

Town of New Haven Selectboard Meeting
7:00 pm
Tuesday, March 8, 2016
Town Offices

Present: Chair, Kathy Barrett, Vice Chair, Steve Dupoise, (Via Skype), John Roleau, Doug Tolles, Jim Walsh, Treasurer, Barb Torian and Clerk, Pam Kingman
Visitors: Road Foreman, Jeff Terry, Iva Menard, Matt Ford, Jim Dandeneau (VT Green Line / Anbaric Rep.), Eugene Cousino, Billy Baslow, Erin Baslow, Dan Morse, Dan Monger, Bridget Kipp, John Kipp, Mark Livingston, Mike Lee, Fred Napoleon, Polly Darnell, Carole Hall, Suzy Roorda, Attorney, Richard Saudek and Town Attorney Cindy Hill

Town Clerk Pam Kingman opened the meeting at 7:02 pm, she asked for a motion to nominate a Chair for the Selectboard.

Steve Dupoise nominated Kathy Barrett as Chair, seconded by John Roleau.

Doug Tolles nominated Jim Walsh as Chair, seconded by Jim Walsh.

Pam Kingman called for a vote for Kathy Barrett as Chair, vote taken by roll call: 3 yes / 2 no (Tolles / Walsh)

Pam Kingman called for a vote for Jim Walsh as Chair, vote taken by roll call: 2 yes / 3 no (Barrett / Roleau / Dupoise)

Kathy Barrett will serve as Selectboard Chair until the next organizational meeting held after Town Meeting 2017.

Chair, Kathy Barrett asked for nominations for Vice Chair.

Kathy Barrett nominated Steve Dupoise to be Vice Chair until the next organizational meeting held after Town Meeting 2017, seconded by John Roleau. Vote taken by voice vote 4 yes / 1 no (Tolles)

Kathy Barrett said the Board had received one letter of interest for the Selectboard Clerk position from Pam Kingman.

Kathy Barrett made a motion to appoint Pam Kingman as Selectboard Clerk. Seconded by John Roleau

Doug Tolles made a motion to appoint Bev Landon as Selectboard Clerk; there was no second to the motion.

Kathy Barrett asked for a vote on Pam Kingman as Selectboard Clerk, Vote taken by roll call 4 yes / 1 no (Tolles)

Steve Dupoise made a motion to authorize the Treasurer to expend monies for the following purposes prior to written approval of a signed pay order, said pay order to be signed after the fact with corrections being made if necessary. Postage relating to town mailings. This may include newsletter, stamps, town report, special notices, etc. Payroll related payments or transfers that have been included in an approved pay order. i.e. health insurance, dental insurance, vision insurance, federal or state taxes, simple retirement, property tax, etc. ACH transactions for payroll when necessary if no board member has been able to sign the pay order in a timely manner. Motion seconded by Kathy Barrett.

Doug Tolles asked if this way is legal, he recalled seeing a publication from VLCT in regards to sending out pay checks without approval. Treasurer, Barb Torian said you can authorize one member of the Board to sign on behalf of the whole Board. Kathy Barrett said this why we are signing this paper, to make it legal. Doug said he just wanted to be sure we were doing it legally. John Roleau asked if there is a monetary limit on it. Kathy Barrett said it is for the ACH, its only payroll, stamps and mailings. Otherwise nothing is done without a pay order.

Vote taken by roll call 5 yes / 0 no

John Roleau made a motion to use the Addison Independent as the local paper for legal notices and warnings, seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no
Doug Tolles asked if this will be the same newspaper the Chair must notify when there is a special meeting, Kathy Barrett said yes.

Steve Dupoise made a motion to set Selectboard meeting date for the first and third Tuesdays of each month, at 7:00 pm in the Town Offices, motion seconded by John Roleau. Vote taken by roll call 5 yes / 0 no

Jim Walsh made a motion to appoint Earl Bessette, Paul Audy and John McKinley as Fence Viewers for a 1 year term ending March 2017, motion seconded by John Roleau. Vote taken by roll call 4 yes / 1 abstention (Tolles)

Kathy Barrett made a motion to appoint Richard Higbee as the Inspector of Lumber, shingles and wood and the Weigher of Coal. These are 1 year terms, ending in March 2017. Motion seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no

Emergency Management Coordinator was Barb Torian, because of family issues; she is not able to commit to the position at this time. John Roleau expressed an interest in it; he would like to know more about it. Doug Tolles added you can appoint more than one person to the position.

