

**HYDE PARK SELECTBOARD
MEETING MINUTES
September 10, 2015**

*All minutes are draft until approved by the Selectboard; please check future minutes for approval of these minutes.
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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; Hyde Park Fire Chief Ed Webster; Ryan Nolan; Mary Walz; Jim Heath; Norm Andrews; Bob Bourdeau; Bev Potter; Tasha Wallis, LCPC; Rob Moore, LCPC; Carol Robertson, Village General Manager; Dan Young; Rob Alvino; Charlie Aronovici; Bob Falker; Cheryl Knight; Carol Young; Jeff Beattie; Sue Moore; Nina Putvain; Deanna Judkins; Nancy Tingle; Amy Olsen; Fran Aronovici; Tim Yarrow; Gary Smith; Robert Lair; Jim Fontaine; See sign in list for unreadable names; 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: No changes to the agenda were made.**
 - a. **Public Comment** – Beverly Potter stated that she spoke with Peg Smith and William Smith and William Smith will now be working on the draft deed to Mason Road and Hemingway Road.
 - b. **Public Comment** - Fire Chief Ed Webster announced that the Fire Department received a grant on August 28th for new equipment. The \$142,591 grant from the Department of Homeland Security supported a project totaling \$149,720 for the purchase new Air-Paks, bottles and a new air compressor. The grant requires a 5% match (\$7,129) which will come from the fire departments equipment reserve fund. Chief Webster said the department would try to sell the older units but some are 18 to 20 years old. Roland suggested that the older units could also be donated rather than take on potential liability for selling out-dated units. Chief Webster stated that he would look into it but they were not quite at that point. The Board congratulated the Chief on the grant award and thanked the department for the good job recently at Applecheek Farm fire.
2. **Jim Heath – Road Committee Final Report** – Jim Heath presented the town road committee's final report and recommendations. Jim explained that the committee was formed based on concerns for road conditions and usage and there were five members appointed by the Selectboard; himself, Greg Paus, Brian Jones, Mike Dubie and Troy Hayford. The committee followed four directives set out by the Selectboard; private roads maintained by the town, evaluate existing conditions and maintenance costs, reclassification of roads and maintenance recommendations. Jim explained that this was a study and the Selectboard needed to continue the discussions directly with landowners that might be impacted by any changes. The committee had no power to change anything. Orchard Terrace resident, Bob Falker, stated that he was surprised and he should have been contacted. Jim Heath stated that the committee could have reached out more but this was simply a study and no actions have been taken. Deanna Judkins explained that she understood the concerns for liability but the town has plowed some of these smaller roads for 60 years and the town won't save enough by stopping plowing to lower taxes. Deanna stated that the liability issues should be addressed. Dave stated that the town had previously agreed to continue to follow past practices for winter plowing for this coming winter. The Selectboard would continue to work with neighbors and keep plowing the same roads, but he was only one person on the board. Jeff Beattie stated that town highways are on the list as well as private roads with the report recommending no plowing if 3 or less homes on the road. Jim stated that many towns have used more than 3 to define a road. Jeff asked about the cost savings and Jim stated that the existing roads were looked at for costs. Dave Gagnier stated that at

one time Godin and Gowen Road were plowed because the town had to ensure that a farmer was able to ship milk. Jeff asked for more information on cost savings, both from liability purposes and town tax impact. Jeff stated that as a real estate agent, he often sees the town shooting itself in its foot with unintended negative consequences. Jeff stated that from a property value perspective, the changes pursued could have a negative impact on the town. Jeff stated that for years the taxpayers have paid taxes for highways and now we are being told that the town may end plowing services. Pete Couture stated that if the Board was going to discuss a road, the neighbors would be notified. Sue Moore asked Jim if the recommendations went through to stop plowing, then who is liable on a town highway, and Jim deferred to an attorney, but the town has coverage for its work. Ron stated that when private landowners work in a town highway they should have Selectboard permission and provide the town with a certificate of insurance naming the town as additional insured. Tim Yarrow thanked Jim for his work on the report. Tim stated that the town's insurance coverage documents should be reviewed. Ron reviewed a goal of the report which was to provide landowners clarity with the town road policies and practices especially for new development in town. Rob Alvino stated that at the end of Diggins Road is a state park with many state park visitors wearing down the road. Rob stated that if the landowners are required to maintain the Class 4 then they would be maintaining it for park visitors. Jim Fearing stated that park use has been going on for years. Rob Alvino stated that the Diggins Road is on internet maps drawing visitors to the park and Deanna Judkins concurred it occurs for Zack Woods as well. Jim Fontaine agreed