

Correspondence from 2017 between Rutland Town Chair Mark Porter and Center Road residents Gail Simpson, Jeannette Walker, Elizabeth Bachuber, Maureen Rowe, Bill Boerigter, Dave Krueger, Eric Frey

This email thread documents the first periods of heavy truck traffic from the Hahn pit on Center Road after he purchased the property. It is submitted to demonstrate that although he stated that he is a small operation, he often has independent truck contractors running hundreds of loads per day. This is just for the 9-acre pit; from this we can extrapolate the volume from an additional 38 acres. It is by no means a small local business. You can also see at the end a complaint from a resident about harassment by the drivers.

From: info2@actualsizeartworks.com info2@actualsizeartworks.com
To: chair <chair@town.rutland.wi.us>
Sent: Wednesday, May 24, 2017 4:51 PM
Subject: question re. trucks

Hi Mark, I was wondering how much longer the gravel trucks are going to be running to & from the Center Rd. quarry. As I'm sure you're aware, trucks are running every few minutes from about 7am till at least 4:30 every day. In the past when they've run gravel out of there it's been over in about 2 weeks and I've never complained, but this has been about a month so far, I think. It feels dangerous trying to pull out of my driveway with the blind spots created by the (very mild) hilliness of the road, and it's nearly impossible for those of us who like to run or walk our dogs. The diesel exhaust and noise pollution are tolerable for a while, but getting less so. The drivers aren't necessarily driving badly, there are just so many of them. Do you know how long they plan to run this operation? It's pretty tough on the road and the neighborhood.

Thanks very much -

Gail Simpson

673 Center Rd. (608)217-9599

Re: question re. trucks

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

5/24/2017 9:40 PM

Hi Gail,

Unfortunately I don't have a definitive answer to your question. My understanding is that the Town's ability to regulate such mineral extraction sites is very limited as their operation is grandfathered in. With that said, Dane County has issued a Stop Work Order on the current operation as they haven't met the requirements of their permitting section (74 as I recall). I'm waiting to hear more from them. But, if the operation meets the requirements, my understanding is that we have little ability to regulate their operation.

I'll let you know what more I find out.

thanks,

mark.

Mark Porter 4483 Waterman Rd. Oregon, WI 53575 608-345-7510

From: info2@actualsizeartworks.com info2@actualsizeartworks.com

To: Mark Porter <mark.porter@att.net>

Sent: Thursday, May 25, 2017 10:24 AM

Subject: Re: question re. trucks

Thanks for checking, Mark. How can they keep working if there's a Stop Work Order? Do you think the County knows they're still going? If there's a way to complain to them I would sure do it. I'm really worried about safety, not to mention the general nuisance of it going on so long.

Thanks again- Gail

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

5/25/2017 10:47 AM

To info2@actualsizeartworks.com info2@actualsizeartworks.com

Hi Gail,

The Stop Work Order was mailed to them yesterday, so it may take a day or two. Please note though, as long as the new operator meets the requirements of Chapter 74, they're allowed to operate on this site. And, unfortunately, there's not much we can do to limit the operation. Having said that, having a good relationship with their neighbors is to their advantage, so what we may need to do is sit down and discuss this with Kevin Hahn, the new operator and come to agreement on how they'll operate. Unfortunately because of their location, they're likely going to be on Center Road no matter what.

