

**HYDE PARK SELECTBOARD
MEETING MINUTES
June 18, 2012**

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Members Present: David Gagnier (DG), Chair; Brian Jones (BJ), Vice-Chair; Mike Dubie (MD); Roland Boivin (RB); and Roger Audet (RA)

Members Absent: None

Others Present: Ron Rodjenski, Town Administrator; Kim Moulton, Town Treasurer; John Patry and Colonel Gingras, VTANG; Harold Bailey; Carolyn Jones; Jim Mahoney; Luciana Swenson and son ; Marvin Locke; Green Mountain Access Television videotaped this meeting.

DG called the meeting to order at 6:00 p.m.

1. **Welcome and Public Comment** – None.
2. **Review Minutes** – Motion by BJ to approve the May 10, 2012, May 21, 2012 and June 5, 2012 minutes with the following corrections: Modify the May 10, 2012 minutes, Item 11, to clarify that DG left the room prior to the Myette zoning discussion because the Myette's raised a conflict of interest claim due to DG's relationship with Putvain (an adjacent property owner to Myette) and Modify the June 5, 2012 minutes, Item 1, to clarify that MD suggested that the full Selectboard meet with the Hyde Park Fire Department officers and the Selectboard agreed it was a good idea to meet. Seconded by MD. Voting: 5 in favor, 0 against, motion passed.
3. **Vermont Army National Guard (VTANG)** – North Hyde Park Field Maintenance Shop. Phase 1 of 3 Phases is funded in Fiscal Year 2014, which begins October 1, 2013. The current construction start date is December 2013, with work lasting about one year. VTANG has received an exemption from Act 250 review due to the project's federal purpose, federal control and federal funding. The State of Vermont will own the land. Colonel Gingras provided an overview of the plans to construct a field maintenance shop noting that design plans are 35% complete. A private driveway will provide access into the parcel and up to 30 trips per day in and out of the facility is anticipated during the week, more on Guard weekends. The Phase 2 and Phase 3 buildings and expanded parking areas are not funded yet and no future funding is guaranteed. Mike Burke was present from Knebbs and Lansing to provide information on stormwater (3 ponds designed to 25-year storm events) noting that the project will receive a Vermont stormwater discharge permit. The project will use an existing farm access cut onto Route 100 as the only access into the parcel which is located in the southeast corner of the 40-acre parcel. Phase 1 & 2 would consist of 10-12 mechanics with more training activities on weekends. The current proposal does not include any weapons training or paint shop facility. The proposed storage of 2,000 to 4,000 gallon fuel storage tanks will require a meeting with the North Hyde Park / Eden Fire Department when the project is at 95% design completion.
4. **End of Year Budget Information** – Kim Moulton was present to review the general fund balance amounts and Rodjenski advised that it was timely to consider committing some of the projected unassigned general fund balance to specific purposes. Rodjenski identified three areas to commit projected funds; 1) funds to increase the FY13 paving budget by \$99,253 from the federal reimbursement (DR-1995) for Spring 2011 floods, 2) funds to increase the FY13 paving budget by \$50,000 from unspent FY12 paving funds and unspent FY12 highway wages and 3) commit up to \$60,000 to reduce the FY13 tax rate due to a flat 2012 Grandlist increase.

Motion by RA to meet on June 28, 2012 at 6:00 p.m. to review year-end amounts and set a tax rate. Seconded by RB. Voting: 5 in favor, 0 against, motion passed. Moulton explained that the town's general fund balance has increased to a point where the town needs to make sure that all amounts are insured, noting that the state equalization grant of \$85,000 per year has not been received each year but not budgeted in the past as a town revenue. Moulton noted that the increasing fund balance has raised the concern in prior auditor reports to make sure that mechanisms were in place to fully insure town bank investments and accounts from loss.