that the maps send people to Diggins Road for access. Rob Alvino wanted to see the town plowing to the fire pond by his driveway and Jim Heath suggested that if brought up to Class 3 then it can be reclassified from Class 4 to Class 3. Pete Couture wanted to set up a meeting in October with all the owners to resolve the Diggins Road issue. Nancy Tingle stated that the goal of the report was to save funds and make future capital recommendations, asking was that done. Nancy noted that on page 2 of the Road Acceptance Policy, when the 3rd house is built then the town will maintain the new road. Gary Smith from Marcoux Road stated that he bought on a Class 3 road and the only reason to have the road on the list must be to save money. Jim Heath stated the committee did look at costs but maintaining roads that are in less than good condition means the town pays more over time. Jim Heath explained that maintaining a house a little at a time keeps the house in good repair versus letting the house slide until it becomes a big expense. Jim stated that new state standards are going to be required for town highways, costing the town even more than it currently costs. Dave Gagnier stated that the state keeps changing the road standards. Jim Heath stated that road maintenance is an affordability issue. Robert Lair stated that Pall Spera called canceling a contract recently for a lot they had been trying to sell for over 8 years and the reason was based on the idea of privatizing roads, requiring owners to make road improvements, and no guarantee for future snow plowing. Bev Potter stated that her road, Mason Road has been town-plowed for 25 years, but was just identified as a private road while residents had always believed it was a public road. Bev stated that they are worried that the town would stop plowing because of something the project developer did not do, such as completing the deeds to the town. Bev stated that the Selectboard has been working well with the neighbors and that is appreciated. Bev noted that this topic makes the town seem unfriendly and I pay taxes for schools and all roads so the town should keep plowing the roads it does now. Bev asked that all the roads be grand-fathered, noting that the recent school bond has already torn the town apart. Bev thanked the Selectboard for working with the residents and asked that since roads are essential they should continue to be maintained, but new roads should go through a more stringent acceptance process. Bev asked that the town focus on existing roads rather than pursuing new capital projects. Carol Young stated that Sylvan Hill Road owners have not known about it very long and the town has always maintained the road with guardrail installed at one point, noting that the road is in poor condition. Carol noted that her road is sliding and the town should look at the safety of the road for emergency vehicles. Dave Gagnier stated that the roads are being asked to take on bigger trucks and the town is now asking should the town hire private contractors for the smaller roads. Gary Smith asked about a meeting with all landowners to stop the rumors from growing. Jim Heath offered that the Selectboard could meet with the landowners and put out a press release to outline the next steps to reduce the rumors. Gary asked if the time frame could be reduced to reach a conclusion. Dave Gagnier stated that the Board would put a priority on it but there was no timeframe set yet. Bob Falker from Orchard Terrace asked the legal considerations if a road becomes private and who then has the maintenance responsibilities. Bob recommended that the town answer some of the legal issues first,

then decide which way to go on the recommendations. Pete Couture said legal issues will be looked at before decisions are made. Mary Walz stated that although she is not directly affected, she feels that some triage of the report should be done first with the people that might face discontinuance for snow plowing resolved first. Mary encouraged the town to work quickly. Jim agreed and noted that the Selectboard also represents another 2,900 residents. Mary requested that the Selectboard work quickly. Roger Audet stated that the Selectboard just received the report tonight and it will take time to review the report. Dave Gagnier stated that he personally can't see stop plowing roads, but some roads are not up to minimum standards and those need to be addressed. Dave noted that unlike past days when handshakes resulted in actions, today you can't continue to make decisions that are not based on facts and consistency. Mary Walz again asked for a quick resolution. Dave Gagnier stated that the way to save money is not to cut services. Rick Fearing stated that some roads are in disrepair. Dave stated that the town just received the preliminary cost estimate to upgrade Diggins Road. Deanna asked when the last time some of the Class 4 roads were graded, noting Diggins Road is a mess. Nina Putvain stated that she has children with severe allergies and she needs the road to continue to be plowed to her home to ensure ambulance access. Jim Heath stated that the Selectboard has already stated that there will be no changes this coming winter. Matt Reid stated that he has been following the committee's progress and the town should make sure things are legal. Matt noted that FEMA grants are not eligible for private roads being maintained by the town, noting that some landowners don't want to see roads upgraded to Class 3 roads if that means larger