

Town of New Haven Selectboard Meeting
7:00 pm
Town Offices
Tuesday, June 16, 2009

Present: Keith Hall, Roger Boise, Pat Paquette, Kathleen Ready & Pam Kingman

Absent: Pam Marsh

Visitors: Barb Torian, Tim Bouton, Al Karnatz, Cris Messerle, Rodney Case, Jim Gallott, Wayne Marcelle, Suzy Roorda, Iva Menard, Nina Bacon, Eva Doane, Scott Durkee, Elizabeth Durkee

Agenda Results:

VISITORS BUSINESS:

1. **Planning Commission Chair, Al Karnatz and Development Review Board Chair, Tim Bouton** are here to discuss the Selectboards decision on **Proposed Amendment change to Article X, Section 1005-A**: Tim Bouton handed out a worksheet that applicants must fill out when filing for a variance. There are 5 criteria that need to be met for the DRB to grant one. Mr. Bouton stressed the DRB is striving to keep within the zoning regulations; he is trying to "rein in" the DRB. They are trying not to allow people to do whatever they want on their property because the permit stays with the property. Once the property is sold you never know what the next owner will want to do. Keith Hall, former Zoning Administrator feels the DRB grants things that go against the zoning regulations and this makes it frustrating for the Zoning Administrator. He does not like these decisions falling back on the Selectboard. Kathleen Ready questioned why the DRB and PC members were not at the last Selectboard meeting so it could have been discussed. Discussion on variances and who they have been granted to. Two applicants who recently applied for variances are Middlebury Fence and Cyclewise. Both businesses purchased the property knowing how it is zoned, then later approach the DRB about getting variances. Some feel the DRB is asking for the Amendment just for these two applicants. Tim Bouton said both of these parcels were narrow, so they allowed the variances to comply with the setbacks. Jim Gallott and his fellow DRB members hope the Selectboard will continue to support the DRB. Al Karnatz said he thinks the 200' setback that is in effect right now is excessive, and feels the new 100' setback amendment would be ok. Discussion on the new town plan, the PC is hoping to make changes and put it out to the voters next year. All agree it may be a good idea to try to vote on each amendment separately. The Selectboard agreed they will revisit the Proposed Amendment at the next regular meeting when there is a full board.
2. **Al Karnatz and Cris Messerle – Paul and Linda Horns property** at the corner of River Road and Route 7 is on the current zoning map as being zoned Residential. The Horns have their house for sale and they were

under the impression that they were zoned Highway Commercial. At a 1980 Public Hearing, the Horns parcel was voted on to include it in the Highway Commercial District. In Planning Commission minutes up to 2000, it shows there is no attempt to repeal. The 2001 map was the first to show the property as Residential, and has been this way ever since. The Town has followed this for the last 8 years, even through changes in the Town Plan there has been no discussion on changing it back to Highway Commercial. The map came thru this way from Addison County Regional Planning Commission, and New Haven has followed this for the last 8 years. Al Karnatz said the 2007 map was voted on and approved and is therefore an official document which supersedes any old votes or minutes. In order to change it back, the Planning Commission must hold a Public Hearing on the issue, send a report to the Selectboard, then the Selectboard would also hold a Public Hearing. Al Karnatz said the PC will move forward with their Hearing.

3. **Scott and Elizabeth Durkee RE: Trees on their property at the corner of LeDuc Road and Lime Kiln Road** – The Durkee’s received a letter from the Selectboard in regards to the trees causing a visibility problem for motorists. Scott Durkee has cut both trees down. He explained they had planted the trees there originally because motorists cut across the lawn. The Durkee’s asked the Selectboard if they would be willing to put up a wooden guard rail or curb to save their lawn. The Selectboard thanked them for their quick response to the letter and said the Road Crew could place a steel guard rail there and the Durkee’s could paint it brown or green to blend in. Co – Road Commissioners Pat Paquette and Roger Boise will meet with the Durkees early next week.