Motion by MD to approve the collateralization agreement with Union Bank with Kim Moulton signing as the Town Treasurer. Seconded by RB. Voting: 5 in favor, 0 against, motion passed. Moulton and Rodjenski noted that it was not clear how the town wanted to address the annual employee pay increases for this July 1 noting that there is no policy available to guide the new board or employees. DG noted that the annual pay raises for employees should be reviewed between Selectboard liaisons and department heads based on some performance measures. Rodjenski will prepare a memo describing the process for this year and then draft a more formal process to be shared with employees early in FY13 for the FY14 adjustments. Kim explained that the loan repayment schedule with Ken Harvey for the Sterling View Mobile Home Park is due July 1, 2014, and is a balloon payment. Moulton noted that Union Bank is servicing the loan for the town but sent Harvey a note requesting the balloon payment early, by July 1, 2012. After Harvey sent the payment request to the town for clarification, Moulton spoke with Union Bank and found that the bank had not accounted for interest changes as contained in the Promissory Note between the Town and Harvey to help finance the construction of Sterling View Mobile Home Park. Moulton discovered that the final terms of the January 1998 promissory note was not set up correctly as the bank has only calculated a monthly interest charge of 0.25% and it should have started at 0.0% in year one and then increased by 0.25% each year until reaching the maximum interest rate of 4.0%. Union Bank advised the town to work out the interest charges with Mr. Harvey directly, since they said the town never notified them of the correct interest amount. Mr. Harvey did relay to Moulton that he may have to increase the lot fee if he needs to make the balloon payment to the town. Rodjenski will invite Mr. Harvey to the next Selectboard meeting on June 28.

5. **Draft Facility Use Policy** – The Board discussed the use of alcohol at town facilities. DG explained that under the current draft policy the Grange could be rented out for events with alcohol, but only if the event is catered and insured. DG wanted to make sure the town is covered if something happens after a softball game, especially if beer is consumed under a new town policy. Carolyn Jones advised that the town have one policy for all facilities with the requirement to have a licensed caterer or to prohibit alcohol, noting that it seems to be opening up a can of worms to also allow beer without the catering and insurance requirement. Harold Bailey and Carolyn did not have an issue with the current draft for use at the Grange Hall, just a few questions which Harold will follow-up on with Rodjenski. Rodjenski will also follow-up with the risk assessment staff at VLCT regarding the consumption of beer at softball games. Rodjenski was asked to invite Deanna Judkins to the June 28, 2012 meeting to review the alcohol policy at the recreation fields.
6. **Partners In Education (PIE)** – Luciana Swenson was present to review P.I.E.'s request for funding of a port-a-potty at the Hyde Park Elementary School grounds to provide restroom option during the summer for four months to cover when the school building is closed. The four months covers the after school hours when soccer is scheduled. Jim Mahoney noted that the after-school events are new and the lack of facilities is now more of an issue for the village through the late summer. Luciana received a quote for \$95.00 per month. Rodjenski noted that similar issues come up during large events in the village, in addition to the school grounds events, which generate a restroom need that may not be covered by the library, PH Edwards or the court house. Rodjenski suggested that at some point those groups that sponsor events on

the school grounds or in the village may grow enough to fund their own port-a-potty. Motion by RA to cover the \$400 this summer and to add as a budget line item in FY14. Seconded by BJ. Voting: 5 in favor, 0 against, motion passed.

7. **Jim Mahoney, Town Attorney** – Mr. Mahoney reviewed the various pending legal matters with the board. Mahoney explained that the GRR conservation efforts have been stalled pending the release of a Glebe lease granted to the town during the early settlement of Hyde Park. Mahoney noted that the lease rights require payment to the town in an amount of \$15 per year from residents living on four parcels, which may now be subdivided with multiple owners and many towns have not collected similar lease amounts because the annual fees they could collect are now paid through the Grandlist tax assessments. A Glebe is a right of the town to develop a parcel for specific purposes and four lots were identified in the GRR area: a school lot, a social worship right and county grade school and gospel minister lot. The Town has to post the notice of the intent to release the Glebe rights for 30 days. Motion by BJ to allow the State of Vermont Agency of Natural Resources to publish the notice stating the intent to release the rights on the lands identified in the notice and further to authorize DG, conditioned on no public objection within the 30 day notice period, to sign the deeds and transfer tax returns for delivery to the State of Vermont. Seconded by RA. Voting: 5 in favor, 0 against, motion passed. **Stewart easement to the Town of Hyde Park** for access to the north side of the Grange Hall. Mahoney suggested that the easement be pursued without finalizing who owns the Grange parcel. The draft easement will be brought to the Stewarts. Mahoney will send the most recent easement draft to the Stewarts for any final edits as well as discuss the Selectboard Resolution dated March 23, 1995 with his title company to see if the town practically has title to the Grange parcel. **Myette zoning matter.** DG removed himself from the room at the request of Myette per the May 10, 2012 board discussion. Jim Mahoney reviewed the status of the discussions regarding a proposal by the town to conduct survey work on the Myette parcel. Jim Mahoney explained that subsequent to that offer, the request to gain access to the property to conduct survey work was denied by Myette. Myette did provide, today, the town with a counter-offer to settle the zoning matter. Motion by MD to move into executive session to discuss the Myette zoning matter. Seconded by RB. Voting: 4 in favor, 0 against, motion passed. The Board came out of executive session. Mahoney offered that the counter-proposal in the Chris Nordle's June 18, 2012 letter offering to fill in the pond but only if the town paid Myette's legal bills. Motion by BJ to reject the counter-proposal and authorize the town attorney to file papers with the environmental court to order the inspection as proposed by Knight consulting. Seconded by RA. Voting: 4 in favor, 0 against, motion passed. Dg was invited to return to the meeting.
8. **Locke Avenue** – Marvin Locke explained that at the beginning of the industrial park project, the town asked him to help build an industrial park and the Board agreed that the town would take the new road as a town road. Marvin felt that since he built the road the town should pay its legal bills to review his attorney's work on the legal paperwork. In May, the Board asked for a cost estimate on legal fees to complete the acceptance process and also if Marvin would be agreeable to contribute 50% of the town's legal costs. MD stated that the highway crew has plowed Locke Avenue for four years. BJ noted that the paperwork was delayed at no fault of Marvin and now it is time to finish the work at town's cost. DG noted that it is now clear that the town agreed to accept the road and it should pay for the costs to review the deeds. Motion by BJ to authorize Jeff Kilgore to proceed on the review of the proposed deeds at the town of Hyde Park's expense without contribution of Marvin Locke. Seconded by MD. Voting: 5 in favor, 0 against, motion passed.
9. **Sterling View Fire Pond** – The Board was updated on the next steps for construction but the Board did not want to see any additional ponds since Hyde Park had 20 scattered around town.