I'll keep you updated.

thanks,
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

5/30/2017 4:01 PM

To joannakessenich@msn.com, info2@actualsizeartworks.com Copy [Dawn George](#)

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Hi Joanna/Gail,

I spoke with Kevin Hahn this morning. He asked to be put on our next meeting agenda so that he can outline for the Board and any present what his plans are and how he intends to operate the pit. We've added him to the agenda. Please note, this is not a public hearing so we'll only allow limited questions and answers. Hopefully this will allow us all to understand the operation and what's happened to date.

thanks!
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

6/2/2017 11:36 AM

To info2@actualsizeartworks.com info2@actualsizeartworks.com, [Joanna Kessenich](#) Copy [Dawn George](#)

Hi Joanna/Gail,

Just wanted to let you know, Dane County has lifted the Stop Work Order and Kevin has submitted the financial assurances required and has agreed to fulfill the reclamation plan on file with the county. He will still be on the agenda for Tuesday and will outline how he intends to operate this gravel pit.

thanks,
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

From: info2@actualsizeartworks.com info2@actualsizeartworks.com

To: mark porter <mark.porter@att.net>

Cc: elizabethcbachhuber <elizabethcbachhuber@gmail.com>; roweboe <roweboe@yahoo.com>; donjanwalker <donjanwalker@gmail.com>

Sent: Tuesday, June 20, 2017 1:17 PM

Subject: gravel trucks today 6/20

Mark, I am sorry to be a pest about this but today the gravel trucks are going in a really heavy rotation up and down Center Rd. again, at least the same volume as the week before Memorial Day or worse. Strings of 2 or 3 at a time, using the air brakes because there is driveway work being done up the road, and by the time they get down here they seem to be going faster than 45. I am going to call the Sheriff. It's really loud and once again difficult to get in and out of our driveway. There has been sporadic improvement lately - some days better than others - and I know he can't be expected to completely cease using Center Rd. But this is ridiculous, it's like he didn't hear us at all. I really find it hard to believe we have no recourse. Can you advise?
Thanks - Gail Simpson

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

6/20/2017 1:35 PM

To info2@actualsizeartworks.com
info2@actualsizeartworks.com Copy elizabethcbachhuber and 3 others

Hi Gail,

Sorry to hear that, please definitely call Dane County Sheriff, they enforce traffic laws and can hopefully help slow things down. I did get some interesting information from the Wisconsin Towns Association on ways that the Town could regulate the scale and volume of traffic from a business like this. I'll work with the Board to see what we can do with this. It is unfortunate, as was discussed during the meeting, I do think Kevin could set limits on how others are using his facility. If he's not willing to set those, then we'll have to see what we can do from the Town's perspective.

Thanks for letting me know!
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

6/20/2017 2:37 PM

To info2@actualsizeartworks.com info2@actualsizeartworks.com Copy [roweboe](#) [and 4 others](#)

Hi Gail et al,

Kevin Hahn's number is 608-333-5607. I think it's perfectly appropriate to call him and politely let him know that the volume is exceeding what he told us. You can also let him know that we've corresponded and remained concerned about the volume of trucks on Center Road.

thanks,
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

[Jeanette Walker](mailto:donjanwalker@gmail.com)<donjanwalker@gmail.com>

6/20/2017 2:40 PM

To [Mark Porter](#) Copy info2@actualsizeartworks.com info2@actualsizeartworks.com [and 3 others](#)

I'll confirm everything Gail is saying. Rose Dokken and I walk on Center Road. It is very heavy traffic with gravel trucks.

Sent from my iPhone
Jeanette Walker
608 335-8130

[Jeanette Walker](mailto:donjanwalker@gmail.com)<donjanwalker@gmail.com>

6/20/2017 2:49 PM

To [Mark Porter](#) Copy info2@actualsizeartworks.com info2@actualsizeartworks.com and [4 others](#)

I just called Kevin. Here is the update. Mandt put closed because of rain so he accepted here. He is filling in northern end. The town board asked him specifically to just use Center Road because it is the least driving on town roads. Mandt pit should open tomorrow which will help decrease traffic. Trucks are coming from Northwestern pit as well so we have traffic from 2 pits.

He was very polite and explained it from his perspective.

