

Town of New Haven Selectmen's Meeting
7:00 pm Town Clerks Office
Tuesday October 31, 2006

Present: Paul Audy, Burt Allen, Keith Hall, Barb Torian

Others: Aaron Gingras, Cris Messerle, Phil Busier, Ed Lounsbury, Brian Elithorpe, Jim Gallott, Mike Dunbar

AGENDA: Results

Read and approve minutes make corrections if needed.

NEW BUSINESS

Visitors Business:

- Sign documents for VELCO / Transco right of way – There was no interest from the town in any form. Documents signed. The Selectboard re-iterated that they do not want any trees in the town right of way. This does not mean that VELCO should not put up the required trees.

ROADS

- Update
- Road crew would like to know about being paid overtime for flood work in 2004 – Katie Reilley is looking into how many hours of overtime were reimbursed by FEMA and other related info.
- Dave Heisler injury and need to hire someone to plow snow – Burt Allen is working on determining how long it will be before Dave can come back to work. Phil Busier is wondering if he is planning on coming back to work or not. Need to know soon.
- Freight liner for tandem truck now available – 1996 truck for \$28,000. Can't purchase anything until town meeting.
- Increase curb cut fees – Phil Busier is putting in culverts for new locations and would like to see the town get compensation for the process. The land owner purchases the culvert and the road crew has been supplying the gravel and labor in order to make sure the entry ways are put in properly. There needs to be a 30 by 30 foot block at the entry to the road. There will need to be a policy. Phil Busier and Katie Reilley will look into it. They can check with other towns and create drawings of how it should be done.
- Nash Bridge – no discussion

Rattlin bridge - discussion of whether the State will actually do the project.

- Fuel tanks were empty when the road crew tried to fill up on Sunday Burt Allen had B&W fill tanks – Town has an agreement with Champlain Valley Plumbing and Heating to provide fuel at .17 over the mercantile rate.

Paul Audy called Champlain Valley Plumbing and Heating they said the town was on automatic delivery. They should have been called first.

Phil Busier – Spoke with Mark Livingston thought they knew to fill tanks.

Burt Allen told B&W Fuels to keep the tank full.

Paul Audy – One board member should not make a decision to change fuel dealers. We have a contract Champlain should have been called. Town will request fuel bids again. Will add a penalty clause for running out of fuel.

- Town / Palmer Agreement – no action
- Sign over wt permits

Visitors Business continued:

Burt Allen – Concerned about violations being issued to Phoenix feeds. Would like to know why the zoning administrator went up and down North Street gathering letters from people to shut a business down. Businesses should be encouraged to move into town.

Brian Elithorpe – There had been a complaint against his business in 2004; which was looked into by Keith Hall, previous zoning administrator and found no problem. He feels he is being targeted by the zoning administrator. He pays taxes in town and should not be treated this way. Everyone knows he is relocating to the Junction. (He believes he was also given a rough time at the Junction.) Why is this happening? This is an agricultural zone and there are no regulations on it; farmers create mud / dust and there is no problem. The zoning administrator also called labor and industry on him, why did he have to do that? There will be a hearing from the zoning board of adjustment on Nov. 15.

Paul Audy – Thought we should bring the zoning administrator in to discuss the issues.

Keith Hall – Spoke of the process that the zoning administrator is required to follow.

The Selectboard has no roll in changing the regulations.

Brian Elithorpe – Selectboard is the boss of the zoning administrator and should do something. He bought the property based on the way it was zoned (agricultural).

Pam Marsh – The law requires that you follow the correct procedure. The zoning administrator is required to investigate all complaints received.

Jim Gallott – If this is fair conduct then that is different than being targeted. You can't hold it against him for enforcing the regulations.

Brian Elithorpe – Problem is that it keeps coming up.

On hold while waiting for the zoning administrator to arrive.

Aaron Gingras – Town hall permit – signed

Keith Hall made a motion to pay payroll and bills for October. Paul Audy Second. All agree.

Cris Messerle was called and arrived.

Cris Messerle was given an update of what has happened so far.

Cris Messerle – He received a complaint. He went back to the decision made by the zoning board of adjustment which referred to the representations made at the time Wesley Kimball was given approval by the ZBA. Both the minutes and the tapes from the hearing imply that this was going to be a mom and pop type operation with 1 truck a day and the mixing of bread. The current operation is not agricultural by anyone's definition. They are not growing any product on the property.

Brian Elithorpe – Feels he has been targeted. He would like to be treated equal. He does have chocolate and bread in the barn just like before.

Cris Messerle – He received a complaint from the Kane's. He looked at the decision that was made by the ZBA. He spoke with the previous zoning administrator, Keith Hall. The decision of the ZBA speaks to the representations that were made to them at that time, the board based their decision on those representations.

Discussion of agricultural activities and various definitions.

Cris Messerle – The town regulations define an agricultural use as having a product grown on the property.

Burt Allen – Wondered why the crouton people were able to proceed.

The crouton people went before the zoning board of adjustment and were given permission.

They are going to grow wheat on the property. No complaints have been filed against them.

Brian Elithorpe – He already defended against this issue in 2004.

Cris Messerle – A new complaint was received and he asked Brian for his side of the issue and Brian did not want to discuss it. Issues at the junction were because the railroad was not doing what they needed to do, they were not related to Phoenix feeds. He worked with Brian to get

things straightened out at the Junction. The businesses at the junction are a welcome addition to town. Brian's attorney previously stated that Phoenix Feeds operation was a warehouse situation and should be a by right use in the commercial district at the junction. They were sent to the ZBA because they mix feed. The zoning board of adjustment determined that the operation actually falls under manufacturing. He is mandated to do his job. The North Street location is in an RA 2 zone. His business is not a permitted use in that district.

Brian Elithorpe – He has an agricultural use permit and the business has been operating O.K. for 6 years.

Paul Audy – This is the zoning boards business Selectboard can't do anything with it.

More discussion about the decision from the zoning board.

Brian Elithorpe – Would like to know why Cris called the State.

Cris Messerle – This is being used as a commercial property – Once it is a public building with employees, the state becomes involved in the process. He saw what appeared to be structural issues when he was trying to research the complaint he received from the Kane's. What if the roof had fallen in? He would be remise as a town official if he did not have the building checked for public health and safety. That is the States job.

More discussion

Keith Hall – Procedures in town are that a complaint has to be investigated once received. Then it goes to the zoning board of adjustment.

Paul Audy – The town has to follow the law. If you get a complaint it has to be investigated.

More discussion

Cris Messerle – Concerned that Burt Allen made promises to these folks without doing any follow up. He did not come and ask for the other side of the story.

Burt Allen walked out.

More discussion about the process that needs to be followed.

- Suzy Roorda – Town Hall Policy – no action
- Wayne Marcelle – Changes to dog ordinance and warrant to kill – no action
- Appointments
 - Conservation Commission
 - Energy Coordinator
 - Addison County Transit Resource
 - Transportation Advisory Committee (TAC)

MISC. Correspondence

- VLCT – Election reform
- VLCT – Health Trust / unemployment Trust
- VELCO – mitigation plantings
- Town of Bristol – Public hearing on Town Plan
- Boise – Land Use Permit

Treasurers Report

Sign pay orders

Paul Audy motion to adjourn. Second Keith Hall

Adjourn 9:35

Respectfully submitted:
Barbara Torian

Approved:

Paul Audy

Burt Allen

Keith Hall