10. **Davis Hill Road Blasting** – MD updated the Board on progress to get estimates to blast ledge out of the Davis Hill Road roadway. Cost estimates were \$1,500 up to \$3,900 for a small area. Motion by BJ to authorize Rock Away to complete the blasting work in FY2013 for \$1,500. Seconded by RA. Discussion: MD confirmed that the authorizing work in FY12 would not cause the auditors to bring back the FY13 invoice to FY12, to which Rodjenski said the auditors look at when work is completed not authorized. Voting: 5 in favor, 0 against, motion passed.
11. UST Contract with ENPRO – Motion by BJ to authorize Enpro to complete the removal or burying in place of the underground storage tank at the Hyde Park Fire Station per their submitted quote dated May 23, 2012. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.
12. LCSD Annual Contract – Motion by MD to sign the annual communications and patrol contracts beginning July 1, 2012. Seconded by BJ. Voting: 5 in favor, 0 against, motion passed.
13. Development Fees - Motion by MD to approve the new development fees per the schedule dated and effective July 1, 2012. Seconded by BJ. Voting: 5 in favor, 0 against, motion passed.
14. Marshall Swift – Motion by MD to sign annual license agreement through the Vermont Department of Taxes to enable the town to utilize the Marshall Swift appraisal software. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.
15. Personnel Reviews – Rodjenski offered to have his annual performance review in public or private session noting that next year there will be an annual review process for all employees. For this July 1, Rodjenski will prepare a short memo for departments to use to evaluate employees and discuss with their Selectboard liaisons prior to June 28th. The Board will review annual pay adjustments at their June 28th special meeting to ensure the Town treasurer has the employee pay rates to begin the new fiscal year.
16. **Town Orders** – Motion by BJ to approve the payroll orders. Seconded by RA. Voting: 4 in favor, 0 against, 1 abstained (MD – town employee), Motion passed. Motion by BJ to approve town warrants. Seconded by RA. Voting: 5 in favor, 0 against, motion passed.
17. **Other Business** – Rodjenski reported that the Planning Commission approved the submittal of a Letter of Interest to the **2013 Enhancement Grants** from the Agency of Transportation for a North Hyde Park Streetscape Study for long-term investments in this area along Route 100 and Ferry Street. Rodjenski asked if any Selectboard members have heard any comments from residents to upgrade the current town website or to make it more interactive or allow bill paying to which the members said no. RA is meeting with the Kevin Audet of the **Hyde Park Fire Department** this week on proposed job descriptions for fire officers. A VTrans **Local Concerns Meeting** is set for June 27, 2012 to take public comment on the replacement of the bridge (now a culvert) over Centerville Brook on Route 15. MD noted that the current town personnel policy has a mandatory 4th of July holiday week for town highway crew but at least one member would like to see this removed to give flexibility to employees for scheduling their summer vacations, noting that new employees only have a few days off in their first year. The board decided to not make any changes to the policy.
18. **Adjourn** – Motion by MD to adjourn at 9:40 p.m. Seconded by BJ. So voted.