Sent from my iPhone
Jeanette Walker
608 335-8130

[Liz Bachhuber](#)<elizabethcbachhuber@gmail.com>

6/20/2017 4:08 PM

To info2@actualsizeartworks.com info2@actualsizeartworks.com Copy [Jeanette Walker](#) and [4 others](#)

I would second Gail's comments, acknowledging it is not desirable to have trucks running up and down any roads (safety, wear and tear on the road, and noise). Having them strictly running up and down Center Rd amplifies the issue. Spreading them out over different routes would help balance some of the challenges. It is hard to say what is acceptable levels. I think everyone wants to be reasonable. The constant drone of the noise and traffic is frustrating and the new road will end up being in poor condition from the constant heavy trucks. That is a loss to the whole town. The road does have a fair number of pedestrians and bikers that also create safety concerns.

Liz Bachhuber

[Bill Boerigter](#)<roweboe@yahoo.com>

6/20/2017 4:43 PM

Mark, I am sorry to bother you but wanted you to know truck traffic heavy. Kids home from school. Son wanted to run, daughter wanted to bike, husband wanted to take dog for walk and we can't do any of this at all. It is so loud, it makes it not nice to be here. I really do not want to even live here. Nor would anyone buy a house on this road if this continues. Thanks for trying to deal with it. I think if he can make \$30 grand in a week, no matter how nice he may seem to be, our neighborhood will be ruined by this. Maureen Rowe 798 Center Rd.

[Mark Porter](#)<mark.porter@att.net>

6/20/2017 4:48 PM

To roweboe@yahoo.com, info2@actualsizeartworks.com and [2 others](#)

Hi Bill,

I agree. So the next step is to start a discussion about what is a reasonable level of operation, number of trucks per day, hours of operation, what routes are recommended, what are permitted, etc. This will be on our next Board meeting agenda for discussion and possible development of a Town ordinance to address these issues.

thanks,
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575

[Jeanette Walker](mailto:donjanwalker@gmail.com)<donjanwalker@gmail.com>

6/20/2017 5:44 PM

To [Mark Porter](#) Copy roweboe@yahoo.com and 2 others

Bill and Maureen have a good point about the duration of this trucking. I asked Kevin if he is closing the pit and starting reclamation. He said he had not decided. Currently there is still Rock there so still pulling out as well and filling in one section. He said it would take hundreds of loads to fill it.

Unless there is a town ordinance to regulate the traffic from the pits, they will do what maximizes profit even if that is a truck every 30 seconds.

I used to be able to walk grandchildren in a stroller on this road. It would not be safe now.

If one of those fully loaded trucks comes over a knoll in the road, it takes more distance to stop. Very dangerous for walking and biking. Kevin mentioned that if bikers cover a lane and a truck comes from behind, the trucker can't stop quickly.

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

6/21/2017 10:28 AM

To roweboe@yahoo.com, donjanwalker@gmail.com and 10 others

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Hi Everyone,

I'm trying to do a consolidated email to everyone who's contacted me regarding the Center Road Gravel Pit operated by Kevin Hahn. Here's the information I can give you to-date. Please take this as preliminary, I'm no expert in any of this and I'm doing research and attempting to define the situation better to determine our next course of action. I appreciate all your emails, it's been very helpful understanding the scale of the situation. I may not respond to every email but definitely read all of them!

1. The pit is licensed to operate both for removal and reclamation. As long as Kevin maintains his permits, bond and reclamation plan with Dane County, this pit is permitted to operate indefinitely. Kevin attended our last Board meeting and stated this. He indicated that he purchased the pit for his own use, but was also accepting fill from others. He said he was

unable to regulate the amount of traffic from these other firms. While Kevin has been very cooperative, I'm skeptical of his claim of an inability to cap the amount of traffic from these other companies.

2. The Town has another pit that has been operating for years. Any action the Town takes would need to apply to both operations and potentially any new future ones as well. I've received information from the Wisconsin Towns Association with possible methods for the Town to regulate the weight, volume of traffic, hours of operation, etc. This would require a Town ordinance that would, again, affect all gravel pit operations in the Town. Since this could be legally challenged by either operator, it will be critical that we follow a standard process and are uniform in our approach. I'm also contacting our neighboring Towns to see if any have already adopted such an ordinance that we could use as a basis for ours. Alternatively we may attempt to negotiate an operating agreement directly with Kevin.

