

From: Wesley, Carolyn [governorvt@state.vt.us]
Sent: Friday, May 31, 2013 9:56 AM
To: hbsvt@myfairpoint.net
Subject: Responding to your message
Attachments: Stuart Hill PRA.pdf

Dear Mr. Hill,

Thank you for contacting the Governor's Office. Attached is our response to your records request.

I hope this information is helpful.

Sincerely,

Carolyn Wesley

Constituent Correspondent

Office of the Governor
109 State Street, Pavilion
Montpelier, Vermont 05609
802-828-3333

Visit Governor Shumlin's Online Resources:

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Wesley, Carolyn

From: Wesley, Carolyn
Sent: Tuesday, May 14, 2013 2:16 PM
To: Percival, Penny; Kosakowski, Alison
Cc: Murray-Clasen, Madeline
Subject: FW: Constituent Stuart Hill

Penny and Alison,

See the constituent concern below related to ANR and Agriculture. Not sure if there's anything more to be done at the agency level, but I appreciate you taking a look into his concerns, following up as appropriate, and keeping me in the loop.

Carolyn Wesley
Constituent Correspondent
Office of the Governor
109 State Street
Montpelier, VT 05609
802 828 5366
Visit Governor Shumlin's Online Resources:

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Murray-Clasen, Madeline
Sent: Tuesday, May 14, 2013 1:21 PM
To: Wesley, Carolyn
Subject: Constituent Stuart Hill

In 2007 Stuart's neighbors received USDA approval to start a manure pit, which since then has turned into a composting plant. The infrastructure for this operation was poorly designed, and as a result, Stuart does not have potable water and now has no running water at all. Agriculture and ANR have completed several investigations all of which came to no definite conclusion. Additionally, Stuart has received no response from the commissioners of Agriculture and ANR. His town health official contacted the Dept. of Health who referred him to Agriculture.

Stuart Hill
802-533-2202
Greensboro, VT

Wesley, Carolyn

From: Kosakowski, Alison
Sent: Tuesday, May 14, 2013 4:27 PM
To: Wesley, Carolyn; Percival, Penny
Cc: Murray-Clasen, Madeline; Leland, Jim; Houston-Anderson, Wendy; LaClair, Jolinda
Subject: RE: Constituent Stuart Hill
Attachments: Closure memo Stuart Hill 3-2012.pdf

Follow Up Flag: Follow up
Flag Status: Completed

IQaccount: GOVERNOR
IQpeopleID: 285494
IQwfAttach: E-Mail Message 2013-05-14 04:27PM.html||Closure memo Stuart Hill 3-2012.pdf
IQworkflowID: 802567

Hi, Carolyn:

The Agency is aware of Mr. Hill's concerns and we believe we have addressed them appropriately. Attached please find a letter sent to Mr. Hill in March of 2012 which summarizes the measures we have taken.

The Agency considers Mr. Hill's on-going complaints to be a civil matter, not a regulatory issue, and we have provided both parties with information about the Environmental Mediation Center in Moretown, Vermont. We consider this case closed, and unless otherwise instructed by your office or our partners at ANR, will not be following up with Mr. Hill.

Alison Kosakowski
Vermont Agency of Agriculture, Food, and Markets
116 State Street
Montpelier, VT 05620-2901
Alison.Kosakowski@state.vt.us
w: 802-828-2179
c: 802-272-4547

From: Wesley, Carolyn
Sent: Tuesday, May 14, 2013 2:16 PM
To: Percival, Penny; Kosakowski, Alison
Cc: Murray-Clasen, Madeline
Subject: FW: Constituent Stuart Hill

Penny and Alison,

See the constituent concern below related to ANR and Agriculture. Not sure if there's anything more to be done at the agency level, but I appreciate you taking a look into his concerns, following up as appropriate, and keeping me in the loop.

Carolyn Wesley
Constituent Correspondent
Office of the Governor
109 State Street
Montpelier, VT 05609
802 828.5366
Visit Governor Shumlin's Online Resources:



AGENCY OF AGRICULTURE, FOOD & MARKETS
Secretary's Office
Charles R. Ross, Jr., Secretary

www.vermontagriculture.com

116 State Street • Montpelier, Vermont 05620-2901 • (802) 828-2431 • (802) 828-1410 FAX

MEMO

TO: Tom Berry, Senator Leahy's Office
Jenny Nelson, Senator Sanders' Office
Bill Lofy, Governor Shumlin's Office
Gail Center, Dept of Health
Vicky Drew, NRCS
Jim Wood, NRCS
Dave Blodgett, NRCS

FROM: Jolinda LaClair, Deputy Secretary
Vermont Agency of Agriculture, Food and Markets

DATE: March 21, 2012

RE: Stuart Hill Complaint against Jasper Hill Farm, Greensboro, Vermont

The purpose of this memo is to "close the loop" with a summary of the Agency's involvement in Stuart Hill's on-going complaint about Jasper Hill Farm's drainage ditch, and to advise you the Agency intends to take no further action on this case.

