-	
Court St sewer relining	-	-	-	-	-	200	-	200	-	
Lamoille Fiber	400	50	-	-	-	-	-	50	-	
Oxbow Floodplain Restore 6.8ac.	50	-	277	-	-	-	-	277	-	
Harvey Floodplain Restore 55ac.	50	-	-	1,423	-	-	-	1,423	-	
Decorative Lighting - Utility Poles	-	-	-	-	-	-	-	-	-	
Total	655	432	4,327	2,158	180	250	50	7,396	200	
Funding Sources										
General Fund	-	8	-	-	-	-	-	8	-	
Grant/Donations/State project	500	148	4,207	2,123	50	50	50	6,628	200	
Debt Proceeds	-	-	-	-	-	-	-	-	-	
Enterprise Funds	-	275	120	35	130	200	-	760	-	
Reserve Funds	-	-	-	-	-	-	-	-	-	
Total	500	432	4,327	2,158	180	250	50	7,396	200	

PROJECT Downtown Sidewalk Replace

DESCRIPTION

Full replacement of deteriorated sidewalk segments, ramps and add granite curbing. Annual program.

JUSTIFICATION & USEFUL LIFE

To meet 2022 Town Plan goals (Page 6 , 8, 24 & 58) of an interconnected sidewalk network throughout the Village of Morrisville, this annual replacement cycle will ensure pedestrians have ADA-compliant walkways, reduce winter maintenance costs by providing smooth and easy to clear surfaces, and create, via new curbing, physical separation of vehicles and pedestrians. The useful life of concrete sidewalks is 40 years and as high as 80 years, depending on quality of construction and sub-surface conditions, with tree root interference/upheaval, stormwater & frost and new construction reducing the life of any one section.

FUNDING

The town highway operating fund will provide the annual funds.

STATUS

Work in FY2026 is to be completed by October 1, 2025. Annual appropriation discussions to occur each Fall for the subsequent construction season. No grant funding support is anticipated at this time.

OPERATING & MAINTENANCE

The town has annual operating resources in the highway budget to repair and plow sidewalks.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	0	0						-	-
Construction	155	50.0	50.0	50.0	50.0	50.0	50.0	300.0	200.0
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	155.1	50.0	50.0	50.0	50.0	50.0	50.0	300.0	200.0
FUNDING SOURCES									
General Fund	-	-						-	
Grant/Donations/State project	-	50.0	50.0	50.0	50.0	50.0	50.0	300.0	200.0
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-						-	
Reserve Funds	-	-						-	
TOTAL FY26-31	-	50.0	50.0	50.0	50.0	50.0	50.0	300.0	200.0

PROJECT Copley Lot Tree Planting

DESCRIPTION

16 shade trees for the currently tree-less Copley Municipal Parking Lot between Pleasant Street and Portland St.

JUSTIFICATION & USEFUL LIFE

The Town, Town Tree Warden, Morristown Conservation Commission and MACC will plant trees in protected areas in the high-use paved parking lot which is a central public facility serving the Downtown businesses and residences. The addition of shade trees will enhance the paved parking area, provide a cooling effect for the core development area and provide shade for parked cars. The 2022 Town Plan encourages parking lot improvements that will reduce stormwater generation and tree plantings will support that goal (page 24 & 58). Tree species vary on life expectancy, affected by location, water availability, contaminants, disease, etc., with longer life requiring annual observations and high-level of care for the first several years, including removal of "volcano mulch" and basal shoots or "tree suckers" etc.

FUNDING

The town highway operating fund will provide in-kind match for this project and a grant will provide the remaining funds.

STATUS

Work in FY2026 is to be completed by October 1, 2025. Future tree plantings will be dependent on new grant resources becoming available.

OPERATING & MAINTENANCE

The town highway annual operating budget will provide at least \$4,000 per year to monitor, water, prune and replace trees as required,

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-							-	-
Studies, Design, Engineering, Legal								-	-
Construction	-	56.6	-	-	-	-	-	56.6	-
Furnishings & Equipment								-	-
Debt Service								-	-
TOTAL FY26-31	-	56.6	-	-	-	-	-	56.6	-
FUNDING SOURCES									
General Fund	-	8.1						8.1	-
Grant/Donations/State project	-	48.5	-	-	-	-	-	48.5	-
Debt Proceeds								-	-
Enterprise Funds								-	-
Reserve Funds	-							-	-
TOTAL FY26-31	-	56.6	-	-	-	-	-	56.6	-

PROJECT Brigham St Water Line

DESCRIPTION Replacement of original water lines from Street to ROW shut off, with modern materials & methods, entire street.

JUSTIFICATION & USEFUL LIFE To meet 2022 Town Plan goals (Page 25) for continued maintenance and upgrading of the aging distribution system. Underground PVC water lines can last for 50 to 100 years with length affected by soil conditions and installation quality.

FUNDING All replacement costs are user-funded through utility fee and available reserve funds, there is no impact on town or village general fund.

STATUS Projects are planned to be completed within one construction season.

OPERATING & MAINTENANCE On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-							-	-
Studies, Design, Engineering, Legal	-							-	-
Construction	-	200.0	-	-	-	-	-	200.0	-
Furnishings & Equipment	-							-	-
Debt Service	-							-	-
TOTAL FY26-31	-	200.0	-	-	-	-	-	200.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	-	-	-	-	-	-
Debt Proceeds								-	-
Enterprise Funds		200.0						200.0	-
Reserve Funds	-							-	-
TOTAL FY26-31	-	200.0	-	-	-	-	-	200.0	-

PROJECT Congress St Water Line

DESCRIPTION Replacement of original water lines from Street to ROW shut off, with modern materials & methods, entire street.

JUSTIFICATION & USEFUL LIFE To meet 2022 Town Plan goals (Page 25) for continued maintenance and upgrading of the aging distribution system. Underground PVC water lines can last for 50 to 100 years with length affected by soil conditions and installation quality.

FUNDING All replacement costs are user-funded through utility fee and available reserve funds, there is no impact on town or village general fund.

STATUS Projects are planned to be completed within one construction season.

OPERATING & MAINTENANCE On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-							-	-
Studies, Design, Engineering, Legal	-							-	-
Construction	-	-	-	650.0	-	-	-	650.0	-
Furnishings & Equipment	-							-	-
Debt Service	-							-	-
TOTAL FY26-31	-	-	-	650.0	-	-	-	650.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	650.0	-	-	-	650.0	-
Debt Proceeds								-	-
Enterprise Funds		-						-	-
Reserve Funds	-							-	-
TOTAL FY26-31	-	-	-	650.0	-	-	-	650.0	-

PROJECT Water Supply Wells

DESCRIPTION	Replacement of wells and water pump generator from Lamoille River July 2023 and July 2024 flood events.
JUSTIFICATION & USEFUL LIFE	Wells serving 900 total water accounts were at risk of failure, requiring temporary emergency measures. The water department staff continue to work through federal and state support to repair and replace well and pump systems. Once repaired the various components of the water pump, pump house, generator and water lines have varying useful life terms, with annual pump maintenance and backup generator maintenance being most demanding to ensure water supply to the Downtown.
FUNDING	If federal and state funding is secured, the remaining local match should be less than 3% from utility fees and available reserve funds. There is no impact on town or village general fund.
STATUS	Projects are planned to be completed within one construction season.
OPERATING & MAINTENANCE	On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-							-	-
Studies, Design, Engineering, Legal	-							-	-
Construction	-	-	4,000.0	-	-	-	-	4,000.0	-
Furnishings & Equipment	-							-	-
Debt Service	-							-	-
TOTAL FY26-31	-	-	4,000.0	-	-	-	-	4,000.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	3,880.0	-	-	-	-	3,880.0	-
Debt Proceeds								-	-
Enterprise Funds		-	120.0					120.0	-
Reserve Funds	-							-	-
TOTAL FY26-31	-	-	4,000.0	-	-	-	-	4,000.0	-