roads and bigger ditches. Matt noted that landowners need to work with the town to allow the needed upgrades for fire trucks and town plows. Dan Young stated that it is worthy of consideration that liabilities are creeping in to the topic and to have a good engineering study from an outside group to best determine the next step. Dan stated that the town could be opening itself up to lawsuits. Jim Heath noted that there are two sides to the issue - if the town is plowing private roads then why not all private roads. Jim explained that the town is spending money on Diggins Road engineering to move that issue forward but there are more issues than just saving money, such as should roads be upgraded, plowed, not plowed, etc. Jim recommended that the same category of road situation should all be treated the same by the Selectboard. Nina Putvain asked if the road plowing could be grand-fathered and Jim Heath stated the Selectboard would consider all situations. Mary Walz stated that the asbestos report from years ago, which was widely distributed but found inaccurate, created many problems in town – so for this report, if not all residents are impacted, do all residents need to be alarmed by what might happen. Rob Alvino stated that the report is creating negative impacts on real estate in town. Bev Potter noted that Paul Gillies, Esq. was contacted by the committee so the town is aware of legal issues. Norm Andrews stated that it was not appropriate for Ron to advise the Selectboard that the town attorney was ready to go if recommendations were proposed and Ron stated that the town attorney needs to be involved because of the potential negative impacts on landowners. Gary Smith encouraged quick resolution. Dave Gagnier stated that publicizing to all when nothing is happening right now might fuel rumors. Mary Walz stated that she would recommend getting something on the website. Roger Audet stated that nothing would change before going over it with the owners along the road. Nina Putvain asked if the report could be rejected. Dave stated that the Selectboard asked the Committee to complete the report and it should be reviewed. Pete confirmed that it includes legal issues that need to be addressed. Dave stated that he would look at the report as a business decision and make his decision on taxes and costs, noting he would rather not cut costs. Jim Heath noted that bringing it to a professional study might be a good next step. Rob Alvino confirmed that the roads would be maintained status quo until the issues are figured out and Dave Gagnier stated that was the plan. Dave advised that everyone would get a letter if there was going to be discussion on their road. Carol Young asked what they can do about Sylvan Road and Dave G said Kenny Alexander would take a look at it next week. Jim thanked everyone for the feedback and the town would move forward on the issues in a positive manner. The Board thanked Jim Heath and the rest of the committee members for their work. The State of Vermont provided a 9/9/15 letter to the Selectboard, recommending that Green River Dam Road remain Class 3 and plowed in the winter for winter use by park visitors. The final road committee report indicated the state was OK with ending winter plowing. The State letter is posted on the town website with other committee documents.

3. **Tasha Wallis – New LCPC Executive Director & LVRT Trailhead – Environmental Assessment Agreement** – Tasha Wallis introduced herself and thanked the Board for making time. Rob Moore, LCPC staff planner was present on the Lamoille Valley Rail Trail. Tasha updated the Board on a \$250,000 grant from the Northern Borders Commission and due to delays the Commission might pull grant funding. Tasha stated that the State just agreed to do the environmental testing for the Hyde Park facility and has committed to long-term responsibility for any pre-existing environmental concerns. Rob Moore stated that the match can include in-kind time by the towns. Dave Gagnier stated that the Board would not put the town in any environmental situation and if the site is cleared, then that addresses the town's major objection to the prior leases. Dave asked if there would be bathrooms and Rob Moore stated that only Johnson is planning on having facilities at the trailhead. Dave asked about maintenance and Rob stated that the town would maintain the parking lot and building. Ron noted that the community can come up with long-term maintenance solutions. Dave asked Charlie Aronovici and Tim Yarrow, as Village Trustees, about their thoughts on the proposed trailhead. Charlie stated that this is an economic development opportunity for the village. Tim stated that he understands the concern for costs but Hyde Park should not miss out on the opportunity. Dave Gagnier asked if the board could limit the match amount and Ron stated that the board could limit the cash match and allow the town highway crew to provide in-kind services. Amy Olsen stated that this is something that could increase community spirit. Tim noted that the new village office would have bathroom facilities for visitors from the LVRT. Motion by Brian to continue to move forward with the project now that VTrans will be doing the testing for contaminants, send a letter of continued support for the trailhead construction, maximize in-kind donations but not exceed \$2,000 cash match and sign the zoning permit application for the trailhead facility off Depot St Extension. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.