During July of 2011, the Agency received a complaint, via the Health Department, from Stuart Hill of 886 Garvin Hill Road, Greensboro Bend. He was concerned that the construction activities being undertaken at Jasper Hill Farm, 148 Town Highway 41, Greensboro, would adversely impact the quality and safety of the spring located on the Jasper Hill Farm property. Mr. Hill uses the spring as his drinking water supply through a deeded right-of-way. None of the water quality data or visual observations made by Agency staff support Mr. Hill's allegations that farming practices and construction activities at Jasper Hill Farm polluted his spring or are likely to pollute it in the future.

The Agency conducted three inspections of the Jasper Hill Farm construction project on July 12, July 28 and November 17, 2011. Each inspection included the collection of water samples for analysis for likely animal waste contaminants (E. coli and nitrate) and visual observations of the construction activities at the Farm and the state and conditions of the spring and spring box. Water sample results (both E. coli and nitrate) suggest that the spring was not and is not being impacted by livestock waste or drainage from the barnyard area. There were slightly elevated E.coli counts in the sample taken on July 12 which could have been the result of the break in the

water line that occurred during the early phase of construction. This break was immediately repaired. Subsequent testing suggests no impact from the farm. Total coliform counts were high in all three samples, but this is not uncommon and is expected in shallow wells and springs in Vermont. These bacteria are commonly found in the soil environment and are most likely present in the sediment that exists in the spring. On all three sampling dates, Agency staff inspected the area around the spring for waste or sediment that may have come from the barn or construction area. None was observed.

Mr. Hill continues to allege that the ditch/drainage channel created to convey clean water collected from around the barn is full of manure and leads directly to his spring. The Agency finds no support for this allegation. Agency staff have confirmed that the channel is appropriately sloped and routed to direct water away from the spring, is located at a lower elevation than the spring, and is lined with heavy stone. During the inspection on November 17, Agency staff observed that the ditch was very clean and there was no evidence of manure or even mud at the end of the ditch near the spring. If Agency staff visit the farm for other regulatory reasons, they will inspect the drainage ditch/channel. The Agency, however, considers Mr. Hill's on-going complaints to be a civil matter, not a regulatory issue, and we have provided both parties with information about the Environmental Mediation Center in Moretown, Vermont. The Vermont Agency of Agriculture considers this case closed.

Please feel free to contact Wendy Anderson of my staff at 802-828-3475 if you would like to discuss this case in more detail.

CC: Charles R. Ross, Jr., Secretary, VAAFM
Diane Bothfeld, Deputy Secretary, VAAFM
James Leland, Director, Agricultural Resource Management Division, VAAFM

Wesley, Carolyn

From: Percival, Penny
Sent: Wednesday, May 15, 2013 8:57 AM
To: Kosakowski, Alison; Wesley, Carolyn
Cc: Kessler, Gary
Subject: RE: Constituent Stuart Hill
Attachments: Re_ Sturat Hill Public Documents Request - RE_ Jasper Hill Farm - Greensboro .pdf

Follow Up Flag: Follow up
Flag Status: Completed

IQaccount: GOVERNOR
IQpeopleID: 285494
IQwfAttach: E-Mail Message 2013-05-15 08-57AM.html||Re_ Sturat Hill Public Documents Request - RE_ Jasper Hill Farm - Greensboro .pdf
IQworkflowID: 802567

Hi Carolyn and Alison,

Mr. Hill has likewise exhausted his options at the level of our agency. Attached is an email string from June. Gary Kessler, our director of Compliance and Enforcement, had a protracted correspondence with Mr. Hill at that time. As with you, Alison, I don't believe there are any constructive avenues for our agency to take at this point. Carolyn, please let me know if you'd like us to try again.

Best,
Penny

Penny Percival, Executive Assistant
Agency of Natural Resources / Secretary's Office
1 National Life Dr, Davis 2 / Montpelier, VT 05620-3901
(802) 828-1294 / penny.percival@state.vt.us

From: Kosakowski, Alison
Sent: Tuesday, May 14, 2013 4:27 PM
To: Wesley, Carolyn; Percival, Penny
Cc: Murray-Clasen, Madeline; Leland, Jim; Houston-Anderson, Wendy; LaClair, Jolinda
Subject: RE: Constituent Stuart Hill

Hi, Carolyn:
The Agency is aware of Mr. Hill's concerns and we believe we have addressed them appropriately. Attached please find a letter sent to Mr. Hill in March of 2012 which summarizes the measures we have taken.

The Agency considers Mr. Hill's on-going complaints to be a civil matter, not a regulatory issue, and we have provided both parties with information about the Environmental Mediation Center in Moretown, Vermont. We consider this case closed, and unless otherwise instructed by your office or our partners at ANR, will not be following up with Mr. Hill.