PROJECT Portland St sewer relining

DESCRIPTION	Interior relining of sewer collection lines with modern materials & methods, entire street.
JUSTIFICATION & USEFUL LIFE	To meet 2022 Town Plan goals (Page 52) to manage and ensure continued sewer service for residential and business development, relining is the most cost effective way to repair lines and ensure long life (as compared to digging and replacing lines at risk of failure). Relined sewer pipe can last 50 years or more depending on materials used, soil conditions and installation quality.
FUNDING	All sewer line relining costs are customer-funded through utility fees and available reserve funds, there is no impact on town or village general fund.
STATUS	Projects are planned to be completed within one construction season.
OPERATING & MAINTENANCE	On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-							-	-
Studies, Design, Engineering, Legal	-							-	-
Construction	-	75.0	-	-	-	-	-	75.0	-
Furnishings & Equipment	-							-	-
Debt Service	-							-	-
TOTAL FY26-31	-	75.0	-	-	-	-	-	75.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	-	-	-	-	-	-
Debt Proceeds								-	-
Enterprise Funds		75.0						75.0	-
Reserve Funds	-							-	-
TOTAL FY26-31	-	75.0	-	-	-	-	-	75.0	-

PROJECT Brigham St sewer relining

DESCRIPTION Interior relining of sewer collection lines with modern materials & methods, entire street.

JUSTIFICATION & USEFUL LIFE To meet 2022 Town Plan goals (Page 52) to manage and ensure continued sewer service for residential and business development, relining is the most cost effective way to repair lines and ensure long life (as compared to digging and replacing lines at risk of failure). Relined sewer pipe can last 50 years or more depending on materials used, soil conditions and installation quality.

FUNDING All sewer line relining costs are customer-funded through utility fees and available reserve funds, there is no impact on town or village general fund.

STATUS Projects are planned to be completed within one construction season.

OPERATING & MAINTENANCE On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	-	-						-	-
Construction	-	-	-	35.0	-	-	-	35.0	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	-	-	-	35.0	-	-	-	35.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	-	-	-	-	-	-
Debt Proceeds		-						-	-
Enterprise Funds		-		35.0				35.0	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	-	-	-	35.0	-	-	-	35.0	-

PROJECT East High St sewer relining

DESCRIPTION Interior relining of sewer collection lines with modern materials & methods, entire street.

JUSTIFICATION & USEFUL LIFE To meet 2022 Town Plan goals (Page 52) to manage and ensure continued sewer service for residential and business development, relining is the most cost effective way to repair lines and ensure long life (as compared to digging and replacing lines at risk of failure). Relined sewer pipe can last 50 years or more depending on materials used, soil conditions and installation quality.

FUNDING All sewer line relining costs are customer-funded through utility fees and available reserve funds, there is no impact on town or village general fund.

STATUS Projects are planned to be completed within one construction season.

OPERATING & MAINTENANCE On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	-	-						-	-
Construction	-	-	-	-	130.0	-	-	130.0	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31									
	-	-	-	-	130.0	-	-	130.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	-	-	-	-	-	-
Debt Proceeds		-						-	-
Enterprise Funds		-			130.0			130.0	-
Reserve Funds	-	-						-	-
TOTAL FY26-31									
	-	-	-	-	130.0	-	-	130.0	-

PROJECT Court St sewer relining

DESCRIPTION	Interior relining of sewer collection lines with modern materials & methods, entire street.
JUSTIFICATION & USEFUL LIFE	To meet 2022 Town Plan goals (Page 52) to manage and ensure continued sewer service for residential and business development, relining is the most cost effective way to repair lines and ensure long life (as compared to digging and replacing lines at risk of failure). Relined sewer pipe can last 50 years or more depending on materials used, soil conditions and installation quality.
FUNDING	All sewer line relining costs are customer-funded through utility fees and available reserve funds, there is no impact on town or village general fund.
STATUS	Projects are planned to be completed within one construction season.
OPERATING & MAINTENANCE	On-going maintenance costs are borne by all water customers through customer rate charges.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	-	-						-	-
Construction	-	-	-	-	-	200.0	-	200.0	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	-	-	-	-	-	200.0	-	200.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	-	-	-	-	-	-	-	-
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-				200.0		200.0	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	-	-	-	-	-	200.0	-	200.0	-

PROJECT Lamoille Fiber

DESCRIPTION	Extension of existing fiber internet (broadband) network to reach remaining structures.
JUSTIFICATION & USEFUL LIFE	To meet 2022 Town Plan goals of an interconnected community with high-speed internet for businesses and residents (Page 53), the Town supports completion of this invaluable infrastructure asset. Fiber lines can last 30 years or more with good installation techniques and high quality cable.
FUNDING	The town is a member of Lamoille FiberNet and supports the regional deployment of fiber. The funding for this regional effort has been secured by federal and state grants, with communities contributing various amounts of cash support earlier in the process.
STATUS	Morristown and the Downtown are planned to be completed in FY2026.
OPERATING & MAINTENANCE	Lamoille Fiber operates on user fees, with no impact on Morristown's annual operating budget.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	100.0	-						-	-
Construction	300.0	50.0	-	-	-	-	-	50.0	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	400.0	50.0	-	-	-	-	-	50.0	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	400.0	50.0	-	-	-	-	-	50.0	-
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-						-	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	400.0	50.0	-	-	-	-	-	50.0	-

PROJECT Oxbow Floodplain Restore 6.8ac.

DESCRIPTION	Purchase and restoration of 6.8 acres of flood water storage area to reduce adjoining and downstream flood impacts.
JUSTIFICATION & USEFUL LIFE	The 2022 Morristown Local Hazard Mitigation Plan (Page 36) recommends purchase of properties or development rights for flood hazard protection and water quality measures. Improved flood water storage will better protect Morristown Water System, local roads and downstream infrastructure.
FUNDING	Federal and/or state grant funding (CDBG-DR with 0% local match being pursued currently) to facilitate this regional flood mitigation project.
STATUS	Full applications are due September 30, 2025 to VT Agency of Commerce and Community Development.
OPERATING & MAINTENANCE	The Village of Morristown electric department supports the installation costs and operating costs each year.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	50.0	-						-	-
Construction	-	-	276.6	-	-	-	-	276.6	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	50.0	-	276.6	-	-	-	-	276.6	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	50.0	-	276.6	-	-	-	-	276.6	-
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-						-	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	50.0	-	276.6	-	-	-	-	276.6	-

PROJECT Harvey Floodplain Restore 55ac.

DESCRIPTION	Purchase and restoration of 55.0 acres of flood water storage area to reduce adjoining and downstream flood impacts.
JUSTIFICATION & USEFUL LIFE	The 2022 Morristown Local Hazard Mitigation Plan (Page 36) recommends purchase of properties or development rights for flood hazard protection and water quality measures. Improved flood water storage will better protect Morristown Water System, local roads and downstream infrastructure.
FUNDING	Federal and/or state grant funding (CDBG-DR with 0% local match being pursued currently) to facilitate this regional flood mitigation project.
STATUS	Full applications are due September 30, 2025 to VT Agency of Commerce and Community Development.
OPERATING & MAINTENANCE	The Village of Morristown electric department supports the installation costs and operating costs each year.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	50.0	-						-	-
Construction	-	-	-	1,423.1	-	-	-	1,423.1	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	50.0	-	-	1,423.1	-	-	-	1,423.1	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	50.0	-	-	##	-	-	-	1,423.1	-
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-						-	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	50.0	-	-	1,423.1	-	-	-	1,423.1	-

PROJECT **Decorative Lighting - Utility Poles**

DESCRIPTION Purchase and installation of 36 decorative snowflake lights, each measuring 6 feet by 6 feet, to be mounted on utility poles throughout the Village and Downtown during the winter season (December through March).

JUSTIFICATION & USEFUL LIFE Restoring the full display along the Downtown streets will revive a beloved tradition and elevate the Village's seasonal appearance.

FUNDING The Village's Amy Wade Fund is restricted to street beautification in Morrisville and will fund this purchase.

