

Dear Select Board,

I wanted to follow up on my public comment at the 12/4 Select Board meeting with a written comment. And address some other issues.

In light of a letter sent to the town of Alna by the lawyer representing Crooker Construction, I think it's important for the public to hear from all three select board members where they agree or disagree with the points brought out in the letter. The draft mining ordinance that the board has been working on is already exceedingly favorable to Crooker Construction, so why Crooker's counsel waited until this late date to send this letter is unclear. It is worth noting that the letter is quite similar to one Ms. Bolduc sent in response to the original Mining / Blasting ordinance in 2023. Both letters stop just short of the threat of a lawsuit and are clearly meant to have a chilling effect on the process and the outcome. It is curious that if Ms. Bolduc believes Crooker is not subject to further permitting or the requirements laid out in the ordinance, why she would feel the need to comment on those she feels are too onerous. If anything, this ordinance virtually assures no competition to Crooker, so they should be very supportive. It may also be informative to know if our town counsel has responded to the letter.

I would ask that the three of you publicly state your thoughts and opinions at the next select board meeting so that we, as a town, can either proceed to do the hard work of continuing to improve the ordinance or just allow it to stand, in which case, it is likely to fail. The majority of the written and public comments for this ordinance want to strengthen the town's protections in regard to Crooker's operations, as much as potential new commercial and non-commercial operations. The revisions are not taking enough of those views into account.

Second, I want to again point out the need for enforcement of the secured loads requirement. As I said at the meeting, this is already a state statute. It is also a provision of the 2003 permit that Crooker believes is the only permit they need to abide by. There is NO reason for noncompliance here. For the vast majority of trucks, this is a button inside the cab of the truck, and it is no different than closing your garage door behind you when you leave your home. If heavy load contractors feel so comfortable flouting this rule, they deserve to receive a violation notice, and so does Crooker Construction, or whomever the service operation turns out to be. As I said, this is enforced easily by the CEO parking on a turn-out section of road, or in a resident's driveway (with their permission, of course), and collecting plate numbers and truck descriptions, then getting operator information from the DMV, and sending out a violation notice. Noncompliance should result in the cancellation of a permit when evidence is presented to the Planning Board. We should include a fine attached to this condition in the mining ordinance as well. The heavy truck impact through Alna, whether from Crooker or any construction project, has a noticeable negative effect on our roads, so we should take every opportunity to fund the upkeep.

I'd also like to comment on the working session of the meeting. I very much appreciate another opportunity for me and my neighbors to comment publicly on the draft mining ordinance by having it as an agenda item. But by ONLY hearing comments, and not asking following-up questions or engaging in any discussion at the time, it was no different than any other public comment period at the top of a meeting. In addition, the board then left itself open to interruptions during the working session, which, of course, happened. It is important to point out that up until last Thursday's meeting, any of us who have attended any working session to listen to the progress have been very quiet. If there have been a few public comments, they've been short and to the point. The case was very different on Thursday, and the reason is obvious to all.

I'd like to respond to a couple things I heard.

As far as the repeated comment that everyone only cares about Crooker, and therefore small operations are getting unnecessarily penalized in the process, this is not the case. Crooker is continually referenced because it is the only currently existing commercial operation, and it negatively affects a large number of residents. Why would we not use it as a reference point? As the Planning Board chair aptly pointed out, a main reason for this mining ordinance is that there's broad agreement that the town would prefer not to have any more operations like Crooker.

As for "non-commercial" operations, someone in town is still affected by them, but they would not know who or what is the source of the disturbance, and therefore could not do much if they wished to make a complaint. Also, just as it is with Crooker, most of us care about the health of the waterways, the excess heavy loads on the roads, the added dirt and noise, etc.

There was also the opinion that the ordinance is still unfair to small operations, especially if they might like to be bigger. I appreciate that the board and the author have continuously worked to fine tune the differences between commercial and non-commercial, but it seems some people are still not accepting those delineations. The fact is, even if the board chose to write an ordinance ONLY regulating commercial mining activities, you would still need to decide what that is. To have people who are operating small or non-commercial mines ask for and receive most of what they want and still not be satisfied, is particularly frustrating to the rest of us. You have worked to refine the definitions and parameters to reduce confusion and duplicity, but at some point, a line is a line. Something is below 5 acres. Something is above 5 acres. Something is below a half an acre. Something is above a half an acre. No one is coming to anybody's land with a measuring tape unless there is a reasonable assumption of noncompliance. Almost every ordinance in this town or any town is written in such a way that personal responsibility and adherence is expected. If someone dislikes the rules and implies they won't follow them, that simplifies your job, please do not let it complicate it.

Thank you for the opportunity to comment.

Helen Rasmussen
Alna Rd