Alison Kosakowski
Vermont Agency of Agriculture, Food, and Markets
116 State Street
Montpelier, VT 05620-2901
Alison.Kosakowski@state.vt.us

From: [Stuart D. Hill - Hill Business Service](#)
To: [Kessler, Gary](#)
Cc: [Markowitz, Deb](#); [Vincent Illuzzi](#); [Smith, Reg](#); [Percival, Penny](#); [News WCAX](#); [metro@burlingtonfreepress.com](#); [mcgregora@caledonian-record.com](#); [news@timesargus.com](#); [agalloway@vtdigger.org](#)
Subject: Re: Sturat Hill Public Documents Request - RE: Jasper Hill Farm - Greensboro
Date: Friday, June 08, 2012 6:06:37 PM

I suppose that means you noted as I did the word "swamp" in the report and realized the Kehlers had filled in "wetlands". No doubt without a permit to do so.

Please not that the barnyard runoff as well as the discharge from the uncurbed "clean water catch basins" also runs into the wetlands area. You may already know that AAFM field Agent Bethany Creaser noted the violation of the lack of curbs or berms on her first visit. AAFM had been reminded of this violation many time but still refuses to enforce regulations.

You have also failed to address why I was not made aware of your so-called investigations until after the fact and further, was allowed no input into them.

I'm afraid you have shown your stripes. Hopefully opur friends in the press will take note

SDH

From: "Kessler, Gary" <Gary.Kessler@state.vt.us>
To: "Stuart D. Hill - Hill Business Service" <hbsvt@myfairpoint.net>,
"Markowitz, Deb" <Deb.Markowitz@state.vt.us>,
Vincent Illuzzi
<villuzzi@leg.state.vt.us>,
"Smith, Reg" <Reg.Smith@state.vt.us>,
"Percival,
Penny" <Penny.Percival@state.vt.us>,
News WCAX <news@wcax.com>,
"metro@burlingtonfreepress.com" <metro@burlingtonfreepress.com>,
"mcgregora@caledonian-record.com"
<mcgregora@caledonian-record.com>,
"news@timesargus.com" <news@timesargus.com>,
"agalloway@vtdigger.org"
<agalloway@vtdigger.org>
Date sent: Fri, 8 Jun 2012 09:19:49 -0400
Subject: RE: Sturat Hill Public Documents Request - RE: Jasper Hill Farm -
Greensboro

> Mr. Hill,
>
> The documents which you request are from AAFM. With this email I am forwarding your request to
their attorney to address.
>
> The October 11th screen shot is a typical case closure write-up when NO violation is found. There is
typically no reason to invest our very limited resources to generate a multi-page report with
photographs and attachments only to conclude that there is no violation. In this matter I asked that a
report with photographs and attachments be generated in an effort to fully resolve your continued
complaints.
>
> Just like my investigators I am also very busy. While I have enjoyed our daily email exchanges I
want to let you know in advance that I will no longer be able to respond to your multiple daily email
queries as your complaint has now been closed.
>
> I wish you the very best of success in your efforts to get your spring based water system operational.

>
> Gary Kessler
>
>
> Department of Environmental Conservation
>
> Gary S. Kessler, Director
> Compliance & Enforcement Division
> 802.498.7891
> Gary.Kessler@State.VT.US
>
>
> -----Original Message-----
> From: Stuart D. Hill - Hill Business Service [<mailto:hbsvt@myfairpoint.net>]
> Sent: Friday, June 08, 2012 5:28 AM
> To: Kessler, Gary; Markowitz, Deb; Vincent Illuzzi; Smith, Reg; Percival, Penny; News WCAX;
metro@burlingtonfreepress.com; mcgregora@caledonian-record.com; news@timesargus.com;
agalloway@vtdigger.org
> Subject: Re: Sturat Hill Public Documents Request - RE: Jasper Hill Farm - Greensboro
>
> Where is the report of the Oct. 2011 "investigation"? All you sent me was a screen shot of some sort
of internal system with a few sentence fragments.
>
> As for the May 2012 "report", that is going to take more time to address completely. I do see some
rather interesting things though that were quite telling.
>
> Please note that the manure system your man praised is still not in service and that twice a day green
manure is being hauled out to be spread on a nearby field.
>
> Please forward all documents from AAFM on the approved grade changes for the project you were
using to establish a baseline. If none were used I will need an explanation of why that is coincided
acceptable by you.
>
> Thank you,
>
> SDH
>
>
>
> From: "Kessler, Gary" <Gary.Kessler@state.vt.us>
> To: "'Stuart D. Hill - Hill Business Service'" <hbsvt@myfairpoint.net>
> Copies to: "Markowitz, Deb" <Deb.Markowitz@state.vt.us>,
> Vincent Illuzzi
> <villuzzi@leg.state.vt.us>,
> "Smith, Reg" <Reg.Smith@state.vt.us>,
> "Percival,
> Penny" <Penny.Percival@state.vt.us>,
> News WCAX <news@wcax.com>,
> "metro@burlingtonfreepress.com" <metro@burlingtonfreepress.com>,
> "mcgregora@caledonian-record.com" <mcgregora@caledonian-record.com>,
> "news@timesargus.com" <news@timesargus.com>,
> "agalloway@vtdigger.org"
> <agalloway@vtdigger.org>
> Date sent: Thu, 7 Jun 2012 11:46:12 -0400
> Subject: RE: Sturat Hill Public Documents Request - RE: Jasper Hill Farm -
Greensboro
>
>
> > Mr. Hill,
> >
> > I am writing in response to your further email of June 5, 2012. Firstly, it is clear that you do not

understand what I told you in prior emails. I never said we did not have a report from EEO Smith's investigation. I was referring to an additional and more recent investigation that was done to follow-up on your additional complaint. My intention, which I am fulfilling with this email and attachments, was to provide you with both investigation closures at the same time in response to your document request.