TOWN OFFICES:

1. **Dog Warden, Wayne Marcelle** – Would like to conduct a **Dog Census** this summer. The Selectboard needs to sign the Warrant, and then he can proceed with the Census. The last Census Wayne Marcelle conducted he went door to door usually between the hours of 5:30 pm – 8:30 pm. He found this is the best time to find people at home. He will do the same this summer. If any unlicensed dog(s) are found, the owner will be fined \$20 per dog on the spot. The owner is then given a letter stating they have 10 days to license the dog(s); if they do not comply they will be fined \$75 per day and the dog(s) may be taken from them. Discussion on a contract between the Town and Dog Warden, Wayne Marcelle. The Selectboard asked him to keep track of his mileage to be reimbursed and the Dog Census has a budget of \$1,000.

Wayne Marcelle – over the weekend he received a call from Lynda Reiss who lives on Hunt Road. Mrs. Reiss said her 10 year old daughter witnessed the Sturtevnants dog Sassy kill her 1 year old cat. Mrs. Reiss told Mr. Marcelle Sassy is always running loose, but has never shown any aggression until now. Lynda Reiss gave Wayne Marcelle written and

- photographic documentation of the incident. When Wayne Marcelle approached Bud Sturtevant about the dog he became quite belligerent. Because the dog has been seen running at large, and has now killed a cat, Wayne Marcelle would like to impose a mandatory leash law on the dog. Pam Kingman will write a letter for the Dog Warden and mail it to the Sturtevants. Wayne Marcelle has asked the Sturtevants to pay restitution for the cat. The next time the dog is running, she will be impounded.
2. **Suzy Roorda – Request of funds for Town Fair**, money has been budgeted for this. She will use either a purchase order or hand in a bill.
 3. **Park Committee members: Suzy Roorda, Eva Doane, Iva Menard and Nina Bacon (absent Tory Palmer): Village Green** – One rail needs to be replaced on the split rail fence. Roger Boise said he will get a new one. Suzy Roorda mentioned Lowell Nottingham generously agreed to help stain the benches and gazebo on the Green.

Sundial – The triangular node was damaged and needs to be welded back on. There was \$150 in the budget for the repair and to attach the sundial to a pedestal. Pat Paquette said to call Randy Boise, he is a local welder.

Evergreen trees on south end of Village Green – Suzy Roorda heard from the Job Corps. They have no money to fund the program to help communities cut and trim trees. The Park Committee would like the trees taken care of, but isn't sure how much it will cost. They supplied the Selectboard with people certified to remove trees: Eugene Aube, Vallencourt or perhaps the Road Crew. Co Road Commissioners Roger Boise and Pat Paquette will have the Road Crew cut the trees down.

Memory Tree – The Park Committee met last Friday to discuss the location of the Memory Tree. They agreed unanimously that the sight the Beeman Alumni chose won't work because it would take up too much of the open space reserved for functions on the Green. The Park Committee would rather see the tree at the south end of the Green where the evergreens will be removed. But the Beeman Alumni do not like this location. The Park Committee handed out minutes from 1976 from when the Park Committee was formed and the Quit Claim Deed from the Congregational Church deeding the Village Green to the Town; and the stipulations that come with it. Also in question is the signage for the Memory Tree, the Selectboard would like to see a small sign that simply states who donated the tree. Discussion about Beeman Alumni being responsible for pruning the tree so it won't get too big and where to place the tree. The Park Committee will contact the Beeman Alumni to set up a meeting.

River Road Park – Years ago the land for the park was generously donated by Leon and Carolyn Demers. The family has been asking for a plaque in the park in remembrance of the occasion. A few years ago Pam Kingman and Phil Busier wrote something up for the Parks Dept. but it got lost. Pat Paquette asked the Park Committee to write something for the plaque.