STATUS The purchase of 36 new fixtures will be completed by December 15, 2025.

OPERATING & MAINTENANCE The Village of Morrisville electric department supports the installation and operating costs each year.

Description	PRIOR	CIP Budget FY 26	5-YEAR PROGRAM (\$000s)					TOTAL FY26-FY31	BEYOND FY 31
			FY27	FY28	FY29	FY30	FY31		
ESTIMATED COSTS									
Land & Easement Acquisition	-	-						-	-
Studies, Design, Engineering, Legal	-	-						-	-
Construction	-	22.7	-	-	-	-	-	22.7	-
Furnishings & Equipment	-	-						-	-
Debt Service	-	-						-	-
TOTAL FY26-31	-	22.7	-	-	-	-	-	22.7	-
FUNDING SOURCES									
General Fund	-	-						-	-
Grant/Donations/State project	-	22.7	-	-	-	-	-	22.7	-
Debt Proceeds	-	-						-	-
Enterprise Funds	-	-						-	-
Reserve Funds	-	-						-	-
TOTAL FY26-31	-	22.7	-	-	-	-	-	22.7	-

August 20, 2025

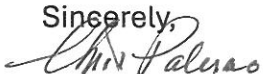
To: Administration, Staff, Selectboard and Community

From: Chris Palermo

Please accept this letter as my resignation from the Morristown Selectboard effective today. Due to a significant increase in family obligations, I do not feel I can commit the time and effort needed to fulfil my dedicated service to the board. This has been an extremely difficult decision to come to. I have valued my time on the board and my relationships within the community while serving.

I wish the Administration, Staff, Selectboard members, and the community all the best now and in the future. This community is a wonderful place to live and has such great potential. Thank you for the opportunity to serve.

Sincerely,



Chris Palermo



SELECTBOARD MEMORANDUM

To: Selectboard
From: Judi Alberi, Executive Assistant
Date: September 2, 2025
Subject: Review options for filling the vacant Selectboard seat by Appointment or Election

Background:

From VLCT Attorney Baxter:

The town is obliged to provide public notice of the vacancy within ten days of the effective date of the vacancy by posting such notice in the town clerk's office and at least two public places in town. 24 V.S.A. § 961(a). The notice serves to inform the public of the change in leadership and of the citizens' right to petition for a special town meeting to elect someone to the position. 24 V.S.A. § 961(a). Posting the notice of vacancy is required in all instances, regardless of whether the selectboard fills the vacancy by appointment. Note that the selectboard may appoint to fill a vacancy before the notice is publicly posted.

The law requires that a selectboard fill a vacancy "forthwith." Unfortunately, the law does not define what exactly "forthwith" means. When interpreting statutes, courts aim to implement the intent of the Legislature and will presume that it intended the plain, ordinary meaning of words, which can be taken from the dictionary. Black's Law Dictionary, 8th Ed. defines "forthwith" as: "(1) Immediately; without delay; or (2) Directly; promptly; within a reasonable time under the circumstances." This immediate timeframe would appear to preclude the Selectboard from waiting until Town Meeting of next year to fill the vacancy.

Assuming the Selectboard makes an appointment to fill the vacancy, the person appointed by the selectboard serves "until an election is had." 24 V.S.A. § 963. This means that an appointee will remain in office until the next annual town meeting (if no special town meeting is called), at which time the voters will elect a replacement to fill the balance of the office's unexpired term, if any, or to a new term. If a special meeting is called, the person elected to the position will serve the remainder of the office's original term.

Attachments:

1. Notice of vacancy 2025
2. Vermont Laws 24 VSA 961
3. Vermont Laws 24 VSA 962
4. Vermont Laws 24 VSA 963



TOWN OF MORRISTOWN

NOTICE OF VACANCY

In accordance with 24 V.S.A. § 961(a), the Selectboard of the Town of Morristown hereby gives notice of a vacancy created by resignation in the office of Selectboard effective August 20, 2025.

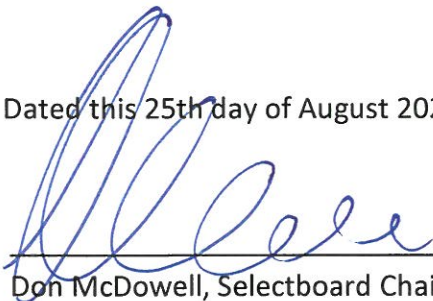
The Selectboard, pursuant to 24 V.S.A. § 963, will discuss how to proceed with either an appointment or a special election to fill this vacancy at its meeting on September 2, 2025. The person appointed will serve until the next election. A person elected will serve until March 3, 2026.

CITIZENS' RIGHT TO PETITION FOR VOTE: Titles 17 V.S.A. § 2643 and 24 V.S.A. § 963 grant citizens the right to petition for a vote to replace the Selectboard's appointee at a special town meeting. If a special town meeting is called, the newly elected town officer will remain in office for the balance of the unexpired term. If a special town meeting is not called, the Selectboard's appointee will remain in office until the next annual town meeting.

To exercise this right, citizens must present a petition calling for an election for this office signed by five percent of the legal voters of the Town to the Town Clerk prior to the next annual Town Meeting.

ADDITIONAL INFORMATION pertaining to this notice and its contents may be obtained by contacting Brent Raymond at 802-888-5147 or braymond@morristownvt.gov during normal office hours.

Dated this 25th day of August 2025.


Don McDowell, Selectboard Chair

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 033 : Municipal Officers Generally

Subchapter 006 : VACANCIES IN TOWN OFFICES

(Cite as: **24 V.S.A. § 961**)

§ 961. Vacancy or suspension of officer's duties

(a) When a municipal officer resigns the officer's office, has been removed from the office, dies, becomes unable to perform the officer's duties due to a mental condition or psychiatric disability, or removes from town, the office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the municipality, and in and near the municipal clerk's office, within 10 days of the creation of the vacancy.

(b) In the event there are so many vacancies on the legislative body that a quorum cannot be achieved, the remaining member or members of the legislative body shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled pursuant to section 963 of this title.

(c) The legislative body of a county, municipality, or special purpose district may designate a person to perform the duties of an officer whose duties have been suspended as a condition of release pending trial for violating 13 V.S.A. § 2537.

(d) When a municipal officer refuses or neglects within 30 days of election or appointment to take an oath of office pursuant to section 831 of this title, the office shall become vacant. However, the office shall not be deemed vacant until the legislative body of the municipality has warned a regular meeting for that purpose and affords the municipal officer the opportunity to take the oath of office at the meeting. (Amended 1981, No. 239 (Adj. Sess.), § 27; 1993, No. 115 (Adj. Sess.), § 1, eff. March 30, 1994; 2007, No. 169 (Adj. Sess.), § 5; 2013, No. 96 (Adj. Sess.), § 150; 2021, No. 16, § 1.)

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 033 : Municipal Officers Generally

Subchapter 006 : VACANCIES IN TOWN OFFICES

(Cite as: 24 V.S.A. § 962)

§ 962. Special meeting

A town at a special meeting may fill a vacancy in a town office.

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 033 : Municipal Officers Generally

Subchapter 006 : VACANCIES IN TOWN OFFICES

(Cite as: 24 V.S.A. § 963)

§ 963. Duties of selectboard; special meeting

(a) When a vacancy occurs in any town office, the selectboard forthwith by appointment in writing shall fill such vacancy until an election is had; except that in the event of vacancies in a majority of the selectboard at the same time, such vacancies shall be filled by a special town meeting called for that purpose.

(b) The selectboard shall file an appointment made under this section in the office of the town clerk and the town clerk shall duly record it in the book of town records.

(c) If there are no selectboard members in office, the Secretary of State shall call a special election to fill any vacancies and for that interim shall appoint and authorize the town clerk or another qualified person to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled. (Amended 1981, No. 239 (Adj. Sess.), § 28; 1993, No. 115 (Adj. Sess.), § 2, eff. March 30, 1994; 2017, No. 50, § 60.)



