



VILLAGE OF HYDE PARK

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SHIRE OF LAMOILLE COUNTY
HYDE PARK ELECTRIC SINCE 1895
WATER AND WASTEWATER
PLANNING AND ZONING
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November 24, 2020

VIA ELECTRONIC MAIL ONLY

Mr. David W. Rugh, Esq.
Stitzel, Page & Fletcher PC

RE: Response to your letter of November 23, 2020

Dear Mr. Rugh:

I am the General Manager of the Village of Hyde Park. You are aware that Hyde Park Electric operates under the legal opinions and guidance of Stackpole and French Law Offices. These legal opinion letters have responded to the concerns of the Town since about 2014-15. The Town Administrator has these opinion letters and I would presume that you do as well.

Hyde Park Electric has determined that it is a safety emergency action to replace "danger" utility poles with adjacent new poles within the Town right-of-way and a roadway permit is not mandatory. Replacing a "danger pole" has always been recognized as a safety emergency action in electric utility standard practice and in accordance with safety training and regulations. Safety is our number one priority.

Hyde Park Electric operates under unique safety codes, maintains insurance, assumes liabilities associated with utility poles as well as their attachments. Hyde Park Electric employs 1st Class Lineworkers who are insured, trained, capable and responsible for identifying "danger" poles and replacing them as soon as possible. All replacement utility poles are installed in a manner that maintains existing roadway conditions. We do no harm.

I am not aware of any notification from the Town that any replaced utility poles have been installed in a manner that did not restore existing roadway conditions. In the normal operation of the utility, the Utilities Foreman may have responded to a request from the Town Highway Foreman and I am not aware, which occurs during the normal operations of an electric utility.

What has prompted this action? Without prior notice, the Town added this to their meeting agenda. On November 20, I sent an email to the Town asking for information about the agenda item. I did not receive a response.

I have been informed that many Vermont Towns, if not most, recognize the conflicting nature of this statute. These Towns routinely issue one permit annually to allow electric utilities to operate within the Town right of way. These Towns understand that electric utilities are best equipped to determine emergencies and operate their utilities safely and efficiently. Why doesn't Hyde Park?

Your soonest response will be appreciated. Until our attorney provides a change of legal opinion, Hyde Park Electric must continue to determine that safety emergency action is required to replace "danger poles" with new utility poles adjacent to existing utility poles in a manner that maintains existing roadway conditions.

Sincerely,

Carol Robertson

Carol Robertson
General Manager

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