> >

> > Pursuant to the Vermont Public Records law I am attaching the investigation closure from October of 2011 as well as the most recent investigation report on a site visit which took place on May 24, 2012.

> >

> > Secondly, you will note in the report dated June 5, 2012 that the investigators visited the Jasper Hill Farm on May 24, 2012 in response to your complaint. They inspected your spring box both inside and out and they took photographs which document their observations. In brief, they found that you have failed to properly maintain your spring box. It appears that this lack of maintenance on your part is what has caused the situation of which you complain. Your spring box is in a wet area which appeared to put your spring box under the direct influence of surface water. Such a situation often results in contamination as does an improperly maintained spring box which does not adequately keep out vectors. An examination of the inside of the spring box showed that the intake for your water system was buried in silt (mud) which would significantly impair the function of the system. The photos that document this condition are attached for your review.

> >

> > At this point the complaint you have made with ANR is closed with a determination that Jasper Hill Farm has not committed any violation over which ANR has jurisdiction. I suggest you correct the situation at the spring box or hire someone to do that work for you. Based on the conditions present I strongly urge you to have your waterline cleaned and disinfected as doing so will provide the best opportunity to obtain safe potable water for your use.

> >

> > Gary Kessler

> >

> >

> > Department of Environmental Conservation

> >

> > Gary S. Kessler, Director

> > Compliance & Enforcement Division

> > 802.498.7891

> > Gary.Kessler@State.VT.US

> >

> >

> >

> > -----Original Message-----

> > From: Stuart D. Hill - Hill Business Service

> > [<mailto:hbsvt@myfairpoint.net>]

> > Sent: Tuesday, June 05, 2012 8:21 PM

> > To: Kessler, Gary

> > Cc: Markowitz, Deb; Vincent Illuzzi; Kessler, Gary; Smith, Reg;

> > Percival, Penny; News WCAX; metro@burlingtonfreepress.com;

> > mcgregora@caledonian-record.com; news@timesargus.com;

> > agalloway@vtdigger.org

> > Subject: Re: Sturat Hill Public Documents Request - RE: Jasper Hill

> > Farm - Greensboro

> >

> > Let's review Mr. McVeigh's claim, shall we?

> >

> > "on 10/11/11. On 10/25/11, a CED investigator, EEO Smith, conferred with the Agency of Agriculture, Food & Markets (AAFM) met with the Kehlers, and walked the site. He found no violations under ANR jurisdiction."

> >

> > October 10, 2011 was 239 days ago. Hardly "an instant" is it? In 239 days there would have been a report written were there a real investigation. Give up on trying to convince me otherwise. You are only making yourself look worse by doing so. Even a small child would not fall for such an obvious lie. Do you think our friends in the press would believe such a fanciful tale? I would assume not as you did not include them in your response.

> >

> > Let me give you a clue on how to resolve this problem as taught to me by my father, the real Jasper Hill, a much better man than the two who stole his name for their Government funded venture.

> >

> > 1. Admit wrongdoing.

> > 2. Apologize.

> > 3. Make an effort to correct the damage you have done.

> >

> > Trust me. lying to me and abusing me has not worked for the Kehlers, the State of Vermont or the USDA/NRCS so far. It is safe to assume, barring a traumatic brain injury, it will not work with me in the future.

> >

> > If you are not capable of handling this situation like a professional you are not fit for the position you hold. In that case the greatest service you could do for the tax payers of Vermont is to resign. Perhaps the Kehler brothers have a place for you in their organization.

> >

> > Once more Mr. Kessler, the truth please. I am more than willing to work with anyone who displays honesty and honor. Ask Vince Illuzzi. I suspect he knows me well enough to verify that. He also know me well enough to know that I will not just let this go for the convenience of the contemptable Kehler brothers or their fellow travelers. I intend to have justice and, I will have justice.

> >

> > Clear enough?