To: 2322 Laporte Road, LLC

Date: Sept 2, 2025

Memorandum

Project #: Airport Industrial Park
58621.00

From: Peter Smiar, PE

Re: Dust Emissions Permit Conditions Analysis

In response to a request from 2322 Laporte Road, LLC, and in reference to the Airport Industrial Park Project ("Project"), VHB has prepared this summary of the Project's approach to controlling dust emissions and, for further relevant context, reviews the Town of Morristown's ("Town") own approach to controlling dust emissions from its extraction and crushing operations at its sand and gravel operation at Duhamel Road, recently reviewed under Act 250 Permit 5L1136-6 Remanded ("Duhamel"). The purpose of this comparison is to demonstrate how the Project exceeds standards of recently approved local rock extraction operations with respect to dust emissions controls.

Extraction Overview

The Airport Industrial Project proposes temporary rock extraction in an approximately 8.5-acre portion of the 89-acre industrially-zoned parcel at 2322 Laporte Road. Extraction will last approximately 10 years with an average extraction rate of 35,000 cubic yards annually for an estimated total of 350,000 cubic yards of material. Once this activity is complete, the temporary extraction area will be reclaimed and developed into industrial lots as part of the overall Project.

Dust Control and Air Quality

Dust emissions for the Project will be controlled by implementing the Vermont Agency of Natural Resources ("ANR") standard conditions for dust control as requested by ANR and submitted to the District 5 Act 250 Commission on March 11, 2025 with notice to all parties. These conditions will be incorporated into the Act 250 Land Use Permit for the Project and are listed in Attachment 1. They generally consist of a series of best management practices associated with roadway maintenance, sweeping, covering trucks carrying material, dust control systems on material processing equipment, and management of material stockpiles. Per ANR's review and recommendations, these practices ensure compliance with Vermont Air Pollution Control Regulations Section 5-231(4). In the six months since ANR provided its recommended permit conditions, the Project has not received any technical evidence or expert studies that demonstrate that the above practices would be ineffective.

In addition to the typical ANR dust emissions control measures described above, the Project engaged with an air quality expert to conduct an air study to conduct a site-specific Air Modeling Study (Attachment 2). Appendix C of the Air Modeling Study includes Recommended Emissions Control Measures that will apply to the Project during the rock extraction operation. These measures both encompass those proposed by ANR and exceed ANR's conditions. In particular, they include additional measures to be taken by the Project on an as-needed basis. Consequently, the Air Modeling Study (page 7) finds that "The Project will not cause or contribute to a violation of an ambient air quality standard and therefore not adversely impact a neighboring property by complying with Vermont and Federal air pollution regulations and adhering to the recommended emissions control measures".

Comparison with Duhamel

Engineers | Scientists | Planners | Designers

20 Winooski Falls Way, Suite 400B, Winooski, VT 05404

P 802.497.6100 F 802.495.5130 www.vhb.com

Comparison with Duhamel

Phase III of the Town’s own Duhamel extraction operation involves 700,000 cubic yards of material removal and handling over a period of 25 years (Act 250 Permit #5L1136-6 Remanded). For this operation, the Town will employ similar, but less intensive dust emissions control measures than those described above for the Airport Industrial Park Project. Application 5L1136-6 Exhibit 031 from the Town’s application materials acknowledges the Town’s continued use of ANRs recommended practices stating, “The project site and the screening machine do not have a history of causing dust issues”. In Exhibit 031 of 5L1136-6, the Town then requested an exception to ANRs standard dust conditions to allow it to use a rock screening machine that is not equipped with a wet dust suppression system. Wet dust suppression systems are typically requested by ANR in its current standard recommended Act 250 permit conditions. In its application materials, the Town accordingly states that, by following its proposed practices (which are less intensive than those proposed for new operations by ANR), “There will be no process emission, orders or sources of sounds created by this project that will create undue impacts”.

To ensure it could continue using the above approach, the Town entered into a Settlement Agreement dated October 27, 2023 after appealing its Act 250 permit 5L1136-6 with the goal of reducing dust control measures for the Town operation. The Town cited “regulatory overreach” as part of its rationale for its appeal. The result of the Settlement Agreement was to modify the conditions of permit 5L1136-6 generally as follows: a) to remove the condition requiring the Town to use wet dust suppression on its screening and crushing operations, b) to allow crushing to begin at 7am rather than 9 am, c) to extend the permit duration to October 2049, and d) to extend the required period of reclamation from one year to two.

Dust Emissions Approach Comparison

The table below outlines how the Airport Industrial Project exceeds both the requirements recommended by ANR, and those practices currently supported by the Town itself at its extraction facility.

Facility ID	Site Specific Air Study Prepared (with additional dust practices)	Wet Suppression for Processing Equipment	Processed Volume	Duration Until Final Reclamation
Airport Industrial Park	Yes	Yes	350,000 CY	10 years
Duhamel	No	No	700,000 CY	25 years

Conclusion

The Airport Industrial Park Project has made significant efforts to develop a technically-sound and environmentally-responsible framework of management practices to control dust emissions during the period of the Project’s temporary rock extraction operation. By implementing the above practices, the Project will exceed the Town’s own dust mitigation efforts at the Duhamel extraction area, and is expected to operate such that it will comply with all Vermont and Federal air pollution regulations with no undue adverse impacts to air quality resulting.

Attachment 1

ANRs Proposed Permit Conditions – Air Quality

Criterion 1 – Undue Air Pollution, Dust

The Agency's Air Quality and Control Division reviewed the application for conformance with Vermont Air Pollution Control Regulations. As the application proposes blasting and gravel extraction, the Agency requests measures to ensure compliance with the *Vermont Air Pollution Control Regulations*.

To ensure the proposed activities comply with Criterion 1 - Air Pollution and the *Vermont Air Pollution Control Regulations Section 5-231(4)*, the Agency requests the conditions below requiring that the applicant take reasonable precautions to control and minimize emissions of fugitive particulate matter from operations or activities under the applicant's control or supervision.

- *The Permittee shall take reasonable precautions to prevent particulate matter (dust) from becoming airborne from facility activities. Reasonable precautions to be taken shall include, but not be limited to, the following measures or other equally effective measures for facility activities under the Permittee's control or supervision:*
 - *Unpaved traffic and parking areas shall be periodically maintained by the application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions;*
 - *Paved traffic and parking areas shall be periodically maintained as necessary to prevent buildup of material that may generate fugitive dust emissions. Sweeping shall be performed in a manner to minimize fugitive dust air emissions, and may include lightly wetting the paved surface immediately before sweeping, or preferably by the use of a vacuum, regenerative, or high-efficiency sweeper;*
 - *All trucks owned, operated or under the control of the Permittee shall be securely covered when operated on public roadways and when loaded with materials that may generate fugitive dust;*
 - *All rock drills operated shall be equipped and operated with either an effective wet or dry dust control system;*
 - *All unenclosed crushing and dry screening operations shall be equipped with a wet dust control (suppression) system with spray nozzles at appropriate locations and shall be operated as necessary to effectively limit visible dust emissions;*

- *Active storage piles shall be periodically maintained by application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions. Inactive storage piles and exposed surfaces shall be revegetated as soon as reasonably practicable.*
- *The Permittee shall ensure that any dust control measures taken in accordance with the conditions listed above are in compliance with all other State and Federal requirements.*

T: 978.794.0336



July 7, 2025

Susan Baird
District Coordinator
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201

203781

Subject: Act 250 Application 5L1614-1
Hearing Recess Order Response
Criterion 1 (Air)

Dear Ms. Baird:

Brown and Caldwell (BC) was retained by Sunrise Development, LLC/2322 Laport Road, LLC (Sunrise or Applicant) to assist with a response to the Hearing Recess Order issued by the Act 250 District 5 Commission (Commission) on April 14, 2025. Sunrise is proposing to construct an Industrial Park on land zoned for industrial use (Project) located at 2322 Laporte Road in Morristown, Vermont (Project Site). The Project Site is located west of Morrisville-Stowe Airport on an approximately 89-acre parcel between Laporte Road and Cochran Road.