4. **Hyde Park Solar Project – Request for Letter of Support** – Carol Robertson presented a report on the proposed solar project which will be owned by Hyde Park for the benefit of Hyde Park and avoid future alternative energy compliance payments. Carol stated that the village is trying to meet the U.S. Treasuries deadline in February 2016. Village of Hyde Park voters will be asked for their approval later this year after the PSB issues its certificate of public good. Carol stated that there are major savings to Hyde Park electric customers which will stabilize pricing and be a good investment for the next generation as well. The village has hired professional consultants to work through all the various permits and reviews. The Village is trying to bring the total project cost near \$3.0 million with no cost to Hyde Park and the panels will be made in the U.S. Roland asked if the town residents can vote and Carol stated that the law requires that only Village residents vote on the bond. Tim Yarrow stated that this project will be a huge benefit to Hyde Park and a good reflection on the town. The project will be on Silver Ridge Road on 6 – 7 acres with 4,500 panels at no more than 9-feet tall. September 28th is the next public informational meeting. Motion by Dave to send a letter of support to the Village for the project. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.
5. **Diggins Road – Preliminary Engineering Report** – Ron reviewed the engineering process resulting in a preliminary cost estimate for upgrades to rebuild Diggins Road to have 18-foot travel way with 2-foot shoulders. Robert Lair stated that a number of lots are available for development and it could triple the tax base if just the Kusserow project was built out. Robert feels that the Class 3 milestone should continue to be pursued and we need guarantees from the Town to move forward on the development of their project. Robert asked for Class 3 designation, and town plowing, from the end of the Class 3 road to the fire pond. Rob Alvino stated that he would not object to a turnaround at the fire pond rather than continuing the short distance to his driveway. Robert suggested that the Kusserow members might agree to financially contribute to the road costs. The Watershed Consulting cost range was \$69,000 to \$121,000. Dave Gagnier stated that if the town improves this Class 4 then other Class 4 owners would expect that the town work to upgrade other roads. Rob Alvino stated that this road was unique as it has a fire pond. Discussion on creative financing, legal issues, property values, plowing only Class 3's in the future, and who pays for Class 4 upgrades. Ron suggested a group meeting with all parties and the town attorney to bring about a resolution. Roland stated that if the town completes the upgrades on a Class 4 road then others will ask for the same. Robert asked about grand-fathering and Ron stated that past town maintenance does not vest the owners to continued town plowing. Robert Lair suggested that the Selectboard set a threshold for traffic when Class 4's start to receive town plowing. Jim Fontaine noted that not all Class 3's are 2-18-2. Dave

noted that existing Class 3's are fine if less than the standard but new development will require consideration of the current town minimum road standards. Ron clarified that the amount of work needs to be in relation to the proposed project per the town attorney's recommendation. Jim Fontaine suggested that the town has some skin in the game because the town DRB did not require the Class 4 upgrades at the time of the Kusserow subdivision. Jim noted that two years later the Gilbert project, was required to upgrade about 2,700 feet of Diggins Road Class 4 section starting near Alvino's driveway. Robert Lair noted that the town should help with the upgrade costs. Dave Gagnier noted that the road upgrade to Tyler's house at 385 Diggins Road would help complete the overall upgrade to the fire pond if the neighbors contributed and worked together. Dave advised if the road was upgraded, then it could help move the road reclassification process to Class 3 and year-round town plowing. Robert agreed to approach the owners and report back to the Selectboard. The Board agreed to meet at a special meeting before their next regular monthly meeting to push the project along.

6. **Diggins Road – Tyler Maynard Access Permit** – The Board agreed to not take action on the amendment to use 501 Diggins Road instead of 385 until the road repairs are done as requested by the Selectboard. Ron noted that the 385 house permit requires that Mr. Maynard complete the road work before occupancy of the new house.
7. **Lanpher Memorial Library – ADA Grant Letter of Support** – Amy Olsen asked for the Town's support for installation of an accessible parking spot in Church Street near entrance closest to the library elevator. Amy reviewed the plans prepared by Paul Trudell to bring the library into ADA compliance. The \$15,000 project would be supported by a 50-50 grant, or \$7,500 cash or in-kind match from the town. Fran Aronovici stated that the project is important to be funded. Amy confirmed that some people have no access due to the current access limitations, but there are no limitations once inside the library. Motion by Roland to sign the letter of support for the library grant application with the town match not to exceed \$7,500. The amount will be put on the Town Meeting warning. Seconded by Pete. Voting: 5 in favor, 0 against, motion passed.
