

# HYDE PARK SELECTBOARD SPECIAL MEETING

## MINUTES October 29, 2012

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**Members Present:** Brian Jones (BJ), Vice-Chair; Roger Audet (RA) and Roland Boivin (RB)

**Members Absent:** David Gagnier (DG), Chair and Mike Dubie (MD)

**Others Present:** Ron Rodjenski, Town Administrator; Mark Myette

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BJ called the meeting to order at 8:06 p.m.

1. **Myette Zoning Violation; Environmental Court Docket No, 130-5-60 Vtec** – Town Attorney Jim Mahoney was present to review a proposed settlement of the Myette pond violation notice. Motion by RA to move into executive session with Mr. Mahoney and Ron Rodjenski. Seconded by RB. Voting: 3 in favor, 0 against, motion passed. Mr. Myette left the room.
2. **The Board came out of executive session.** Jim Mahoney invited Mr. Myette back into the meeting as he left the room to make edits to a proposed resolution for the Board to sign. Mark and the Selectboard discussed the process to check for fill material deposited during pond construction which may be in the town right-of-way. Myette felt that there was not anything in the right-of-way. The Board felt that the possibility existed due to aerial photos of before and after the pond construction. The Board and Mark agreed that there should be a provision within the settlement requiring Mr. Myette to pay for and complete up to 2 hours of work, but only if the town road commissioner, Ken Alexander, requests that Mark remove it.
3. **Resolution to Settle.** Mr. Mahoney returned to the meeting and presented a final draft of a resolution to settle the enforcement case on the terms in a draft Settlement Agreement; the Agreement to be finalized by the parties' attorneys. The basic agreement is that Mark would drain the pond of standing water by November 22, 2012 and Mr. Myette would then regrade the property in compliance with Section 1(B, 5) of the Hyde Park Zoning Regulations. Motion by RA to sign the resolution which results in the town's agreement to the form and intent of the draft Settlement Agreement and authorizes Brian Jones to be the town's representative to sign the final documents when approved by the attorneys. Seconded by RB. Mahoney explained that he would then file a stipulation with the court so the judge may enter a final order in the matter. Voting: 3 in favor, 0 against, motion passed.
4. **Storm Sandy** – Rodjenski updated the Board on the town's storm monitoring activities is being led by Emergency Management Director Brad Carriere. Brad is attending the daily telephone conferences with the Vermont Emergency Management office and he is reporting that it appears to be a wind storm with little, if any, chance of flooding in Hyde Park.
5. **Adjourn** – Motion by RB to adjourn at 8:50 a.m. Seconded by RA. So voted.