As part of the construction of the Project, it will be necessary to remove the bedrock knoll at the southern portion of the Project Site and reshape the area to provide the required land surface grades for the Industrial Park (Rock Extraction Area). This Rock Extraction Area is approximately 8.5 acres in size and is located within the southern portion of the 89-acre parcel. Sunrise is proposing to remove approximately 35,000 cubic yards per year (up to 50,000 cubic yards in a given year) over a 10-year period within the Rock Extraction Area. Assuming 1.4 tons of aggregate per cubic yard, Sunrise will extract and process 49,000 tons of aggregate per year.

Extracted rock will be converted to construction aggregates using equipment in a portable rock crushing plant (Portable Plant). Construction aggregates will be stockpiled at the Project Site and used either on site or sold and removed from the Project Site. At least one loader will be used to transport construction aggregates around the Project Site.

The Portable Plant's air emissions will be regulated by an air pollution control permit for portable rock crushing plants (Portable Permit) from the Vermont Agency of Natural Resources, Air Quality & Climate Division (Agency). In any given year, the Portable Plant is expected to operate at the Project Site for discrete time periods to process rock that has been produced by blasting and then operate at other locations in Vermont.

The Hearing Recess Order includes the following request related to Criterion 1 (Air):

“Additionally, the Applicant will conduct an air modeling study to predict how potential contaminants released during blasting, crushing and other quarry operations may disperse and mix in the atmosphere and reach nearby Parties’ properties.”

This letter is intended to provide the information requested by the Commission related to Criterion 1 (Air). This letter is broken into the following sections:

1. Comparison with other rock extraction facilities,
2. Regulatory overview,
3. Crystalline silica,
4. Meteorological data,
5. Recommended emissions control measures, and
6. Conclusions.

Comparison with other Rock Extraction Facilities

There are temporary and permanent rock extraction facilities in many communities in Vermont. The Agency issues portable permits for temporary extraction operations and stationary air permits for permanent rock extraction facilities. The proposed extraction rate for the Project is compared with six permanent facilities below. The permanent facilities are permitted to extract between five and 30 times more aggregates than the expected extraction rate for Project. The requirements for dust control for Portable Permits are similar to those for stationary permits; therefore, it is expected that the Proposed Site will need to meet approximately the same requirements as a permanent rock extraction facility.

Facility Name	Location	Allowed Rock Extraction (tons/year)
Proposed Project	Morrisville	49,000
North East Materials Group	Graniteville	250,000
Casella Construction	Clarendon	260,000
J. Hutchins, Inc.	Irasburg	450,000
Chaves Excavating ¹	Londonderry	500,000
Twin State Sand & Gravel	Hartland	700,000
F.W. Whitcomb	Colchester	1,500,000

¹ Permit is awaiting final signature by the Secretary of the Agency.

Regulatory Overview

There are State of Vermont and Federal air pollution control regulations that will apply to the Project Site. These regulations were promulgated to protect ambient (i.e., outdoor) air and will be reflected in the requirements in the Portable Permit for the Portable Plant used for the Project.

Regarding ambient air, Vermont is required by the U.S. Environmental Protection Agency (U.S. EPA) to meet the National Ambient Air Quality Standards (NAAQS). The NAAQS were promulgated by U.S. EPA to protect human health and welfare, including sensitive populations. There are NAAQS for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particle pollution (PM) as particles 2.5 microns or less and 10 microns or less in diameter (PM_{2.5} and PM₁₀) and sulfur dioxide (SO₂). Dust from rock extraction is regulated as PM, PM_{2.5} and PM₁₀. The entire state of Vermont is designated by U.S. EPA as being in attainment (i.e., in compliance) with all of the NAAQS.

Portable permits contain legally enforceable limits including allowable equipment specifications, fuel use and aggregate production limits, combustion emissions limits, and visibility limits. Additionally, portable permits include monitoring, recordkeeping, and reporting requirements to confirm the Portable Plant emissions limits are being met and that the Portable Plant will not significantly impact air quality.

The Portable Plant will be subject to these Federal air pollution control regulations that will be cited in the Portable Permit.

- **40 CFR, Part 60, Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants).** Regulates visibility of emissions from equipment that crushes, screens and conveys aggregates. Equipment items that are subject to this regulation (e.g., jaw crusher, cone crusher, screen deck, conveyor drop points) are subject to an initial visual emissions test performed according to EPA Reference Method 9 to confirm regulatory visibility (i.e., opacity) limits will be met.
- **40 CFR, Part 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines).** Regulates gaseous and particulate combustion byproducts from diesel engines. Diesel engines constructed after 2005 must be certified by the engine manufacturer to meet EPA emissions limits.
- **40 CFR, Part 63, Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines).** Regulates gaseous combustion byproducts from burning diesel fuel. The regulation considers diesel engines which meet Subpart IIII requirements to have complied with Subpart ZZZZ. Otherwise, facilities must conduct emissions monitoring and testing to demonstrate compliance with emissions limits.

Crystalline Silica

The Agency regulates crystalline silica as a hazardous air contaminant (HAC) under chapter §5-261 of the Vermont Air Pollution Control Regulations (Regulations).

The Agency does not incorporate emissions limits for crystalline silica in portable plant permits or stationary source permits for permanent rock extraction facilities. Given that crystalline silica is potentially contained within rock extraction dust, and because wet and chemical suppression have been demonstrated as an effective means of controlling dust emissions, the Agency requires the use of wet and/or chemical suppression in portable and stationary permits to control crystalline silica.

In the air permit for North East Materials Group (#AP-14-007), the Agency provided these comments regarding the prevalence and control of crystalline silica to meet the crystalline silica Hazardous Most Emissions Rate (HMSER) in section §5-261 of the Regulations.

“Nearly every rock, sand and soil earthen material contains quartz which is the most common natural form of crystalline silica. Quartz content in Vermont's rocks and soils typically ranges from 30 to 80 percent. Virtually any activity that involves and disturbs, earthen material can result in emissions of quartz to the ambient air. Such activities would include the drilling, blasting and crushing operations proposed by the Permittee; as well as agricultural and farming (tilling) activities, construction activities (including site work), wind erosion of exposed soils and travel on unpaved roads. Due to the potential levels of quartz in the rock that the Facility will process as well as the quantifiable and unquantifiable sources of emissions from Facility operations, the Agency must presume that potential emissions of quartz will exceed its respective Action Level unless demonstrated otherwise. Therefore, pursuant to §5-261(3) of the Regulations the Permittee must achieve HMSER to minimize emissions of quartz to the ambient air.

Since quartz is a component of the overall particulate matter emissions, the same methods used to minimize particulate emissions would also minimize quartz emissions. The Agency has determined that HMSER for quartz emissions from the Facility operations is achieved through the installation and operation of a properly designed wet suppression system on the crushing plant as well as various standard fugitive dust emission control measures, including: (1) the use of wet suppression, calcium chloride applications or other dust control measures as necessary to minimize fugitive dust from all unpaved roads and traffic areas, aggregate handling operations and storage piles, (2) the covering of all trucks owned or operated by the Permittee while operated on public roadways and transporting materials that may generate fugitive dust emissions, and (3) the use of particulate matter control measures on all operating rock drills which are owned or operated by the Permittee.”

The Agency defines HMSER as follows:

“Hazardous Most Stringent Emission Rate (HMSER)” means a rate of emissions, including a visible emissions standard, which the Secretary, on a case-by-case

basis, determines is achievable for a stationary source based on the lowest emission rate achieved in practice by such category of source. If a source demonstrates that due to economic impacts and costs, it cannot achieve the lowest emission rate achieved in practice by such source category, HMSER shall be the lowest emission rate which the Secretary determines said source is capable of achieving, HMSER may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques. In no event shall application of HMSER permit a stationary source to emit any contaminants in excess of any Federal emission standard or any emission standard in these regulations.