> >

> > SDH

> >

> >

> > From: "Kessler, Gary" <Gary.Kessler@state.vt.us>

> > To: "Stuart D. Hill - Hill Business Service" <hbsvt@myfairpoint.net>

> > Copies to: "Markowitz, Deb" <Deb.Markowitz@state.vt.us>,
 > > Vincent Illuzzi
 > > <villuzzi@leg.state.vt.us>,
 > > "Smith, Reg" <Reg.Smith@state.vt.us>

> > Date sent: Tue, 5 Jun 2012 11:56:49 -0400

> > Subject: RE: Sturat Hill Public Documents Request - RE: Jasper Hill Farm -
 > > Greensboro

> >

> > > Mr. Hill,

> > >

> > > Thank you for your e-mail. In response to your question about the report you are in fact incorrect. Reports are not completed in an instant as you surmise. In this case one of the investigators has been on leave for 7 day which I have told you about several times. Once he returns the report will be completed and provided to you as I told you.

> > >

> > > Despite your repeated assertions there is nothing at all unusual in how your complaint has been responded to. It is rare that the complainant is directly involved in the investigation of a complaint. This happens even less frequently when there is an antagonistic relationship which appears to be the situation in this matter.

> > >

> > >

> > > Department of Environmental Conservation

> > >

> > > Gary S. Kessler, Director

> > > Compliance & Enforcement Division

> > > 802.498.7891

> > > Gary.Kessler@State.VT.US

> > >

> > >

> > > -----Original Message-----

> > > From: Stuart D. Hill - Hill Business Service

> > > [mailto:hbsvt@myfairpoint.net]
> > > Sent: Monday, June 04, 2012 6:35 PM
> > > To: Kessler, Gary
> > > Cc: Markowitz, Deb; Vincent Illuzzi; Kessler, Gary; Smith, Reg;
> > > Percival, Penny; News WCAX; metro@burlingtonfreepress.com;
> > > mcgregora@caledonian-record.com; news@timesargus.com;
> > > agalloway@vtdigger.org
> > > Subject: Re: Sturat Hill Public Documents Request - RE: Jasper Hill
> > > Farm - Greensboro
> > >
> > > The same question remains that you and your associate REFUSE to answer:
> > >
> > > If an investigation was supposedly conducted at my request why was I not notified of it at the
time nor allowed any input?
> > >
> > > The further question is why am I now being given the run around on seeing the results of this
alleged investigation that again, was supposedly conducted at my request?
> > >
> > > I'm not a fool and I don't care to be treated like one.
> > >
> > > Had an investigation really taken place there would already be a single, accessible report
available. You would not need to be assembling it now.
> > >
> > > Correct?
> > >
> > > SDH
> > >
> > > From: "Kessler, Gary" <Gary.Kessler@state.vt.us>
> > > To: "Stuart D. Hill - Hill Business Service" <hbsvt@myfairpoint.net>
> > > Date sent: Mon, 4 Jun 2012 14:51:46 -0400
> > > Subject: RE: Sturat Hill Public Documents Request - RE: Jasper Hill Farm -
> > > Greensboro
> > >
> > > > Mr. Hill,
> > > >
> > > > I am writing to let you know that pursuant to 1 V.S.A. §318(5) the Agency will need additional
time to complete your documents request. This time is needed because one of the involved employees
who has responsive documents is on leave and will not be returning until 6/5/12. Once I obtain the
documents this employee has I will fulfill your documents request.
> > > >
> > > > Please contact me if you have any questions.
> > > >
> > > >
> > > > Department of Environmental Conservation
> > > >
> > > > Gary S. Kessler, Director
> > > > Compliance & Enforcement Division
> > > > 802.498.7891
> > > > Gary.Kessler@State.VT.US
> > > >
> > > >
> > > > -----Original Message-----
> > > > From: Stuart D. Hill - Hill Business Service
> > > > [mailto:hbsvt@myfairpoint.net]
> > > > Sent: Friday, June 01, 2012 5:57 AM
> > > > To: Kessler, Gary
> > > > Cc: Markowitz, Deb; Vincent Illuzzi; Kessler, Gary; Smith, Reg;
> > > > Percival, Penny; News WCAX; metro@burlingtonfreepress.com;
> > > > mcgregora@caledonian-record.com; news@timesargus.com;
> > > > agalloway@vtdigger.org