Adjustments to the Agenda: **Bonding for the Treasurer / Testimony from Cindy Hill / Appraiser for Real Estate consult

AGENDA RESULTS:

ROAD FOREMAN'S REPORT:

1. **Road Update:** The Crew has been dealing with some small storms as they roll in. They will plan on grading gravel roads and filling pot holes in the coming weeks. He has had some recent complaints about pot holes, they have been filling them in with cold patch. But as Jeff explained, cold patch doesn't hold up that well. Doug Tolles asked if Jeff had looked into putting oil cracked roads. Jeff has spent considerable time researching it, and feels it is not a good solution for New Haven.
1. **Equipment Update:** JB International has contacted him about the new truck. Kathy Barrett said we can't do anything until 30 days has passed after the voting, because someone may petition the vote.
2. **North / South Highway:** Doug Tolles asked to have this on the agenda. This is a six rod Class 4 Highway; the state says we have to maintain only culverts and bridges. Because Don Mitchell has installed a berm on his property directing water toward the North South Highway, the road is now flooded. Doug would like to see if the road crew could get in there and put the ditch back along the west side of the road, which may make the road passable. Doug had an engineer come and look at the road, and that is what he suggested. Doug spoke with Jeff Terry, Road Foreman, and Terry suggested the Town could put tailings there to rebuild the road bed if the ditch carries water away properly. Doug had survey maps with him, and he will have copies made for the town's records. Doug would like to maintain the road as inexpensively as possible yet in full compliance with State law. Vermont law dictates that the town is liable for both property and personal liability if anyone is injured on the road due to lack of town maintenance of bridges and culverts. Doug gave a brief overview of the North / South Highway. It was a Legislative Highway that ran from Bennington to Vergennes around 1798. Portions of it include South Maple Street through Waltham, the North South Highway portion under discussion, continuing onto New Haven's Field Days Road, then through Weybridge and Cornwall onto Vermont State Route 30 through Bennington. The North South section under discussion is a class 4 six rod road that has been added to our Certificate of Highway miles, so we must follow what the state guidelines are. There was some discussion that the Town was given a 3 acre parcel located just off the road. A few years back Roger Boise had suggested using the parcel for a town stump dump. Some

thought a park might be nice, but there is maintenance involved, and it could bring on more headaches. John Roleau and Steve Dupoise expressed an interest in walking the road with Doug. They will set a date and time. Steve will not be able to walk until he returns from Florida.

3. **Railroad crossings at Campground Road and Plank Road:** Doug Tolles made a motion to appoint Jim Walsh to be the point person to attend the meeting at both railroad crossings, seconded by John Roleau. Jim will report back to the Selectboard in order for them to vote on it on Tuesday, March 15, 2016 immediately following the BCA meeting on the same night. Vote taken by roll call 5 yes / 0 no

Several folks in the audience are concerned about the RR crossing on private property. There needs to be more clearing so the sightline is better to see any oncoming trains. The meeting is for upgrading the tracks to eventually accommodate AMTRAK.

4. **Paving Grants:** This is still a work in progress.
5. **Road Access Permits: 1)** John Roleau made a motion to approve the agricultural road access permit for Andre Palmer on South St., using a 40' culvert. Motion seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no
2) John Roleau made a motion to approve the agricultural road access permit for Phil Livingston on Campground Road, using a 40' culvert. With the condition the Livingstons abandon the existing access. Motion seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no
6. Jim Walsh made a motion to sign the Annual Financial Plan – Town Highways, for Class 1, 2 & 3 roads. Motion seconded by Steve Dupoise. 4 yes / 1 abstention (Roleau)

VISITORS BUSINESS:

1. **Mark Livingston** – The new dishwasher in the Town Hall kitchen does not have a booster on it like the old one did. When the Fire Dept. uses it during their pancake breakfasts, the water temp at the dishwasher is only 110 degrees. For a dishwasher to clean properly, the water temp should be 140. Mark has spoken to ANeSU Facility Manager, Alden Harwood about the issue. They have both checked the hot water heater which appears to be functioning properly. Alden turned the temp on the hot water heater up to 160. Mark is concerned that the temp is too high, someone could get scalded. He recommends having the temp back down to 140. Mark also recommended having tempering valves on the faucets in the kitchen. Jim Walsh said VT Gas has offered the town \$50k, and improvements could be made then, but it's not for another year. He wondered what could be done to get us through this year. The new dishwasher was purchased by the school, but it is the town's hot water heater. Pam Kingman said

she had called Jackman's to come and look at it, but they hadn't gotten back to her, she will call them tomorrow. John Roleau said he would like to be involved in this; Pam will let John know what she finds out.