The Project will use the aforementioned dust control measures; therefore, it is expected to meet HMSER requirements for crystalline silica. Refer to Attachment C for recommended dust control measures.

Three samples were collected from the Project Site and sent for laboratory analysis to measure the crystalline silica content. The laboratory results indicate that the samples contained between 80 to 100 percent crystalline silica. Refer to Attachment D for the laboratory report.

Meteorological Data

Meteorological data (i.e., weather data), specifically wind speed and wind direction measured at a location such as an airport, can be used to estimate the frequency that uncontrolled emissions from an emissions source could be expected to be transported by wind moving in a specific direction. Therefore, meteorological data was used to develop an understanding of the percentage of time that emissions may be carried away from the Project Site in 36 wind directions (i.e., every 10 degrees of a 360-degree circle).

The Morrisville-Stowe State Airport (MVL) is located approximately 1,000 feet east of the center of the Proposed Extraction Area and is the site of a weather station. The weather station at MVL collects meteorological data that is processed and used by the Agency for air permitting purposes.

Meteorological data for the five-year period from 2017 to 2021 (the most recent available from the Agency) containing hourly wind speed and wind direction data (MVL Data) was obtained from the Agency and evaluated to develop an understanding of the percentage of time that winds are moving towards neighboring properties. The MVL Data includes 43,824 hours of wind and direction data.

Wind roses are commonly used in air quality studies to develop an understanding of the prevailing wind patterns. A wind rose is a graphical representation of wind speed and wind direction for a location. Therefore, a wind rose was developed using the MVL Data. Refer to Attachment A for the wind rose developed for this submittal.

The wind rose shows the percentage of time the wind will blow in 36 wind directions. The wider end of each of the wind rose “wedge” indicates the direction wind is blowing towards. **The length of each wedge corresponds to the frequency the wind blows in that direction, not the spatial extent of uncontrolled emissions (i.e., not how far the emissions**

would be carried by wind). As shown in the wind rose, wind most frequently moves towards the north and south and least frequently towards the east and west.

Attachment B shows the location of each party status residence and the estimated percentage of time that winds move from the Facility towards them. As shown, the percentages range from less than one percent to less than six percent of the time.

Recommended Emission Control Measures

Emissions control measures for rock extraction operations are addressed in U.S. EPA's "AP-42: Compilation of Air Emissions Factors from Stationary Sources." AP-42 sections 11.19.1, 11.19.2, 13.2.1, 13.2.2, 13.2.4, and 13.2.5 address emissions controls for rock extraction facilities. The emissions control measures recommended for the Project Site, coupled with natural mitigation (i.e., rain), are expected to control approximately 90% of dust emissions by rock extraction activities.

As mentioned, the Portable Permit will include emissions control requirements. Commonly required permit conditions for portable and stationary rock extraction operations have been included in Attachment C. These conditions address how wet suppression should be applied, the allowable visibility of dust emissions, how visibility/emissions testing should be performed (if necessary), where and how dust should be controlled from emissions sources other than the Portable Plant, and requirements for performing maintenance and inspections to maximize the effectiveness of the wet suppression system.

The following are also recommended and are also included in Attachment C.

1. Use a water truck that has a spray cannon or side sprayer in addition to the standard rear spray bar. The spray cannon can be used to wet storage piles, the blasting face or other elevated areas. The rear spray bar can be used to wet internal haul roads or yards where other equipment such as excavators are operating.
2. For blasting, wet down the face that will be blasted and the area below as needed.
3. Wet the pile of stone that was generated from blasting before transporting it to the primary jaw crusher as needed.
4. Pave a 100-foot section of the Project Site's main access road from its intersection with Laporte.
5. Use a high efficiency vacuum, regenerative or high efficiency street sweeper on the paved section of the access road as necessary to prevent buildup of material that may generate fugitive dust emissions. Sweeping should be performed in a manner to minimize fugitive dust air emissions and may include lightly wetting the paved surface immediately before sweeping.

Conclusions

Based on the information evaluated BC concludes:

1. Vermont and Federal air pollution control regulations will continuously apply to the Project for its duration.
2. Dust emissions, including crystalline silica, can be effectively controlled.
3. Uncontrolled emissions are expected to disperse in all directions around the Project Site but mostly to the north and south of the Project Site.
4. The Project will not cause or contribute to a violation of an ambient air quality standard and therefore not adversely impact a neighboring property by complying with Vermont and Federal air pollution regulations and adhering to the recommended emissions control measures.

Should you have any questions about this submittal, please feel free to contact me at (978) 983-2051 or jhinckley@brwncald.com.

Very truly yours,

Brown and Caldwell

A handwritten signature in blue ink, reading "John Hinckley".

John Hinckley
Managing Principal

cc: Garret Hirschak (Sunrise Development); James Mahoney (Mahoney Law Office, PLLC)

Attachments (4)

1. Attachment A – Wind Rose
2. Attachment B – Wind Direction Map
3. Attachment C – Recommended Emission Control Measures
4. Attachment D – Crystalline Silica Laboratory Results

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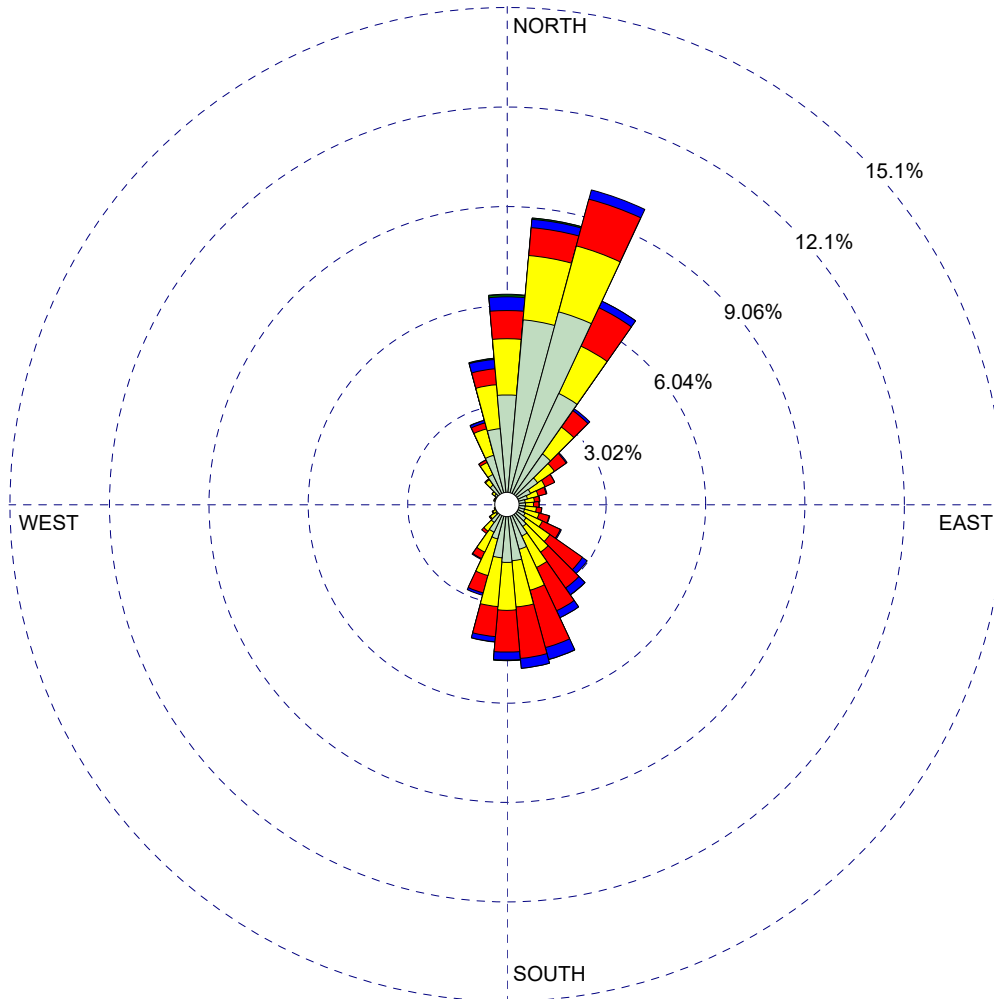
Attachment A: Wind Rose

WIND ROSE PLOT:

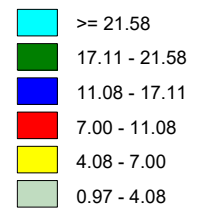
Sunrise Development Wind Rose (2011-2015)
Wind Direction and Wind Speed for 36 Wind Directions

DISPLAY:

Wind Speed
Flow Vector (blowing to)



**WIND SPEED
(Knots)**



Calms: 4.03%

COMMENTS:

Weather data collected at
 Morrisville-Stowe State Airport.