> > > Subject: Re: Sturat Hill Public Documents Request - RE: Jasper
> > > Hill Farm - Greensboro
> > >
> > > Let me see if I have all of this right. Your response to my request to know why I was not notified of a supposed investigation into my complaints about the actions of the Kehler brothers (DBA "Jasper Hill" Farm) and the Agency of Agriculture in failing to deal with the Kehler contamination of my water supply, your investigator speaking only to those that caused\enabled the problem and the failure of your organization to notify me of the results of this supposed investigation is to treat it as a request for information on a public record as if I were not an involved and injured party in the matter?
> > >
> > > Sadly this sort of nonsense has been typical of what has been happening from the very beginning with Gail Center of the Vermont Department of Health asking Wendy Houston-Anderson and Jeff Comstock of the Agency of Agriculture, "Would your group be able to work with Jasper Hill to gauge the veracity of this situation with the Farm's neighbor's well?"
> > >
> > > "Work with" indicates a desired outcome to me. How about you?
> > >
> > > As to the mediator I believe that would be Matt Strassberg. Mr. Strassberg was offered as a mediator by USDA/NRCS on the Kehler property with the Kehler brothers and a representative of USDA/NRCS on one side and myself all alone on the other. Please note Matt Strassberg's connections to the USDA.
> > >
> > > Given the connections to the USDA I refused Mr. Strassburg and later countered with the name of an apparently impartial mediator in Montpelier to resolve the problems with VT USDA. My offer was refused.
> > >
> > > Please reread my email of the 22nd and address the questions therein. That would be a much better start on a trusting relationship than you repeting the past, unacceptable behavior of your associates at Agriculture, Health and the USDA.
> > >
> > > Thank you.
> > >
> > >
> > >
> > >
> > >
> > > From: "Kessler, Gary" <Gary.Kessler@state.vt.us>
> > > To: "Stuart D. Hill - Hill Business Service" <hbsvt@myfairpoint.net>,
> > > "McVeigh, Sean" <Sean.McVeigh@state.vt.us>
> > > Copies to: "metro@burlingtonfreepress.com"
> > > <metro@burlingtonfreepress.com>,
> > > "mcgregora@caledonian-record.com"
> > > <mcgregora@caledonian-record.com>,
> > > "news@timesargus.com" <news@timesargus.com>,
> > > "agalloway@vtdigger.org"
> > > <agalloway@vtdigger.org>
> > > Date sent: Thu, 31 May 2012 11:21:19 -0400
> > > Subject: Sturat Hill Public Documents Request - RE: Jasper Hill Farm -
> > > Greensboro
> > >
> > > > Mr. Hill,
> > > >
> > > > Your May 31, 2012 email has been forwarded to me to respond to. I am treating your email as a public documents request as you ask for documentation. Pursuant to the public documents statute the Agency has 3 business days to respond to your request. I will have a response to you via e-mail on Monday June 4, 2012.
> > > >
> > > > For your information the reason Chief EEO McVeigh failed to respond to your email is because he is out on leave.
> > > >

> > > > Finally, I have contacted a mediator about the situation you have complained about. He had a recollection that he tried to contact you in the past about your complaint, but that you failed to return his call. If in fact you would like to try find a mediated solution to this situation please let me know and I will put you in contact with him.

> > > >
> > > >
> > > > Department of Environmental Conservation
> > > >
> > > > Gary S. Kessler, Director
> > > > Compliance & Enforcement Division
> > > > 802.498.7891
> > > > Gary.Kessler@State.VT.US
> > > >
> > > >
> > > > -----Original Message-----
> > > > From: Stuart D. Hill - Hill Business Service
> > > > [mailto:hbsvt@myfairpoint.net]
> > > > Sent: Thursday, May 31, 2012 5:52 AM
> > > > To: McVeigh, Sean
> > > > Cc: Markowitz, Deb; Vincent Illuzzi; Kessler, Gary; Smith, Reg;
> > > > Percival, Penny; News WCAX; metro@burlingtonfreepress.com;
> > > > mcgregora@caledonian-record.com; news@timesargus.com;
> > > > agalloway@vtdigger.org
> > > > Subject: Re: Jasper Hill Farm - Greensboro - SECOND REQUEST FOR
> > > > RESPONSE
> > > >
> > > > Mr. McVeigh. I sent the email below in response to your email on May 22. It is now May 31.
> > > > You have yet to reply.
> > > >
> > > > I am not amused.
> > > >
> > > > You made claims about a supposed investigation. Please back them up with documentation.
> > > >
> > > > I have endured a great deal of abuse at the hands of the state of Vermont over the last year. I intend to endure no more. The time has come for this mess to be settled. Let me make this clear though: "settled" does not mean my being a good little hayseed and gleefully accepting whatever nonsense the Carolyn Kehler's sons and their supporters within the State of Vermont Government wish to pump out.
> > > >
> > > > I neglected to thank you for the signature file at the end of your email:
> > > >
> > > > "Written communications to and from state officials regarding state business are considered public records and may be subject to public scrutiny."
> > > >
> > > > As our friends in the press will tell you that was quite a gift. Public scrutiny is the best medicine for the disease we seem to be dealing with at the moment.
> > > >
> > > > I expect your written response by the end of the business day today.
> > > >
> > > > SDH
> > > >
> > > > -----
> > > > This is the first I have heard of EEO Smith or his supposed investigation.
> > > >
> > > > I have to ask why I was not notified of this investigation at the time and why only input from the Kehlers was allowed and not from me? It would seem reasonable that I would be spoken to were a real and unbiased investigation conducted.
> > > >
> > > > I would greatly appreciate seeing a copy of the report of this "investigation"
> > > >

> > > > The Kehlers have been very clear in stating that they have never offered to drill me a well.
> > > > They did however offer to buy my right of way to the water source at a non negotiable price set by them. Had I been so unbelievably stupid to sell the R.O.W. There is no guarantee that I would have had enough money to pay for drilling a well or even if water can be found on my land. At the risk of stating the obvious were that to happen I would have no further recourse in trying to replace the ruined water source.