2. **Dan Monger** wanted everyone to know there was a misprint on ACRPC presentation by Joe Rossignoli from National Grid. It will be held at 7:30 pm on Wednesday, March 9, 2016 at Regional Planning in Middlebury.
3. **Polly Darnell** would like to see Carole Hall continue as a point person with Anbaric even though she is no longer a Selectboard member. She would also like to see Jim Walsh appointed to the "team". Polly feels Jim's negotiating skills would be beneficial to this project. She added he is a nearby property owner, so he too will be directly affected.
4. **Bridget Kipp** is frustrated, she reached out via email 2 weeks ago to Jim Dandeneau (Rep for Anbaric), and she still has had no response. Her question to Anbaric is how deep the line can be buried. Jim Dandeneau who was at the meeting, said he is still working on the answer. Generally the line is buried 4' deep. Bridget asked if she should forward her emails to the Selectboard as well for follow up. Kathy Barrett said that is her prerogative. Steve Dupoise said the aesthetics expert is still gathering information, and they are still working on the sight and sound pieces too; he is not sure how Anbaric will respond to our experts.
5. **Kathy Barrett** read and email sent to all the Selectboard members from resident Candy Davidson. She has several questions about the Anbaric project and is also concerned that the property along Main St. near the VELCO substation that was sold to TDI (Transmission Development, INC.) a few years ago. TDI is currently building a similar line and converter station in the eastern part of Vermont. Steve Dupoise said he will call Candy.

TOWN OFFICE BUSINESS:

1. **Town Hall Applications – 1)** John Roleau made a motion to approve Alan Whitney's application to hold a Game Supper on April 3, 2016; using the cafeteria and kitchen. Approximate attendance 100 people. Deposit and fee received. Motion seconded by Steve Dupoise. Vote taken by roll call 5 yes / 0 no
- 2) Doug Tolles made a motion to approve the application for Donna and Harvey Smith (on behalf of the New Haven Congregational Church) to use the Village Green to hold sunrise services, etc. The application is good through December 2016. Fee waived. Motion seconded by John Roleau. Vote taken by roll call 5 yes / 0 no
- 3) John Roleau made a motion to approve Steve Dupoise's application to use the gym for AAU basketball practice for the duration of 6 weeks beginning on March 7 – April 30, 2016. This will be once a week, as gym is available. Approximate

attendance is 15 with about 5 kids from New Haven participating. Suzy Roorda would like to make this a yearlong application, because Steve also coaches basketball for Beeman. Fee waived. Motion seconded by Jim Walsh Vote taken by roll call 4 yes / 1 abstention (Dupoise)

4) Bristol Recreation Dept. would like to use our gym for 2 weeks (July 25 – 29 and August 1 - 8) over the summer to hold gymnastics classes. Bristol Rec is offering to pay the Town \$330 per week for usage. Motion seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no

Jim Walsh asked about rental policy. A town resident was of the opinion anyone renting could ask for a donation. Folks renting the hall and advertising a price did not used to be allowed. Suzy Roorda said it solely up to the discretion of the Selectboard, but we get such a diverse group of people who want to rent the hall. Anyone who rents the town hall and charges for classes, the town receives a portion.

2. Chucks Heating & Air Conditioning – repairs to Town Office heat pumps

some repair work needs to be done on the geo thermal pumps. Jim Walsh made a motion to authorize Chucks Heating & Air Conditioning to repair the heat pumps in the Town Offices for a total cost of \$589. Motion seconded by John Roleau. Vote taken by roll call 5 yes / 0 no

TREASURER'S REPORT:

1. Steve Dupoise made a motion to approve payroll for the week ending 2/27/16, in the amount of \$3,863.56, seconded by Kathy Barrett. Vote taken by roll call 4 yes / 1 abstention (Roleau)
2. Jim Walsh made a motion to approve payroll for the week ending 3/5/16, in the amount of \$3,559.59, seconded by Kathy Barrett. Vote taken by roll call 4 yes / 1 abstention (Roleau)
3. Steve Dupoise made a motion to approve the pay orders for the week ending 2/29/16, in the amount of \$16,268.69, seconded by Jim Walsh. Vote taken by roll call 4 yes / 1 abstention (Roleau)
4. Kathy Barrett made a motion to approve the pay orders for the week ending 3/7/16, in the amount of \$29,957.47, seconded by Jim Walsh. Discussion centered around paying certain individuals who worked at the polls \$10 per hour, while other workers who counted ballots were paid \$10 for the night. Doug stated he worked 4 ½ hours - so the \$10 for the night amounts to less than \$2.50 per hour. He asked why certain workers were paid more than others. Pam Kingman replied that she thought that is what the Board of Civil Authority authorized. Doug stated that is not the way he remembered it. Pam Kingman said she will double check what the BCA authorized. Vote taken by roll call 3 yes / 1 abstention (Roleau) / 1 no (Tolles)