DATA PERIOD:

Start Date: 1/1/2017 - 00:00
End Date: 12/31/2021 - 23:59

CALM WINDS:

4.03%

AVG. WIND SPEED:

4.77 Knots

TOTAL COUNT:

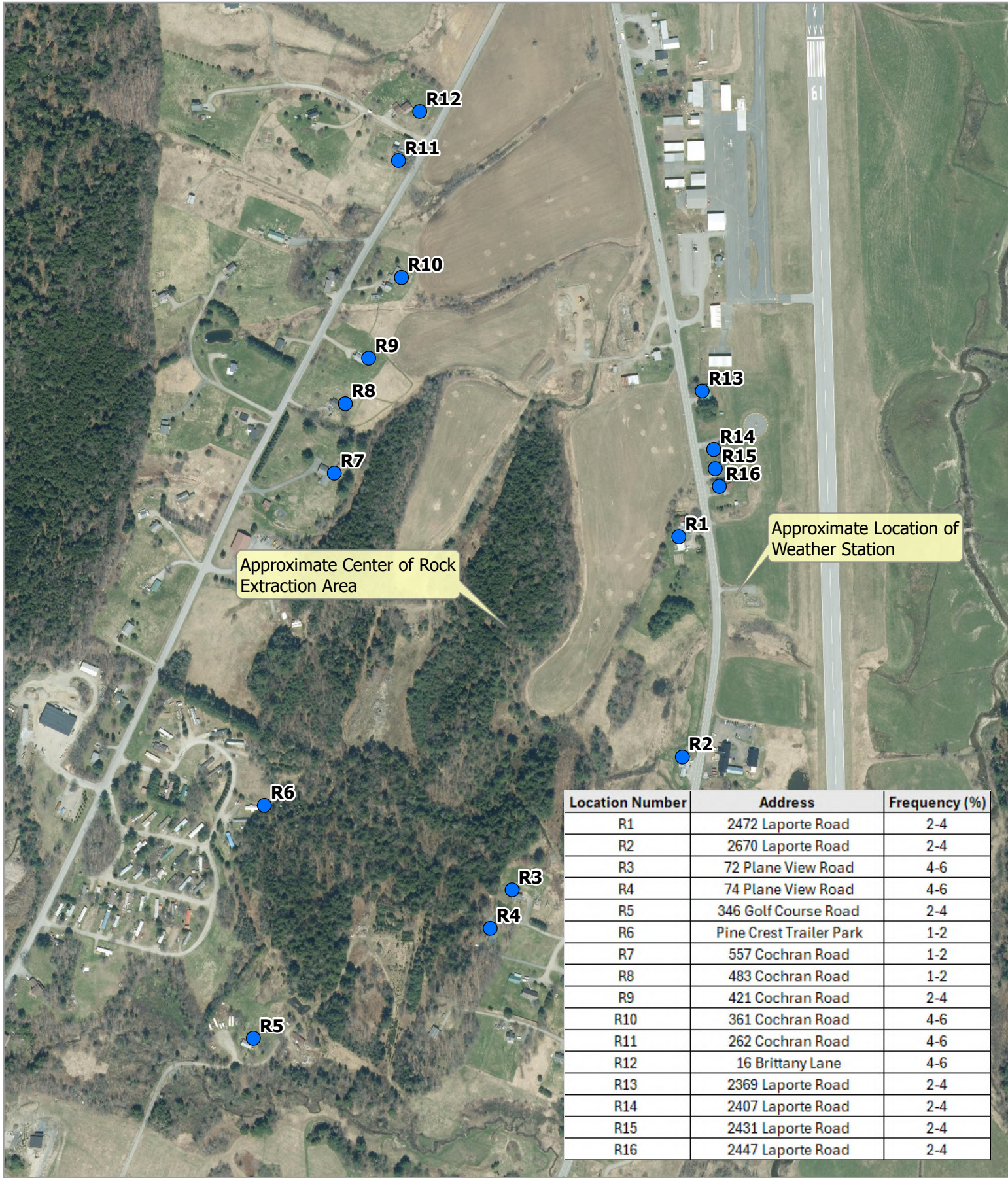
43312 hrs.

PROJECT NO.:

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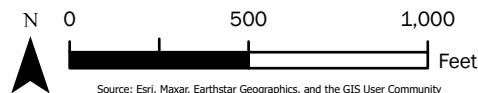
Attachment B: Wind Direction Map



Client Name:
Sunrise Development, LLC
PN: 203781
Project Name:
MSI-Airport Industrial Park

Notes:
Based on wind direction data collected from 2017-2021
at Morrisville-Stowe Airport

Spatial Reference:
Name: NAD 1983 StatePlane Vermont FIPS 4400



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Study Area Map with Wind Direction Frequencies

Date: 7/3/2025 10:28 AM

Attachment C: Recommended Emission Control Measures

State of Vermont Standard Air Permit Conditions for Rock Crushing Facilities

1. At a minimum, the Permittee shall install wet suppression particulate matter controls at the following locations, or use equivalent control measures as approved by the Agency: all crusher inlet and discharge points; all conveyor to conveyor transfer points unless the transfer point is fully enclosed sufficient to prevent emissions in excess of those allowed under this Permit; all screen deck inlet and discharge points unless the screen decks have screen deck covers or other shrouds sufficient to prevent emissions in excess of those allowed under this Permit or the screens are wash screens, and; all transfer points on conveyors leading to dry drop piles. The Permittee shall operate said controls as necessary and in a manner consistent with good air pollution control practices for minimizing emissions and shall take whatever other means are necessary to prevent visible emissions in excess of those allowed under this Permit. The emission control systems shall be maintained in good working order and wet suppression controls shall have sufficient water pressure and flow rates to achieve optimum particulate matter control efficiency. As required by this Permit herein and 40 CFR Part 60 Subpart OOO, the system shall be periodically inspected, any corrective actions taken, and records kept. When ambient temperatures do not allow the effective use of the water control system, the Permittee shall propose and utilize other equivalent control measures approved in writing by the Agency and shall take whatever other means are necessary to prevent visible emissions in excess of those allowed under this Permit.
2. Visible Emissions [Facility Wide]: Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in this Permit, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity.

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with 40 *CFR* Part 51, Appendix M, Methods 203B and 203C, respectively, or equivalent methods approved in writing by the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§§5-211(2), and 5-404 of the *Regulations*]

3. Visible Emissions [Crushing Plant Equipment Manufactured on or After August 31, 1983, and Prior to April 22, 2008]: The Permittee shall not cause to be emitted from any nonmetallic mineral processing or handling operation any fugitive emissions which exhibit greater than ten (10) percent opacity except as provided in paragraphs (a) and (b) of this condition. The Permittee shall not cause to be emitted from a fabric filter dust collector, if used in lieu of or in conjunction with wet suppression, serving any nonmetallic mineral processing operation any stack emissions which exhibit greater than seven (7) percent opacity.

- a) The Permittee shall not cause to be emitted from any crusher fugitive emissions which exhibit greater than fifteen (15) percent opacity.
- b) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the above opacity standards. However, the Permittee shall take reasonable precautions at all times to control fugitive emissions from such truck dumping.

