

**HYDE PARK SELECTBOARD
SPECIAL MEETING MINUTES
August 13, 2015**

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Members Present: David Gagnier, Chair; Brian Jones, Vice-Chair; Roland Boivin; Pete Couture and Roger Audet
Members Absent: None
Others Present: Ron Rodjenski, Town Administrator; Randall Mulligan; Laurel Houle; Casey and Joshua Grondin; Jim Fontaine; Bev Potter; Nancy Tingle; Robert Lair; Twig and Teresa Farquharson; Corey Hathaway; Ralph Larson; Tyler Maynard; Kim Komer; GMATV videotaped this meeting.

Dave Gagnier called the meeting to order at 6:30 p.m.

1. **Welcome, changes to the agenda, if any, & public comment.** Nancy Tingle asked about the status of the North Hyde Park scoping project and if the project was proceeding after hearing from residents. Nancy stated that North Hyde Park residents expressed no support for the project and that the sidewalk fund could be put toward other efforts. Brian stated that the engineers were looking at different designs for that corridor and then the Selectboard would consider what, if any, ideas move to construction. Dave noted that there no construction projects are planned at the present time. Randy Mulligan expressed his concern about a letter from the zoning administrator that determined some of the uses at Common Acres Campground were abandoned, asking how the town could possibly determine that one or more uses did not occur in any 12 month period. Dave Gagnier asked if the park was open with revenue and Randy responded he could not bring in any receipts as he was busy right now. Laurel Houle, the original campground permittee, submitted a marked-up copy of the zoning administrator's letter with her responses and comments. Ron stated that the next step is the upcoming Development Review Board hearing on September 1, 2015 requested by Casey Grondin and Randy. Randy stated that the campground buyer, Casey Grondin, is now being held up until the DRB hearing is concluded. Casey stated she did not want to buy the property until all the permit issues were resolved. Dave asked if there are any receipts for activity within the last 12 months to which Randy responded friends and family have consistently used the campground. Casey felt that the whole property should be determined to be abandoned or none of it. DG told the folks present that the Board would discuss the matter again later in the evening.
2. **Diggins Road** – Ron reported that Watershed Consulting has been on site and survey work is planned soon with a report in September. The survey work will help determine culvert locations and sizing as well as the requested preliminary cost estimate for the work to upgrade the road to 18-foot with 2-foot shoulders. The Class 4 study area is from the end of the Class 3 section, easterly to the fire pond on the Alvino parcel.
3. **Winter Plowing 2015/2016 of unclassified roads & Diggins Road** – Dave felt that the road maintenance for Diggins and the four “unclassified” roads should be continued for 2015/2016 as it was getting close to the plowing season. Dave noted that doing the same plowing as in 2014/2015 should give landowners more time to work on road issues and deeds. Motion by BJ to continue the 2014/2015 winter maintenance practices for 2015/2016. Seconded by Roland. Voting: 5 in favor, 0 against, motion passed. A letter, dated August 13, 2015, signed by Christopher Nordle, Esq. was provided to the Selectboard by Robert Lair on behalf of the Kusserow Hyde Park Development Project, LLC. The letter hoped that the “Town will agree to complete any necessary upgrade or maintenance work for the benefit of the community”. Robert Lair, speaking for the owners in the subdivision, expressed a desire to see an improved road and continued winter maintenance to provide a fire fighting water resource. Brian stated that nothing has been taken away that would require the town to do any work, as the road has always been a Class 4 and upgrades to town highways for land development projects is usually done by developers. Brian stated that if the town upgrades Class 4's then it will be expected that other landowners on Class 4's could ask for similar

upgrades at taxpayer expense. Rob Alvino stated that the Hyde Park Fire Chief recently stated that the Diggins Road fire pond is critical for fire fighting in this area of town. Robert Lair asked, considering the recent delay in the Tyler Maynard house permit, that the town allow development permits to proceed to avoid lawsuits. Robert Lair stated that upgrading the road would be a huge tax revenue boom for the town, noting that Diggins Road is a unique situation with many lots and a critical fire pond. Robert Lair stated that the Kusserow project spent significant funds to receive subdivision approval and withholding zoning permits for construction is not right. Robert also noted that there is a town liability with the current condition of the road and washouts. Robert suggested that the road could be kept as Class 4 but upgrades for fire service and a commitment to plow would be sufficient for him to then relay that commitment to property buyers. Dave G stated that the town needs to be consistent in how each road classification is maintained. Robert felt that upgrading to Class 3 is the best option with year-round town maintenance, reminding the Board that the subdivision permit was not conditioned on their project upgrading the Class 4 section. Robert stated that the Town can't now require the road upgrade as a condition of zoning permits. Jim Fontaine noted that Gilbert's 6-lot subdivision permit had a condition to upgrade the Class 4 road from the Alvino parcel and easterly to the new subdivision (all unrelated and easterly of the Kusserow project). Robert Lair noted that the subdivision was approved on a Class 3 road, per a note in their subdivision permit. Ron noted that the classification is determined by the Selectboard. Dave stated that the board wants to wait for the Watershed Consulting preliminary cost estimate before deciding anything further.

