

**HYDE PARK SELECTBOARD  
EMERGENCY MEETING MINUTES  
September 4, 2012 at 4:30 p.m.**

*All minutes are draft until approved by the Selectboard; please check future minutes for approval of these minutes.  
Meetings may be video taped and such recordings are held by Green Mountain Access Television – Recording Info:  
PO Box 581, Hyde Park, VT 05655; [info@greenmountainaccess.tv](mailto:info@greenmountainaccess.tv) or 802-851-1592*

- Members Present:** Brian Jones (BJ), Vice-Chair; Mike Dubie (MD); Roland Boivin (RB); and Roger Audet (RA)
- Members Absent:** David Gagnier (DG), Chair
- Others Present:** Ron Rodjenski, Town Administrator; Jim Grant Webster Road; Vicki Grant Webster Road; Roger Marcoux, LCSD; Pete Sweeney - Route 100; Rich Gravalisky, Route 100; Randall Mulligan, 591 Cricket Hill; Andrew Martin, News and Citizen; Eugene Leon, Campground Landowner; John Chalue, Webster Road
- Notice Provided:** *The meeting was called by three board members to hear from neighbors and each other on the Hick Jam event and review any action that the town should take. Email notices & a Front Porch Forum event notice were completed on 09/02/12 and posting at the town clerk's office occurred prior to the meeting was completed on 09/04/12. Minutes will be posted at three locations in town.*
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BJ called the meeting to order at 4:30 p.m. Everyone introduced themselves.

Pete Sweeney advised that in his opinion this is a special meeting that should have at least 24 hour notice but this was noticed as an emergency meeting. Sweeney advised that the Secretary of State has advised that emergency meetings are for Board to take action on unforeseen actions and the proper way to consider non-emergency, such as the Hick Jam, is to hold a properly warned special meeting. Rodjenski advised that notice was provided however, the board could schedule another meeting if they wanted to take action but the purpose of the meeting was to obtain information from this past Labor Day weekend's event. Rodjenski offered that the Board had previously said it would meet on Saturday, September 1<sup>st</sup> if there was a violation of a noise ordinance, but since there was not late-night noise until Saturday, the Board called this meeting to see if there was any need for town to take immediate action.

RA felt that there was a violation over the weekend because of the loud noise after 11:00 p.m. and he would like to hear more details now, rather than let misinformation continue to go through the town. Eugene Leon (EL) offered to start the discussion. BJ advised that SB members should go first. MD stated that on Saturday night he received complaints about noise until 1 am. and on Sunday there were more noise complaints at 10:45 p.m. RB stated that he received a call at 12:30 am on Saturday and heard noise from the campground when he visited the area. BJ stated that on Sunday night he and BJ went to Casella's at 11:30 p.m. and there was still noise coming in waves – which he thought should have ended by 6 pm on Sunday. BJ had calls on Sat night from residents ½ mile away and the loud was very loud during the day, before 11 PM. BJ received calls Sat and Sun – until 1030 pm Sun night and still loud until after 11:30 p.m. on Sunday. BJ feels it was a fiasco and is disgusted that the music did not end as promised. Eugene Leon (EL) offered that the community could be very proud of this event as a fund raiser and he has received a number of congratulations. EL stated that a number of local business people congratulated him and that Friday went very smooth – played music on two stages and we did stop at 11 pm with no noise complaints that night. Saturday started mid-day and then when LCSD called to put them on notice at 11:00 p.m. the musicians stopped about ½ hour later

the noise stopped coming from the main stage. The second call came in and we succeeded in shutting the music down on Sat night from the other stages by going to acoustics only. EL stated that originally the event was supposed to end Sun at 6 pm, but Seth Yacovone played late on the main stage until after 6 pm – with lots of families and kids on go-karts enjoying the day with lots of campers on the campground property. EL reported that over the entire event only one person was removed from the event for bring disorderly and one dog was brought to the pound because the owner was not found. On Sunday, the event was late and he apologizes that it lasted until 12:30 a.m. (Monday morning). EL advised that parking was adequate, garbage was under control, and the town should be proud of this type of event.

