

Town of New Haven Selectboard Meeting
7:00 pm Town Offices
Monday, November 3, 2008

Present: Keith Hall, Pam Marsh, Lowell Nottingham, Roger Boise, Pam Kingman

Absent: Pat Paquette

Visitors: Cris Messerle, Barb Torian, Wayne Marcelle, Al Karnatz, Jeff Everest, Gary Sundstrom, Janelle Vincent, Ron Vincent

AGENDA RESULTS:

VISITORS BUSINESS:

1. **Planning Commission Chair, Al Karnatz** – Needs signatures from the Selectboard to apply for the continuation of a Planning Grant. The grant will allow Brandy Saxon to continue working for the Planning Commission. The amount of grant money they are applying for is \$6600. This will pay Brandy Saxon over the course of one year. If approved, the grant money is distributed in 3 installments. The last check is not issued until all of the money is spent; kind of like deficit spending. The Selectboard makes the final payment, then when the last check comes in from the grant it goes directly into paying the Selectboard back. Al Karnatz said he has been the one to write the checks for the Planning Commission, he feels it may be time to have the Treasurer take over that aspect of the P.C. Lowell Nottingham made a motion to advance the final payment to the Planning Commission and to sign the grant application. Seconded by Roger Boise. 4 yes / 0 no
2. **Cris Messerle – Zoning Violations on two Commercial properties.**
Phoenix Feeds, owned by Newton / Elithorpe - located on Route 7 in the Junction (old OMYA plant). When Phoenix Feeds moved its operation there from North St., the Railroad still owned the property. [The R.R. has State and Federal exemptions and therefore did not need a site plan for their operation.] Phoenix Feeds is a manufacturing business, which is considered a change of use on the property. Phoenix Feeds now owns the property and in order for Phoenix Feeds to continue its operation, they need to comply with the Town Zoning Regulations and get a site plan done.
Dirt Works, owned by John Meshna - located on Dog Team Road, moved his original operation down the road to this new location (formerly owned by Fred Lathrop). When the Town approved rezoning a section of Route 7 to Highway Commercial, a portion of Dirt Works property was included in that, but not the house. The house is where the business is being run, and that is in a residential district. Mr. Meshna never approached the Town about his intentions when relocating his business. Dirt Works used to operate out of the last house on Dog Team Road on the north end. Zoning Administrator, Cris Messerle sent Mr. Meshna a letter saying he and the Town need to work together to avoid violations. Mr. Meshna

- started to comply and got one half of the site plan done, but has never completed the second half. Meshnas business has been in operation at this location for 2 years, using the entrance to the property off of Dog Team Rd. There are some geographical conditions that make it difficult to access this property from Route 7, but that doesn't make it OK to put the commercial traffic on Dog Team Road. There is nothing that is grown on site. He is selling a lot of environmentally friendly products out of his house and over the internet. Cris Messerle isn't sure why he hasn't complied.
3. **Barb Torian** – Audit by Tom Telling & Assoc. has been completed, she has mailed it to the Bond Bank. Telling & Assoc. made some changes on a couple of pages of the application prior to mailing. Barb Torian received the cost schedule from Naylor & Breen; she needs someone to go over it with her. Keith Hall suggested she call Project Manager, Kim Levins at Naylor & Breen. Keith Hall understood the Town keeps out 10% of each payment, it gets put into an account and when the project is complete and we are satisfied with the building, Naylor & Breen get the money that was withheld.
 4. **Wayne Marcelle** – On Sunday, November 2, 2008 at 9:30 a.m. there was an incident on South St., Janelle Vincent witnessed Nick Liberio's pit bull, "Ginger" attack and kill her cat on her back deck. Janelle Vincent gave the Selectboard a written statement describing the incident. The dog was taken to the pound as it is not the first complaint against "Ginger" and Nick Liberio has been warned about his dogs running at large several times. The same dog allegedly killed a cat in Middlebury in August of this year. The Town's dog ordinance includes a leash law as well as provisions pertaining to vicious dogs. Our dog ordinance requires a public hearing with notice to the owner of the dog prior to action being taken on this complaint. Pam Marsh will contact the Sheriff's Office to serve Mr. Liberio in regards to the Public Hearing set for Saturday, November 8 at 9:30 a.m. to discuss the fate of "Ginger".
 5. **Gary Sundstrom – Representing Vt. Marble** they have two facilities in New Haven; one on Beldon Falls Rd. and the other at Huntington Falls (Rattlin' Bridge) between New Haven and Weybridge. Mr. Sundstrom asked what the status of repair is on Pearson Rd. Roger Boise told him the Town has hired Steve Delphia Excavating to do a temporary fix on Pearson Rd. to get us through the winter. A permanent fix will be done next spring. Delphia should be starting this week on the temporary fix.

