

**HYDE PARK SELECTBOARD
MEETING MINUTES
October 15, 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; Roland Boivin; Pete Couture and Roger Audet
Members Absent: Brian Jones, Vice-Chair
Others Present: Ron Rodjenski, Town Administrator; Norm Andrews; Dan Young; Sharon Green, Esq.; Tim Yarrow; Randy Mulligan; Bill Barton; Deanna Judkins; Jessica Mulligan; Rob Alvino; Rene Marcoux; Randy Mulligan; Casey Grondin; Corey Hathaway; Bob Bourdeau; Jim Fontaine; Nancy Tingle; GMATV videotaped this meeting.

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

1. **Welcome, changes to the agenda, if any, & public comment:** A revised agenda was provided to add Common Acres campground to the agenda.
2. **Paul Gillies, Esq. – Highway Issues.** Paul Gillies was asked to attend the meeting to work on the legal issues discussed at the October 8th Selectboard meeting. Ron relayed the concerns from that meeting that the existence of a road committee report created potential liability on the town due to recommendations to stop plowing certain roads and the potential for reduced property values. Paul stated that the committee work did not create liability. Dan Young pointed out that the Selectboard taking action on the recommendations could create town liability. Paul Gillies stated that a review of all roads is a good question and many towns do make changes after reviews of their network but he realized residents will then ask what am getting for my tax dollars. Paul stated that some roads are reviewed discontinued may not be good decisions if you think 50 to 100 years from now and the public ROW is needed. Future Selectboard will need to buy back the ROW. Dave G stated that the Selectboard is now taking the heat for old decisions on accepting roads or not completing the public acceptance process but plowing ahead of acceptance. Paul said that was why you are in the seat now to work through those issues today. Paul stated that the town may now need to undo or address those old decisions. Dave stated that if existing town roads met town standards when they were built then they should continue to be owned by the town, but from this point forward the new standards would apply. Dave stated that private roads can put the town in danger if an accident occurs. Paul stated that from a Class 4 to Class 3 you may have landowners provide the funds to upgrade, noting that each road has a specific set of issues; condition of the road, residents served by the road and town general benefit. Paul stated that a road by road decision is best. Dave noted that private roads would be addressed. Paul noted that with some private roads, when developed to a certain degree, might best become a public road. Paul noted that if we are plowing private roads as unofficial town highways, then undoing that would require a site visit and hearing before designating it as an official town highway. Dave stated that getting rid of Class 3 roads won't save the town any money. Nancy Tingle asked how the private road owners were involved and what official notice have they gotten and Paul stated that the committee report was not required to provide formal notice. Dave Gagnier said the report was just issued. Nancy assumed that the private road owners should have received formal notice and she asked that Sylvan Road be fixed up and the owners should be contacted. Dave said he would like to set aside all of the public highways from review even though not up to spec and he wanted to look at the private roads. Dave noted that the good of the community needs to be reviewed and can some roads become public roads. Dan Young, who resides on Sylvan Road, has stated that the collapse of the road is due to a culvert under Route 15. Dave stated that the four private roads are being looked at first and wondered if multiple entities could work toward a solution. Dan stated that the road has been maintained by the town for 50 years and there is an expectation to continued maintenance. Dan stated that the fabric of the community is being deteriorated as the road deteriorates. Jim Fontaine asked about the 18-foot width with 2-foot shoulders requirement and asked if that owner still must upgrade the town road before he occupies his new house. Dan Young stated