> > > >

> > > > AGAIN:

> > > >

> > > > I need to know why I was not informed about this so called investigation at the time it took place and why only input was allowed from the Kehlers and not from me, the injured party.

> > > >

> > > > You might not have known that your friends at AAFM were aware of the Kehler manure composting plant plans for about four years prior to my being made aware of them. They in fact were heavily involved in the entire process from conception through construction. Even though I was an impacted party NO ONE saw fit to as much as inform me about the project let alone to seek any input from my on how I might be impacted.

> > > >

> > > > This makes for the appearance of a serious conflict of interest for you friends at AAFM.

> > > > Wouldn't you say?

> > > >

> > > > I am a complete and total loss to understand why things have been allowed to drag on as long as they have and as to why the Kehler brothers seem to be calling the tune the rest of us are supposed to dance to.

> > > >

> > > > I am also sick and tired of being abused, lied to and lied about.

> > > >

> > > > I would strongly urge you to talk to people that do not have a great deal to lose if it is found out their wrong-doing has harmed me in trying to establish proof or disproof of that wrong-doing. AAFM has much to lose and has already proved their bias time and time again.

> > > > Please do not try to give me any of their words as proof that all is right with the world. I am not that stupid or gullible.

> > > >

> > > > I have been without any running water for five months to the day today. My water has been contaminated since at least July of 2011. I have been lied to and abused by the people that are supposed to be protecting my rights and interests in this situation. I have had more than enough of this behavior. I am hoping that you will prove to me you are more of a responsible adult than what I have been subjected to over the last nine months.

> > > >

> > > > SDH

> > > >

> > > >

> > > >

> > > > From: "McVeigh, Sean"

> > > > <Sean.McVeigh@state.vt.us>

> > > > To: "Stuart D. Hill - Hill Business Service"

> > > > <hbsvt@myfairpoint.net>

> > > > Copies to: "Kessler, Gary"

> > > > <Gary.Kessler@state.vt.us> ,

> > > > "Smith, Reg"

> > > > <Reg.Smith@state.vt.us> ,

> > > > "Houston-Anderson, Wendy"

> > > > <Wendy.Houston-Anderson@state.vt.us> ,

> > > > "Percival, Penny"

> > > > <Penny.Percival@state.vt.us>

> > > > Date sent: Tue, 22 May 2012 09:59:41 -0400

> > > > Subject: Jasper Hill Farm - Greensboro

> > > >

> > > > Mr. Hill

> > > >

> > > > > Sorry for the delay in getting back to you. I needed time
> > > > > to look into your situation.
> > > > >
> > > > > CED first received a complaint from you concerning this
> > > > > situation on 10/11/11. On 10/25/11, a CED investigator, EEO
> > > > > Smith, conferred with the Agency of Agriculture, Food & Markets
> > > > > (AAFM) met with the Kehlers, and walked the site. He found no
> > > > > violations under ANR jurisdiction.
> > > > >
> > > > > In response to your email below, I spoke with EEO Smith
> > > > > and with the AAFM. I must agree with EEO Smith that there are
> > > > > apparently no violations under CED jurisdiction and that the
> > > > > AAFM is the correct entity to handle this situation and to further assist you.
> > > > >
> > > > > It should be noted that apparently at one point the
> > > > > Kehlers offered to drill you a new well and that you declined
> > > > > the offer. If that is true, it appears to me that the situation
> > > > > (assuming its existence) would have been remedied by that solution.
> > > > >
> > > > > SJM
> > > > >
> > > > >
> > > > > Sean J. McVeigh . Chief Environmental Enforcement Officer
> > > > > . CED-DEC . 802.654.8976
> > > > >
> > > > > Written communications to and from state officials
> > > > > regarding state business are considered public records and may
> > > > > be subject to public scrutiny.
> > > > >
> > > > >
> > > > > -----Original Message-----
> > > > > From: Stuart D. Hill - Hill Business Service
> > > > > [mailto:hbsvt@myfairpoint.net]
> > > > > Sent: Tuesday, May 15, 2012 05:48
> > > > > To: McVeigh, Sean
> > > > > Subject: Water contamination etc caused by Jasper Hill
> > > > > Farm in Greensboro
> > > > >
> > > > > Sen. Robert Starr recommended I call your Agency with a
> > > > > serious problem I am having and Jessica Miller of Cabot
> > > > > specifically recommended I speak to you.
> > > > >
> > > > > My water system (a deeded ROW on the neighboring land) has
> > > > > been ruined by the activitiied of Andrew and Mateo Kehler DBA
> > > > > Jasper Hill Farm.
> > > > >
> > > > > The Agency of Agriculture has three times tested the water
> > > > > and each time found contamination. The problem is that each time
> > > > > the Agency of Agriculture has also found a flimsy excuse to
> > > > > claim the contamination was not due to activities of the Kehlers.
> > > > >
> > > > > As part of a manure composting plant funded by USDA/NRCS
> > > > > and overseen by both NRCS and the Vermont Agency of Agriculture
> > > > > barnyard runoff was ditched directly towards the springhouse.
> > > > > Cover was also removed from the waterline resulting in the line
> > > > > freezing and cracking on 12/22/2011.
> > > > >
> > > > > The project apparently has been in process since at least
> > > > > mid 2007. I was not made aware of it by the Kehlers, Vermont
> > > > > Agriculture or NRCS until a dew days before excavation started