NEW BUSINESS:

1. **Ancient Roads** – Pam Kingman called the State about doing the Mass Discontinuance. Johnathan Croft from the State told her that you can do the Mass Discontinuance if the roads have not yet been identified. If they have been identified, then the Town must go through the process of "throwing them up". Pam Marsh indicated she thought the Board should

- work on Ancient Roads in the spring after Town Meeting. It will be placed on the agenda for an April, 2009 Selectboard meeting.
2. **Naylor & Breen Builders – Estimate for adding a basement** came in at \$ 66,715.87. Pam Marsh made a motion not to do a change order for adding a basement, therefore declining to add a basement. Seconded by Lowell Nottingham. 4 yes / 0 no
 3. **Computer Wiring new Town Office / Library –** A question was raised as to whether we need to contact Naylor & Breen re including proper wiring for the computers in the new building. Peter Morris is on vacation, but Pam Marsh thought the wiring was to be included in the bid.
 4. **Phelps Engineering, Inc. RE: Pearson Rd. Survey & Conceptual Design** – Invoice for \$2,479.08. Pam Marsh made a motion to pay Phelps Engineering \$2,479.08, seconded by Roger Boise. 4 yes / 0 no
 5. **Architect, Peter Morris – Invoice for Architectural Fee Draw \$5,125.00.** Lowell Nottingham made a motion to pay Peter Morris, seconded by Roger Boise. 4 yes / 0 no
 6. **The following are Town Meeting Appropriation requests for funding,** all but Elderly Services must be petitioned by the organization requesting funding:
 1. Addison County Humane Society - \$750
 2. Elderly Services, Inc. - \$700
 3. Maple Leaf Farm - \$204

REGULAR BUSINESS:

1. Approve minutes from October 21, 2008. Lowell Nottingham made a motion to approve the minutes from October 21, 2008. Seconded by Roger Boise. 3 yes / 0 no / 1 abstention

TREASURER'S REPORT:

1. Payroll – Pam Marsh made a motion to approve the payroll, seconded by Roger Boise. 4 yes / 0 no
2. Pay Orders – Pam Marsh made a motion to approve the pay orders, seconded by Roger Boise. 4 yes / 0 no

MISC. CORRESPONDENCE:

1. Division of Fire Safety – State Construction Permit for new Town Office / Library Building: The permit was received on October 27, 2008. Zoning Administrator, Cris Messerle has posted it on site with the Town Permit.
2. VLCT – RE: Renewal Rates Update
3. Cindy Hill, Esq. – RE: Municipal Legal Services

OTHER BUSINESS:

Pam Marsh made a motion to move into executive session to discuss a personnel matter at 8:45 pm. Seconded by Lowell Nottingham. 4 yes / 0 no

Pam Marsh made a motion to adjourn from executive session at 9:15 pm, seconded by Lowell Nottingham. 4 yes / 0 no

Roger Boise made a motion to advertise in the paper for a fourth full time road crew member, seconded by Pam Marsh. 4 yes / 0 no

Adjourn: 9:20 pm
Respectfully submitted:
Pam Kingman
Approved:

Keith Hall, Chair

Roger Boise

Pam Marsh

Lowell Nottingham