3. I've asked Nels to order "Use of Jake Brakes Prohibited in the Town of Rutland" signs which we'll immediately post on both ends of Center Road. He's also contacting Dane County to see if they'll post the same signs, if we supply them on County A.

4. This issue will be on our next Board meeting agenda for an update on Thursday, July 6th, 6:30 pm. As with the last board meeting, this will not be a public hearing but the Board will take comments from concerned residents and I will invite Kevin Hahn to attend.

I hope I've addressed most of the issues that this new operation has raised. Please reply with any specific questions but forgive me if I'm unable reply immediately. Please also let me know if there are others I should include in communications regarding this issue.

thanks,
mark.

Mark Porter
4483 Waterman Rd.
Oregon, WI 53575
608-345-7510

[Bill Boerigter](mailto:roweboe@yahoo.com)<roweboe@yahoo.com>

7/8/2017 11:39 AM

To roweboe@yahoo.com, donjanwalker@gmail.com and 11 others

Mark,

The gravel trucks are running today. It is Saturday. I do not want this gravel pit to be run so intensively. I do not want them operating on Saturdays. I do not want them running trucks on Saturdays. I stopped two trucks as they passed through the intersection of Old Stone and Old Stage. I told them I understand they need to make a living, but emphasized that it would lead to less conflict if they could also use alternative roads besides Center Road. I went down to the gravel pit to talk to Kevin. I did not want to go to his house as it would be too intrusive. I do not have his personal cell or home line. I contacted Kevin before contacting the Township because Kevin, had not shown up at last Tuesday's night's meeting as scheduled where we

hope to connect with him as we discussed the pit operations.

Kevin was not on site. his son was there. We were vocal about not being happy about them running trucks on Saturdays, the trucks speeding over the set speed limit, and the fact that the trucks, and that the trucks were not using any other route than Center Road going toward HYW A from the pit. His son had not interest in providing us with a list of companies who come to his pit so that I could write them a letter asking them to follow the speed limit and use alternative routes. He felt that the truck drives would only adhere to what route save them them the most money.

When it became obvious that the son had no interest in working with us by asking his trucks to go alternative routes in addition to Center Rd, and by asking them not to speed and by considering not working on a weekend so that we could at least enjoy our properties and living her on the weekend, we asked to talk to his father. He called his dad.

As soon as I got on the phone with Kevin, he cut me off and told me to leave the property and that his next call was to the sheriff because we were trespassing. We then left. I then tried tried to call his business number when I returned home. He did not answer. I did not leave a message. I tried to call the Dane Co Sheriff to ask if they could enforce the 45 mph law (some of the trucks were speeding). But, both the 608 285 6800 number cuts off as soon as I type it in. The 608 873 number I found on the web, rings endlessly with no opportunity to pto leave a message. At the last meeting, Town Chair suggested that we talk to him directly.

I do not think that Kevin has interested in talking directly. He said he is going to call the sheriff when I tried to talk to him directly. He knows neighbors are feeling unhappy about the pit in many ways and yet he decides to run trucks on a Saturday. I see no evidence, except for a friendly and false demeanor that he intends to do anything except what will make him the most money.

Kevin did not show up to a scheduled meeting with the Town as was agreed to. He does not let me call and tell him what I am concerned about in terms of how he is operating the pit.. Kevin and his son refuse to ask their truckers to use alternative routes and remind them to go 45mph. He and his son just keep saying they cannot do that because these trucks belong to other people. Today's trucks are being run for "his business" as his son put it and being used to get gravel out to one of his work sites. Kevin has control over this. He could have had those trucks come on a work day. He could decide to try and only run tucks during normal work day hours. This is a reasonable request and one that would help with conflict. We cannot use our road to go a walk , take a bike ride safely when trucks are running this road to go to and fro to his pit.