8. **Closing of Historical Society Checking Account** – Ron reviewed the dormant Union Bank account which has not had activity for 24 months, noting that Carolyn Jones was contacted and she agreed that it would be OK to close the account with the checking account funds used for Grange maintenance. Ryan Nolan asked who is responsible for grange maintenance and Ron stated the Selectboard. Motion by BJ to spend down the account for inspecting and repairing the Grange Hall in North Hyde Park and authorize the town treasurer to close the account. Seconded by Roger. Voting: 5 in favor, 0 against.
9. **2016 Town Meeting & FY2017 Budget** - Ron stated capital is an issue for the budget with reserve amounts needing to be increased to keep up with higher costs for equipment. The Board members will consider what their overall tax rate goal will be for FY2017, such as 0% or no more than 3% over FY2016. Roger Marcoux will be asked about his patrol budget at the October meeting.
10. **Minutes:** Motion by Brian to approve the minutes of August 13, 2015, as written. Seconded by Roland. Voting: 5 in favor, 0 against, motion passed.
11. **Town Orders & Warrants:** Motion by Roger to accept the town orders. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed.
12. **Town Listers** – Motion by Roger to approve the Errors & Omissions Report for two property name changes. Seconded by Brian. Voting: 5 in favor, 0 against, motion passed.
13. **Union Bank Agreement** – Motion by Brian to authorize Kim Moulton to sign the Union Bank loan servicing agreement for the Sterling View Mobile Home Park/Ken Harvey loan. Seconded by Pete. Voting: 5 in favor, 0 against, motion passed.
14. **New State Funding Grant System** – Motion by Roger to authorize the town treasurer or assistance town treasurer to sign any necessary paperwork to request annual state payments to the town for PILOT, etc. Seconded by Brian. Voting: 5 in favor, 0 against, motion passed.

15. **Purchase Order** – Motion by Roger to approve purchase order FY2016-04 for winter plow blades from HP Fairfield in the amount not to exceed \$6,200. Seconded by Roland. Voting: 5 in favor, 0 against, motion passed.
16. **Draft 2015 Zoning Regulations** - Deferred due to lateness of meeting.
17. **Other business** –
- a. **Straw Blower/Mulcher** – Brian Jones said that Kenny said it would be nice to have one. The one recommended is \$7,900 for a mid-priced unit which is built the heaviest. Mark Lehouiller stated it would help the crew save time rather than running to rent one, noting that the highway crew needs to mulch disturbed areas immediately after construction under the new state rules. Motion by Roger to approved the highway crew selecting and purchasing a used mulcher not exceeding \$7,900. Seconded by Roland. Voting: 5 in favor, 0 against, motion passed.
 - b. **Parking on East Main Street.** Dave suggested that the school parking lot be expanded toward East Main Street and a retaining wall be installed to create the space for teacher parking to free up space for parent drop offs and pickups. Roger Marcoux is meeting with the school to see if the plan is workable with contributions to the \$10,000 expense from the school, the sheriff's dept, the village and town. Dave will report back soon.
 - c. **Roadside clearing** – Pete suggested adding funds to next year's highway budget for contracted roadside clearing of trees and heavy brush. Roland stated that contracting out clearing results in cost-savings and much more mileage by the contractor per day than the town crew with existing equipment. Roland encouraged the board members to attend the demonstration of this equipment on October 25th in Morrisville.
18. **Clark's warranty for Mike's 2015** – Mike Dubie is approved to select the best warranty package for his truck up to \$6,750 per the previously approved Purchase Order #33 (FY2015). Ron noted that a selection is required by October 1st, before the warranty costs increase.
19. **Aaron Martin zoning permit application** – Ron stated that the previously approved shed relocation to make room for stormwater improvements requires a setback waiver for the new location. Motion by Roger to sign the zoning permit application for a setback waiver. Seconded by Brian. Voting: 5 in favor, 0 against, motion passed.
20. **Sandwich board** in VFW Drive ROW – A business asked for permission to install one sign at the end of VFW Drive. The Board did not want to see sandwich board signs installed within the town right-of-way, noting that some exist on East Main Street.
21. **Regional Plan Draft** – Ron noted that the draft regional plan is available for review.
22. **Adjourn** – Motion by Brian to adjourn. Seconded by Roger. So voted at 10:25 p.m.