4. **Tyler Maynard, Diggins Road Access Permit** – Tyler submitted a letter, dated August 10, 2015 asking that the conditions on the access permit issued on July 28th be reconsidered. The two conditions are expensive and he would like to just complete the repairs from the June washout. Roland stated that if Tyler upgraded the travel lane to 18-feet it still wouldn't make it a Class 3 for winter plowing. Dave G stated that the road should be repaired by Tyler to 18-feet to which Tyler agreed. Dave G stated that the 18-foot width should go to the home's access point, even if it is at 501 Diggins Road. The 501 access was installed in 2002 according to Tyler for a potential house site by the prior owner but no home permit was issued. Tyler's prior conversations with the highway department indicated that they knew about his removal of the roadside cut-outs done three years ago. Tyler noted that Diggins Road did not wash out until June 2015. Tyler stated that he would fix the road. Dave Gagnier noted that the road was about 18 to 18 ½ prior to washing out with no shoulders. Ron noted that 18-feet is the minimum for two fire trucks to pass and having no shoulder will make it difficult to pass easily. Tyler noted that Mark Chauvin's house project in 1992, now owned by Rob Alvino, and that was the last time the road was significantly upgraded. Roland stated that some roads are less than 18-feet and they do create issues for fire service as he observed the situation when he was a volunteer firefighter. The Board will discuss Tyler's request later in the meeting.
5. **Village Bioretention Grant Update** – Kim Komer from Lamoille County Conservation District reviewed the plans for erosion control improvements. Kim confirmed that this project is supported by a \$75,000 state grant and construction is planned to start this fall. In order to improve the outlet area of the Depot St Ext cross-culvert, Kim reviewed a proposal to remove Aaron Moore's shed on the west side of the brook to the east side of the brook, which will then allow regarding of slopes for a more stable stream bank. Kim offered that the landowner is asking for one load of crushed gravel for a new shed location, up to \$1,800 in material cost reimbursement for the new shed and removal of the existing shed after he repurposes any materials. Kim will check with the Fire Chief about burning the shed. Motion by Roland to allow construction to proceed with the town to assist with removal of the shed after checking to see if it can be burned first, providing one load of crushed gravel for the new shed site and up to \$1,800 to be reimbursed for the new shed's materials. Seconded by Brian. Voting: 5 in favor, 0 against, motion passed.
6. **Larson Access Permit** – Webster Road – New Bridge & Class 4 Relocation. Ralph Larson was present to provide an update on his access permit application #2015-035 requesting approval for one new house and bridge repairs on the Class 4 section of Webster Road. Ralph stated that he would pay for any improvements to the Class 4 road, including the survey and quit claim deed preparation and he is not seeking reclassification or upgrades by the town. Ron noted that Ralph has a pending subdivision permit before the DRB which has been continued pending issuance of the highway access permit. Ralph will install a 5-foot diameter oil tank to replace the hemlock bridge deck. Chris

Brunelle has visited the site and issued a State Stream Alteration Permit for the work, which needs to be completed by October 1st. Ralph felt that about 90 feet of the Class 4 needs to be upgraded to driveway standards and the beginning of the Class 4 near Grimes Road is upgraded for the one other house using the Class 4 (Andre Lague). Motion by Brian to allow Ralph to replace the plank bridge with a five-foot used oil tank, per the state permit approval, and approve the use of the Class 4 highway for the second single-family house pending completion of the town highway relocation process. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.

7. 2015-2016 Bulk Purchase Orders

Motion by Roger to approve the following purchase orders and amendments:

- a. FY2016-01 – Amendment to increase the dollar amount & to change PO # (was #0035) – Pike Paving - New Amount \$370,000;
- b. FY2016-02 – Cargill – Winter Salt at \$80.79/ton – not to exceed \$95,000;
- c. Amendment #1 to PO#0028 – Plow Blades to \$7,400 to cover actual expenses;
- d. Amendment #1 to PO#0032 – HP Fairfield to \$9,310 – to match expenses; and

Seconded by Pete. Voting: 5 in favor, 0 against, motion passed.