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with 40 *CFR* Part 60, Subparts A and OOO and Appendix A, Reference Method 9. [10 V.S.A. §556(c)] [§§5-231(4) and 5-261(2) of the *Regulations*] [40 *CFR* Part 60 Subpart OOO §60.672]

4. Visible Emissions [Crushing Plant Equipment Manufactured on or After April 22, 2008]: The Permittee shall not cause to be emitted from any nonmetallic mineral processing or handling operation any fugitive emissions which exhibit greater than seven (7) percent opacity except as provided in paragraphs (a) and (b) of this condition.

- a) The Permittee shall not cause to be emitted from any crusher fugitive emissions which exhibit greater than twelve (12) percent opacity.
- b) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the above opacity standards. However, the Permittee shall take reasonable precautions at all times to control fugitive emissions from such truck dumping.

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with 40 *CFR* Part 60, Subparts A and OOO and Appendix A, Reference Method 9. [10 V.S.A. §556(c)] [§§5-231(4) and 5-261(2) of the *Regulations*] [40 *CFR* Part 60 Subpart OOO §60.672]

5. Fugitive Particulate Matter Emissions: The Permittee shall take reasonable

precautions at all times to control and minimize emissions of fugitive particulate matter from the operations at the Facility. Reasonable precautions to be taken shall include the following measures or other equally effective measures for those operations or activities under the Permittee's control or supervision:

- a) The unpaved traffic and parking areas at the Facility shall be maintained as necessary by the application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions.
- b) The paved traffic and parking areas at the Facility shall be maintained as necessary to prevent buildup of material that may generate fugitive dust emissions. Sweeping shall be performed in a manner to minimize fugitive dust air emissions and may include lightly wetting the paved surface immediately before sweeping, or preferably by the use of a vacuum, regenerative, or high-efficiency sweeper.
- c) All trucks owned, operated or under the control of the Permittee/s shall be securely covered when operated on public roadways when loaded with materials that may generate fugitive dust.
- d) All rock drills operated at the Facility shall be equipped and operated with either an effective wet or dry dust control system.
- e) All unenclosed crushing and dry screening operations shall be equipped with a wet dust control (suppression) system with spray nozzles at appropriate locations and shall be operated as necessary to effectively limit visible dust emissions.
- f) Active storage piles shall be maintained as necessary by application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions. Inactive storage piles and exposed surfaces shall be revegetated as soon as reasonably practicable

[10 V.S.A. §§556(c) and 556a(d)] [§§5-231(4) and 5-407 of the *Regulations*]

- 6. In accordance with 40 CFR 60.674(b) as this and other provisions may be applicable, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from an affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray

nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under § 60.676(b). [10 V.S.A. §§556(c)] [§§5-402 and 5-405 of the *Regulations*] [40 CFR Part 60 Subpart OOO §60.674]

Other Dust Control Measures

1. Use a water truck that has a spray cannon or side sprayer in addition to the standard rear spray bar. The spray cannon can be used to wet storage piles, the blasting face or other elevated areas. The rear spray bar can be used to wet internal haul roads or yards where other equipment such as excavators are operating.
2. For blasting, wet down the face that will be blasted and the area below as needed.
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T: 978.794.0336

Attachment D: Crystalline Silica Laboratory Results



EMSL Analytical, Inc.

200 Route 130 North, Cinnaminson, NJ 08077
Phone: (856) 858-4800

Attn. Robert Athan
VHB
20 Winooski Falls Way, Smith 400B
Winooski, VT 05404
rathan@vhb.com
Phone: (802) 497-6141

EMSL Case No.: 362502489
Sample(s) Received: 6/10/2025
Date of Reporting: 6/17/2025
Date Printed: 6/17/2025
Reported By: J Hu

- Laboratory Report -

Crystalline Silica by NIOSH 7500 Mod

Project: 58621.00

Procurement of Samples and Analytical Overview:

The material for analysis (three bulk samples) arrived at EMSL Analytical (Cinnaminson, NJ) on June 10, 2025. The package arrived in satisfactory condition with no evidence of damage to the contents. The purpose of the analysis is to determine the quantity of crystalline silica in the material. The data reported herein has been obtained using the following equipment and methodologies.

Methods & Equipment: X-ray Diffraction (XRD)

Modified NIOSH 7500 – Silica, Crystalline
Modified OSHA ID-142 – Crystalline Silica, Quartz and Cristobalite

Analyzed by:

Jian Hu, Ph.D.
Seniors Laboratory Scientist

June 16, 2025

Date

Reviewed/Approved:

Eugenia Mirica, Ph.D.
Laboratory Director

June 17, 2025

Date



EMSL Analytical, Inc.

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Background and Sample Preparation:



Image of the as-received sample

Identification of the samples submitted for analysis:

Customer Sample ID	EMSL Sample ID	Sample Description	Date Sampled
VHB – Mix	362502489-0001	Bedrock	6/5/25
VHB-Quartz	362502489-0002	Bedrock	6/5/25
VHB-Phyllite	362502489-0003	Bedrock	6/5/25

Sample was pulverized manually using hammer and then mortar and pestle before analysis.



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Reported By: J Hu

Results and Discussion:

Crystalline Silica Analysis of Bulk Material
Performed X-Ray Diffraction (XRD) Method Modified OSHA ID-142 & Modified
NIOSH Method 7500, Issue 4, 3/15/03

Sample ID	Description	α -Quartz (wt%)	Reporting Limit (wt%)
VHB – Mix 362502489-0001	Bedrock	100	0.1
VHB – Quartz 362502489-0002	Bedrock	100	0.1
VHB – Phyllite 362502489-0003	Bedrock	100	0.1

Notes:

1. Reporting limit (Quartz) = 0.1 wt%



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Important Terms, Conditions, and Limitations:

Sample Retention: Samples analyzed by EMSL will be retained for 60 days after analysis date. Storage beyond this period is available for a fee with written request prior to the initial 30 day period. Samples containing hazardous/toxic substances which require special handling may be returned to the client immediately. EMSL reserves the right to charge a sample disposal or return shipping fee.

Change Orders and Cancellation: All changes in the scope of work or turnaround time requested by the client after sample acceptance must be made in writing and confirmed in writing by EMSL. If requested changes result in a change in cost the client must accept payment responsibility. In the event work is cancelled by a client, EMSL will complete work in progress and invoice for work completed to the point of cancellation notice. EMSL is not responsible for holding times that are exceeded due to such changes.

Warranty: EMSL warrants to its clients that all services provided hereunder shall be performed in accordance with established and recognized analytical testing procedures, when available. The foregoing express warranty is exclusive and is given in lieu of all other warranties, expressed or implied. EMSL disclaims any other warranties, express or implied, including a warranty of fitness for particular purpose and warranty of merchantability.

Limits of Liability: In no event shall EMSL be liable for indirect, special, consequential, or incidental damages, including, but not limited to, damages for loss of profit or goodwill regardless of the negligence (either sole or concurrent) of EMSL and whether EMSL has been informed of the possibility of such damages, arising out of or in connection with EMSL's services thereunder or the delivery, use, reliance upon or interpretation of test results by client or any third party. We accept no legal responsibility for the purposes for which the client uses the test results. EMSL will not be held responsible for the improper selection of sampling devices even if we supply the device to the user. The user of the sampling device has the sole responsibility to select the proper sampler and sampling conditions to ensure that a valid sample is taken for analysis. Any resampling performed will be at the sole discretion of EMSL, the cost of which shall be limited to the reasonable value of the original sample delivery group (SDG) samples. In no event shall EMSL be liable to a client or any third party, whether based upon theories of tort, contract or any other legal or equitable theory, in excess of the amount paid to EMSL by client thereunder.

The data and other information contained in this report, as well as any accompanying documents, represent only the samples analyzed. They are reported upon the condition that they are not to be reproduced wholly or in part for advertising or other purposes without the written approval from the laboratory.