> > > > in July of 2011. Even then I was lied to about the impact it would have on me.
> > > > >
> > > > > I believe the Agency of Agriculture has far too much of a
> > > > > personal investment in the matter to be impartial. I have
> > > > > reported serious problems and they have been ignored by staff as high as Mr.
> > > > > Ross himself.
> > > > >
> > > > > It is also worth noting that the person referred to as the
> > > > > project engineer by VT Agriculture staff is in fact "an
> > > > > architect that designs lofts" according to a friend and former
> > > > > coworker of the man (James Coe). This person also informed me at one point that Mr.
> > > > > Coe admitted he was not the designer of the project. The
> > > > > design was actually done by one or both of the Kehers and Coe "signed off on it".
> > > > >
> > > > > Mr. McVeigh, I've had no drinkable water since last
> > > > > summer. I've had no water at all since 12/22/2011, The Agency of
> > > > > Agriculture and the Department of Health have been beyond useless.
> > > > > I need help.
> > > > >
> > > > > This is just an overview. If you let me know what else
> > > > > might help you to help me I can call you to talk over the matter.
> > > > > As it stands I have just taken a new job and calling on my lunch
> > > > > break is my best option but as I would be tying up a company
> > > > > line I would need to keep any conversation short.
> > > > >
> > > > > Thank you,
> > > > >
> > > > > Stuart D. Hill
> > > > >
> > > > > 802-533-2202
> > > > >
> > > > > Hill Business Service
> > > > > Stuart D. Hill, Owner
> > > > > #886 Garvin Hill RFD
> > > > > Greensboro Bend, VT
> > > > > 05842
> > > > >
> > > > > Annual income twenty pounds, annual expenditure nineteen
> > > > > six, result happiness.
> > > > > Annual income twenty pounds, annual expenditure twenty
> > > > > pound ought and six, result misery.
> > > > > -Charles Dickens, David Copperfield,
> > > > > 1849
> > > > >
> > > > >
> > > > >
> > > > >
> > > > >
> > > > > Hill Business Service
> > > > > Stuart D. Hill, Owner
> > > > > #886 Garvin Hill RFD
> > > > > Greensboro Bend, VT
> > > > > 05842
> > > > >
> > > > > You can fool too many of the people too much of the time.
> > > > > -James Thurber
> > > > >
> > > > >
> > > > >
> > > > >
> > > > >

Wesley, Carolyn

From: Wesley, Carolyn
Sent: Wednesday, May 15, 2013 9:04 AM
To: Percival, Penny; Kosakowski, Alison
Cc: Kessler, Gary
Subject: RE: Constituent Stuart Hill

No I'm comfortable with this follow up. If Mr. Hill calls again we'll let him know that his issue has been addressed at the state level and he should consider other options.

Thank you

From: Percival, Penny
Sent: Wednesday, May 15, 2013 8:57 AM
To: Kosakowski, Alison; Wesley, Carolyn
Cc: Kessler, Gary
Subject: RE: Constituent Stuart Hill

Hi Carolyn and Alison,

Mr. Hill has likewise exhausted his options at the level of our agency. Attached is an email string from June. Gary Kessler, our director of Compliance and Enforcement, had a protracted correspondence with Mr. Hill at that time. As with you, Alison, I don't believe there are any constructive avenues for our agency to take at this point. Carolyn, please let me know if you'd like us to try again.

Best,
Penny

Penny Percival, Executive Assistant
Agency of Natural Resources / Secretary's Office
1 National Life Dr, Davis 2 / Montpelier, VT 05620-3901
(802) 828-1294 / penny.percival@state.vt.us

From: Kosakowski, Alison
Sent: Tuesday, May 14, 2013 4:27 PM
To: Wesley, Carolyn; Percival, Penny
Cc: Murray-Clasen, Madeline; Leland, Jim; Houston-Anderson, Wendy; LaClair, Jolinda
Subject: RE: Constituent Stuart Hill

Hi, Carolyn:

The Agency is aware of Mr. Hill's concerns and we believe we have addressed them appropriately. Attached please find a letter sent to Mr. Hill in March of 2012 which summarizes the measures we have taken.

The Agency considers Mr. Hill's on-going complaints to be a civil matter, not a regulatory issue, and we have provided both parties with information about the Environmental Mediation Center in Moretown, Vermont. We consider this case closed, and unless otherwise instructed by your office or our partners at ANR, will not be following up with Mr. Hill.

Alison Kosakowski
Vermont Agency of Agriculture, Food, and Markets
116 State Street