Jim Grant (JG) stated that the organizers told the town and residents that music was to start at 10 AM on Friday and shut down after 4 PM on Sunday – but it continued past 11:00 p.m. on Saturday and Sunday night. JG stated that it was a charitable event so the board should check into exactly how charitable the event was at \$25 per person and how much would go to the charitable organization. John Chalue advised that Laraway was excited to be receiving the donation. EL advised that the facility was rented so he had nothing to do with the charity or production of the event. EL stated that he has received support from neighbors and other town citizens who were proud of the event. Rich Gravaltsky (RG) advised that Saturday night was very loud and he could not hear his own television but could hear the loud speaker making announcements, including that music would start again after the Sheriff left the property. Pete Sweeney advised that a little further down the road than Gravaltsky, he could barely hear anything from common acres. EP advised that Higher Ground technicians and engineers worked with the musicians during the event on amplification and they did a great job working with the musicians. Vicki Grant (VG) advised that a compromise was reached on August 27 to stop the amplified music at 11PM which happened on Friday, and any noise after that time was acceptable, so no complaints were filed. VG reported that on Saturday night it was very loud and continued until the Sheriff call then it would quiet down but then it would start up again. VG stated that it was great that the event was a good community event but it is in the wrong location. RG stated that sound carries and if it happens again then it needs to have a sound barrier. EL stated that there was an effort to buffer sound on the second stage area. EL agreed that noise occurred after 11 PM on Saturday, and after the 1<sup>st</sup> Sheriff call it went down, but acoustics continued on Saturday night after 11 PM. Sheriff Roger Marcoux reported that a lot of complaints were received and he is reviewing the events with his deputies and the state's attorney. EL offered that DragonFly Productions leased the campground so he was not in charge of music. RM asked who the contact was for DragonFly. EL stated that he could not provide contact information at this time. RM asked who handled the money and EL stated that it will take some time to figure it all out. EL advised that he managed the facility but worked with the other security folks from DragonFly and Moogs Tavern to monitor the crowd. EL stated that the security personnel were from a private security firm, but he understood that they were volunteering their services. RM asked who the production manager for DragonFly was and EL stated Ben White is the contact from DragonFly. EL said 350 tickets were sold with 500-700 people attending. EL watched traffic on Route 100 so there was no problems with safety on the highways. RM reported that LCSD did not have to deal with fights or any vehicular issues, and noise was the primary issue. PS said the town noise ordinance had only a \$100 fine and he hopes that the town does not proceed with enforcement to collect only \$100. PS asked if the Sheriff would pursue the state law violation and RM pointed out the state fine was only \$50. Roger Audet stated that he felt that the town had an agreement and the town could have stopped the event but through the compromise of the music being shut off at 11 pm, the town and neighbors allowed the event to go on. RB reminded EL that there was an agreement and other similar events around the country which are much larger are shut down totally at 10 PM

and 11 PM, so our compromise should have been respected. Randall Mulligan asked how many complaints and RM responded 6 or 7 complaints. PS asked if complaints were on file on the Webster Barn to which RM advised that there were complaints on file. BJ advised that a DRB hearing is set for Oct 2 on both the Webster Barn and Common Acres. RG advised that music should not be as loud as it was on Saturday as it was horribly loud, keeping my children awake. EL apologized for music going past 11:00 p.m. but there was a family quiet area set up which everyone was please with in the campground. Robin Nuse, Manning Road asked that a letter be read and BJ read the letter which included her observation of the noise being very loud Saturday with 28 hours of loud noise over the weekend. EL advised that he can produce 100's of letters in support of the event. EL noted that he did not allow the planned and permitted fireworks display to occur in consideration of animals on the property of Lisa Hill – they only used 100 Chinese lanterns. RM reminded everyone that this a quality of life issue and he understands that concern from the neighbors but better permit coordination could help in the future and he is pulled into different directions with LCSD staffing at the same level as in the 1970's. RM stated that when people call he will react but with limited resources as the community grows sometimes his response is delayed. RM noted that if over 2,000 participants then a state public assembly permit is required and less than 2,000 the enforcement of related issues falls to local enforcement thus LCSD should be involved early in the planning process for these types of events. It did not go swimmingly per RM and he would like to see better coordination in the future. RG stated that he did not want to shut down the event but it needs to be on a proper sound stage to reduce the impact on the neighborhood. EL stated that the town should be proud of the event and PS offered that these types of events are good industry – weddings, lodging and concerts – and yes it will affect neighbors, but maybe we can limit times and advance notice that 11PM is the shut down time. Randall Mulligan offered that 11 pm should be followed in the future and LCSD should be contacted early on in the process. RM asked that the proper process be followed for all events. EL agreed to meet with RM in the near future. JG advised that ACT 250 will be fining Mr. Leon for not obtaining permits prior to holding the event. PS advised that this is a pretty good spot with the facilities to host the events. VG advised that maybe another location would work but if there are supporters that prefer the campground location then they should try to listen to music they do not like at a decibel of 85 for 28 hours. JG advised that a special event venue is not part of the campground's current permits but should be if they want to continue to hold events. John Chalue stated that he spent a lot of time at and near the campground over the weekend and he did not find the music too loud. RG advised that on Saturday the music and loud speaker was very loud and he could clearly hear voices at his house. EL advised that the voices were from the main stage at 11 pm on Saturday. EL advised that he will continue to work through the permit process with the town and state. BJ asked if there were any final comments and hearing none, asked for a motion to adjourn.

Motion by RA to adjourn at 5:45 p.m. Seconded by MD. So voted.