5. Financial statements – Defer until the next meeting
6. Outside Audit Contract – Tom Telling will be attending the March 22, 2016 meeting.

OTHER BUSINESS:

Steve Dupoise made a motion to find that premature general public knowledge of the town's contract with Anbaric would clearly place this Selectboard at a substantial disadvantage, because the Selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public. Motion seconded by Kathy Barrett. Vote taken by roll call 4 yes / 1 no (Tolles) Doug Tolles said he voted no because he feels that someone on the Board does not respect executive session privilege.

John Roleau made a motion to move into executive session at 8:35 pm to discuss the town's contract with Anbaric under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes. Carole Hall, Richard Saudek and Cindy Hill were all invited to stay for this executive session. Motion seconded by Steve Dupoise Vote taken by roll call 5 yes / 0 no

John Roleau made a motion to come out of executive session at 10:35pm, seconded by Jim Walsh. Vote taken by roll call 5 yes / 0 no

Kathy Barrett made a motion to appoint Carole Hall and Steve Dupoise as point persons to continue with Anbaric negotiations with Carole Hall being paid \$200 per month from the escrow account. Seconded by John Roleau

Doug Tolles made a motion to amend the original motion to add Jim Walsh as an additional point person. Seconded by Jim Walsh

Vote taken by roll call 2 yes / 2 no (Barrett / Dupoise) 1 abstention (Roleau)

Vote taken by roll call on original motion 3 yes / 2 no (Walsh / Tolles) Both Doug and Jim voted no because they feel a second Selectboard member should be a point person.

REGULAR BUSINESS:

1. Minutes deferred until the next meeting

OLD BUSINESS:

1. **Interim Zoning Bylaws** – Town Attorney, Cindy Hill is looking for more direction concerning businesses not wanting to be totally screened. Solar screening cannot be more restrictive for all commercial. Cindy said she can redraft to allow the DRB to make allowances for retail, services, etc.

2. **Solar discussion – Point persons for Hallock Rd and Sawyer Rd / Suncommon:** Doug Tolles made a motion to appoint Kathy Barrett as point person for both the Hallock Road and Sawyer Road solar projects with Suncommon. Motion seconded by John Roleau. Vote taken by roll call 5 yes / 0 no
3. **Solar settlement and Lee Litigation –** Doug Tolles made a motion to move into executive session at 10:58 pm, to discuss the solar settlement and Lee litigation with Town Attorney, Cindy Hill. Motion seconded by Steve Dupoise. Vote taken by roll call 5 yes / 0 no **Kathy Barrett left the room for the Lee Litigation

John Roleau made a motion to come out of executive session at 12:16 am, seconded by Steve Dupoise. Vote taken by roll call 4 yes / 0 no
No action taken

NEW BUSINESS:

1. Jim Walsh would like to know about having the Treasurer be bonded. Jim will talk to Treasurer, Barb Torian.
2. Jim Walsh made a motion to for the point persons and Richard Saudek negotiating with Anbaric, use a portion of the \$75k hire a Real Estate consultant (appraiser) for real estate values. Jim Walsh suggested Jesse Larson from Larson Appraisal. Motion seconded by Doug Tolles. Vote taken by roll call 5 yes / 0 no
3. Jim Walsh had added to the agenda the S-230 bill in regards to solar and energy issues. He mentioned his efforts to get a solar park concept into the bill, which it was. Town Attorney, Cindy Hill testified against this part of the bill before the Committee. Jim told Cindy he was very surprised and disappointed in her testimony.

MISC. CORRESPONDENCE:

1. Sheriff's Dept. Activity Logs

The next scheduled meeting is on Tuesday, March 15, 2016.

Adjourn: 12:25 am

Respectfully submitted:

Pam Kingman

Approved:

Kathy Barrett

Chair, Kathy Barrett

Vice Chair, Steve Dupoise

John Roleau

John Roleau

Doug Tolles

Doug Tolles

Jim Walsh