His son made it very clear that they intended to start doing a lot of blasting and taking a lot more gravel from this pit. If he is not willing to compromise with folks living on the road. Center Road life will be degraded to the point where no one will want to live here. Good business rules do not mean you ruin it for everyone else. I understand why farmers need broadened hours. They have to have broadened hours. Kevin does not need operate on Saturdays and Sundays. He should not be allowed to run trucks whenever he wants. We need trucks to also use alternative routes, enforced speed limits, and hours of operation that are

agreed to by the neighbors.

I will try and find another way to communicate with Kevin. I am hoping he is on this email list. If not you can forward this to him and copy him so that we have a way to communicate directly with him. One of the truckers said we needed to wear a hard hat if we were in the pit. However, since Kevin made it clear I would be trespassing, and that he would call law enforcement if I went into the pit, I do not plan to try and communicate with him by trying to meet him on site.

Could you repost via a post to those folks on this email string. the law enforcement numbers we should call if we see trucks speeding.

I know there are business owners who are willing work with their neighbors more than this guy intends to. The race track is a good example. Kudos to that owner and to the Township for fostering that relationship. I have seen good businesses work with their community. Hopefully we can get to a similar relationship with Kevin.

Thanks you.
Maureen Rowe

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

7/8/2017 12:18 PM

To [Bill Boerigter](#) Copy roweboe@yahoo.com [and 11 others](#)

•

Hi Bill,

I'll reply to the group in more detail later. I did talk to Kevin this morning. He is within his rights to operate. But I did caution him that the town was looking at potential regulations on mineral extraction operations.

I want to also clarify, Kevin was not at the last board meeting because I failed to contact him and ask him to attend, it was not his fault.

I appreciate everyone's feedback, including Kevin's. My hope is to derive an operating agreement that everyone can live with. What this likely means is achieving a mutual level of unhappiness, but that's the nature of compromise.

Thanks,
Mark

[David Krueger](mailto:david.allan.krueger@gmail.com)<david.allan.krueger@gmail.com>

7/19/2017 9:19 PM

To [Mark Porter](#) Copy [Bill Boerigter](#) [and 10 others](#)

Mark and all,

Hope all survived the most recent tsunami!

This email is addressed to Mark P. Thanks for the limited gravel truck traffic on A.

Hope this is not just an anomaly!

One BIG problem is **Harassment!!** Numerous gravel trucks came by my place on CTY A , slowly, no engine braking. Thank you!!! But one gravel truck, Red Cab, (the only gravel truck with a Red cab)came by 4 times and each time jake braked starting 100 feet east of my drive way continuing to CTH A. 20-30 seconds. UGG! I am being targeted. This is harassment because I am opposed to gravel trucking on CTH A and this one customer of Kevin's gravel pit is targeting me. you may say call dane cty, but that will not work because they have to "catch" them in the act.

- does anyone else experience this on Center road?
- Mark--any progress on putting up "no jake braking" signs on CTH A?
- Mark-Can you contact Kevin to explain this problem? possibly to convince the Red Cab gravel truck offender to not do this?

Mark--Thank you for your continued monitoring of this problem!

Dave Krueger

[Mark Porter](mailto:mark.porter@att.net)<mark.porter@att.net>

7/20/2017 9:21 AM

To [David Krueger](#) Copy [Bill Boerigter](#) [and 10 others](#)

•

Hi David,

We will be passing an ordinance at our August meeting prohibiting Air Braking within the Township. Once that's done, then Dane County will put up signs on County A. Can you provide a license plate for the truck in question? If so, then I'll call Kevin and ask him about this issue.

thanks,

mark.

Mark Porter

4483 Waterman Rd.

Oregon, WI 53575