8. **Straw Blower Purchase Order** - Pete reviewed the three quotes on a straw blower for the highway department's erosion control efforts. Ron explained that a blower would be available at all times where as the inter-municipal shared hydroseeder is not. Brian will talk with Road Commissioner and bring back an update in September.

9. **Grant Awards** – Ron reviewed the recently approved grants and requested that the Selectboard accept the grants and designate a grant representative. Motion by Roland to accept the three grants listed below and authorize Ron Rodjenski as the town's authorized representative to sign necessary documents:

- i. Communities Caring for Canopy Grant – EAB Plan & Mailing - \$400
- ii. VTrans Better Back Roads – Cooper Hill Erosion - \$10,000
- iii. VTrans Class 2 Paving Grant – North Hyde Park Road - \$175,000

Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.

10. **Reviewed monthly reports:** 'Town Project List', 'Grants Watch' report & LCSD Monthly

11. **Review minutes;** 07/09/2015 and 07/28/2015. Deferred to September.

12. **Review Town Orders** - Motion by Brian to approve and sign the town orders. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.

13. Other Business

- i. **Village Traffic Ordinance** – Village Trustees' Public Hearing 09-11-2015. David noted that Riki french, Chair of the Trustees had asked that this agenda item be removed and Ron advised to keep it on for a Selectboard discussion. Ron advised that the Selectboard should be adopting highway ordinances, and the trustees can recommend certain provisions. Dave reported that he expressed some of his concerns on the draft ordinance to Riki but no one had an update as to whether the Trustees are revising the draft. No action taken at this time.
- ii. **Listers' Errors and Omissions Report to 2015 Grandlist** – Motion by Brian to accept and sign the report reducing the Grandlist by \$106,700 dollars, about \$700 in reduced municipal tax revenue. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.

- iii. **Proposal for Town Highway Ordinance (including speed limits)** – Ron advised that a highway ordinance is recommended by the town attorney and it would be similar to the recent effort to consolidate zoning and subdivision regulations. The ordinance could include the previously discussed Trustee's ordinance topics and speed limits. Dave felt that there were enough other projects on-going at this time. Ron noted that the Road Committee's final report is due soon and this topic could come up after review of that report.
- iv. **Roadside mowing discussion** – Dave offered that roadside mowing was not adequate this year with only 3 to 4 feet done and with an uneven cut, suggesting that the mower was moving too fast. Brian felt that the town's roadside mower and tractor may need to be upgraded to do a better job. Dave suggested contracting out roadside mowing and Brian felt that two passes should be the minimum as brush is growing up quickly within the ROW. Brian noted that cutting and removing brush and small trees is more expensive than mowing. Roland is viewing a roadside brush cutter next week and will report back on that potential option. Dave felt that the town should be using the town's chipper and chainsaws more, possibly with Dept of Correction's help to load the chipper as the town crew clears trees and brush. The Board will discuss adding funds into highway's FY2017 budget for contracting out roadside work.
- v. **LCSD** – Ring Property - Dave reported that the Sheriff has bought the Ring property on Main Street. Brian asked why the county residents were not asked before it was purchased and where did the money come from? Ron suggested that LCSD has a reserve fund and in the past, Roger Marcoux has accessed grant resources for property improvements. Roland noted that it was one of the largest parcels in the village and that tax base is now removed. Ron suggested that Rep. Martin might be able to provide more information.
- vi. **PSB** – Ray Chauvin parcel. The Board received the notice of a proposed 1Mega-Watt solar array project on Silver Ridge Road, known as the Waterhouse Project. The notice is part of the Certificate of Public Good process before the Vermont Public Service Board and starts a 45-day notice for public comment.
- vii. **Tyler Maynard** – Dave suggested that having the road upgraded to 18-feet to 501 Diggins Road, instead of only to 385 Diggins Road, and ensuring a negative grade at the 501 driveway, would create a good access for Tyler's house. Ron suggested that based on the amount of legal discussion tonight, the Selectboard should seek town counsel advice before making any new decisions related to Diggins Road. The Board will ask the town attorney to review the Kusserow letter submitted tonight and the reconsideration request from Tyler Maynard to allow him to use the access at 501 Diggins Road instead of 385 (his existing shop access).
- viii. **Common Acres** – Dave stated that he saw the point raised by Randy Mulligan earlier tonight about abandoned uses being determined by the zoning administrator and that action slowing down the sale of his property. Dave noted that the town needs more tax base. One or two Selectboard members will appear at the DRB hearing to encourage a quick decision by the DRB and to express their support for economic development projects in Hyde Park.

14. Adjourn – Motion by Roger to adjourn. Seconded by Brian. So voted at 8:48 p.m.