that new land development is different to upgrading a road for an existing community and the new standards should not apply to the established community. Jim Fontaine stated that a clear standard appears to be headed to 18 feet with no shoulders for fire service needs. Paul Gillies stated that the town could maintain Class 4 roads without an expectation from property owners that winter plowing was going to continue – winter plowing could end at any time on Class 4s. Paul also noted that recent court cases have provided the Selectboard with this same option on Class 3s if specific procedures are following, including accepting less state aid. Paul Gillies said that the approach to changing the classification is to warn a hearing with 30-days notice and list the roads to be considered with the proposed action; do nothing, discontinue, up-classify, or maintain in a certain manner. Dave stated that the Diggins Road is Class 3 and Class 4 and once maintenance started it has never stopped for the past 20 years. Paul stated that a Class 4 can continue to be plowed at the discretion of the Selectboard – such as a grader sweep once per year and no plowing as another town has determined best met the community need. Dave confirmed that we could keep Class 4 but keep plowing. Paul stated that these decisions should be made by the Selectboard after a process, not by popular vote. Corey Hathaway stated that the Class 4 starts on a hill and there is potential for additional tax dollars for Hyde Park, noting that the cost to upgrade due to poor maintenance will be more expensive later if not maintained. Corey noted that Class 4's do need culvert and drainage maintenance as a minimum town responsibility. Pete Couture stated that in the past gravel on the hill section of Diggins Road held fine until the water bars were removed. Dave asked about who pays the upgrade costs and Paul stated the zoning process could make future developers responsible but if no zoning conditions, then the Selectboard is not obliged to make the improvements. In those situations, the Board can base the amount of taxpayer funds used on what the town can afford, the needs of the people and the community. Rene Marcoux, East Johnson Road, asked who prepared the report and Dave said he would have to ask the road committee. Rene asked if the town knew how much plowing costs for East Johnson Road and it would be a good number to know so it could be deducted from their taxes. Paul Gillies stated that tax bills go to fund the whole community's services so deducting taxes like that is not how the system works. Tim Yarrow asked if the road committee was setup on its own and Brian Jones stated that the Selectboard set up the committee. Tim asked what the purpose was and Dave stated that VLCT advised the town that some roads should not be plowed as they were private and there was a liability risk to the town. Tim stated that the report came to the public and Selectboard at the same time and Dave said that a draft report should have been first reviewed by the Selectboard before it was finalized. Nancy Tingle stated that the road costs were a brush stroke and the roads with three houses or more were grouped into one category. Dave said that was the only way to get to a cost estimate. Tim Yarrow stated that the rules for new roads need to be set, but for peace of mind, can the existing town roads decision be made quickly with a cost-benefit analysis, etc. noting that he felt the town was being short-sighted by removing roads which could limit future growth of the town and village. An audience member asked if 3 or less house roads located on a Class 3 town road was recommended for review by VLCT. Dave said no, noting that the town is continuing to plow all roads as in the past and as the recommendations are being reviewed. Rene Marcoux stated that what is not broke should not be fixed. Roger asked about the right to use public roads and Paul agreed that once public it is open. Dave stated that he agreed with Rene - if it ain't broke then don't fix it. Duncan Tingle agreed that we can get lost in all the details, but agreed Dave was right. Dave noted that the Selectboard will do a road by road review to resolve the concerns generated by the report. Jim Fontaine asked if a single-owner needs to upgrade a town road will that then be applied to all other road situation and new land development. Tim Yarrow asked if the cost-benefit would be done on each road and Dave stated he did not know. Jim Fontaine noted that the road committee report has tax information. Dave stated that Richardson Road has one summer house and asked should the town only plow the road if requested? Dave stated that Green River Reservoir is plowed year-round but we plow that because Morrisville Water & Light needs to get there year-round, so why don't they plow it? Morrisville Water & Light presented a letter to the Selectboard, dated October 15, 2015 which Dave read into the record. The letter stated that plowing is necessary for emergency response access all year and MWL pays taxes to Hyde Park for public services; asking that the status quo be maintained.

3. **Common Acres Campground** – Dave read the draft release of the lien on the campground. Sharon Green stated that the town has reviewed the document. Sharon explained that the recorded zoning

agreement with the prior owner now creates a title defect per the opinion of the buyer's attorney. The parties are asking that the zoning agreement and related lien be released. Ron advised that the zoning agreement was directed at the prior owner and not signing the release could delay the closing. Motion by Brian to sign the release and agreement to not enforce. Seconded by Roger. Voting: 5 in favor, 0 against, motion passed. Sharon Green will file in the land records. Casey Grondin, hopeful purchaser of the campground, stated that she would be changing the name of the campground soon, and will continue the amusement park operation as well as the campground.

4. **Deanna Judkins** – Motion by Roger to move into executive session on personnel matters inviting Deanna Judkins. Seconded by Pete. Voting: 5 in favor, 0 against, motion passed. Motion by Roger to come out of executive session. Seconded by Brian. Voting: 5 in favor, 0 against, motion passed.
5. **Road Committee Report** – The Board reviewed the final Road List and discussed how to triage the list into three sets of possible actions. The Board broke the list down into the below categories.

More review needed:

- All four unclassifieds (Crabapple, Mason, Hemingway, Sylvan)
- Diggins Road – more discussion needed with land owners
- Green River Dam Road – more discussion needed with Morrisville Water & Light
- Richardson Road
- All Class 4 Town Highways #25 - #30 (Jane Ann Road, Fitch Hill Road – end only, and others). The Board asked that maps be prepared of the Class 4's proposed for discontinuance by the committee as not all members knew where the roads were located or what condition they were in.

No action – No change in classification or in current maintenance practices:

- Puckerbrush East is now 18 feet and the town is maintaining so no more discussion on #5 & #6
- Langdell Road; E Johnson Rd; maintain as usual– plowing both the Class 3 & Class 4 sections
- Leriche Road – no changes unless it is determined that the town is now plowing a private section then it would move to the “More review needed” category
- #10 to #23, including #8A – less than 3 homes; but not including Richardson Road is moved to the “needs more review” category. These Class 3 roads no longer being considered for a change in classification are: Tingle, Godin, Frost, Gowen, Sloboda, Parot, Power Plant, Benson, Morey, Hillside, Orchard Terrace and Marcoux.
- VFW Road – no change in classification as Class 3 but needs to be upgraded by the Town soon, possibly during next year's work season.

Move to Public Hearing for Discontinuance/Reclassification:

- Plantation Rd – the last 400 feet is Class 3 town highway but is not maintained by the town and serves one house
- Depot St Extension - the last 500 feet is Class 3 town highway but is not maintained by the town and serves one house

The Board agreed to not begin the formal discontinuance public hearing process until the work on the roads needing more review is completed, which would allow the Board an opportunity for one highway reclassification process with any additional roads to these two roads.

6. **Adjourn** – Motion by Brian to adjourn. Seconded by Roger. So voted at 10:46 a.m.