River Road Park – Concerns have been raised about people abusing the park, this is an ongoing issue. Iva Menard lives right next to it, she says 99.8% of people using it are wonderful; but you get a few who tear up the grass doing burnouts and making a mess. The Park Committee would like to see boulders placed so cars cannot pass thru to the grass. Roger Boise and Pat Paquette said the Road Crew has time now to help fix it up. They asked the Park Committee to mark where they wanted rocks placed. Gravel will also be brought in to shore up the driveway.

TREASURER’S REPORT:

1. Payroll – Keith Hall made a motion to approve payroll, seconded by Kathleen Ready. 4 yes / 0 no
2. Pay Orders – Kathleen Ready made a motion to approve the pay orders, seconded by Roger Boise. 4 yes / 0 no
3. Barb Torian asked the Board to approve the amount for paving River Road by D & F Paving. Pat Paquette made a motion to approve \$281,452.80 for D & F Paving, seconded by Roger Boise. 4 yes / 0 no
4. Barb Torian – Naylor & Breen have asked for the Town to reduce the retainage held from 10% to 5% so they can “pay out” some of their subcontractors who have been finished in the new office building for some time. Keith Hall made a motion to deny Naylor & Breen’s request to reduce the retainage amount from 10% to 5%. Seconded by Kathleen Ready. 4 yes / 0 no
5. Barb Torian – Last bill has been submitted for the Planning Grant, it will be paid out then the Planning Commission reimburses the Selectboard.

NEW BUSINESS:

1. Approve Liquor License – For William and Christine Snell, they have purchased the restaurant Roland’s Place at 3629 Ethan Allen Highway and are applying for their own Liquor License. Their Restaurant will be named Tourterelle. Keith Hall made a motion to approve the Liquor License for William and Christine Snell, seconded by Pat Paquette. 4 yes / 0 no
2. Phelps Engineering: Change Order / Additional Improvement Recommendations – During the Pearson Rd. repair; Delphia Excavating ran into additional problems. A spring was nicked bringing more water into an already very wet area, the Town needs to decide which way they want to go so the road is fixed right. We have applied to FEMA for help. Total cost will be \$80,000, we are hoping FEMA will help out by providing half of the amount. The Selectboard agreed to wait to hear from FEMA before possibly looking at the budget.
3. ACRPC – Progress Report on Sidewalks: Everything has been forwarded to VTRANS. ACRPC is waiting to hear from them. Once they give the okay, the project will be put out to bid by ACRPC, it will be posted for 3 weeks. ACRPC brings potential contractors bids to the Selectboard and the Selectboard chooses the contractor to do the job. The Sidewalk

- Project will hopefully start in August, and the plan is to do in front of Beeman Elementary School first. All Easements have been recorded in the Land Records. Barb Torian said she is holding the check for ACRPC until she receives a breakdown of the School and Town portions.
4. Cleaning the new Office & Library: The Office personnel would like to try doing the cleaning themselves on a trial basis. Bathrooms and front entry will be shared with the Librarian. Keith Hall made a motion to allow the office personnel to clean the new building on a trial basis. Seconded by Kathleen Ready. 4 yes / 0 no
 5. Purchase of a new vacuum for the new Town Office / Library. The Library Trustees have agreed to go in halves on the purchase of the vacuum. Total cost will run about \$500, with the town paying the other half. Keith Hall made a motion to approve the purchase of a new vacuum for new building, cost to be shared equally by the Library and Town. Seconded by Kathleen Ready. 4 yes / 0 no
 6. Office Furniture – The Office furniture that was ordered for the Zoning Administrator is far too large for the size of the office. Pam Kingman has tried to work with Exterus in Burlington where it was purchased, but they were not being cooperative. Kathleen Ready advised Pam Kingman to try again more firmly and see what happens.

REGULAR BUSINESS:

MISC. CORRESPONDENCE:

OTHER BUSINESS:

Adjourn:
Respectfully submitted:
Pam Kingman
Approved:

Keith Hall, Chair

Roger Boise

Pat Paquette

Kathleen Ready