

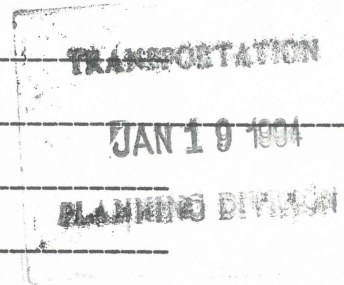
CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1995 JHC

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 10, 1995
 Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of MANCHESTER, BENNINGTON COUNTY
 on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added
 1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 1

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	* SCENIC HIGHWAYS	TOTAL
CLASS 1	1.783			*	1.783
CL1 LANE	.559			*	.559
CLASS 2	12.340	3.31		*	15.650
CLASS 3	28.040		3.31	*	23.730
STATE HWY	19.419		1.00	*	19.419
TOTAL	62.141	3.310	4.310	*	61.582
CLASS 4	6.570	1.00		*	7.570



PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

- (1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
- (2) DISCONTINUED: Please attach SIGNED copy of proceedings(minutes of meeting).
- (3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings(minutes of meetings).
 T-17: reclassified - Class 3 to Class 2 1.52
 T-27: reclassified - Class 3 to Class 2 1.79
 T-37: portion reclassified - Class 3 to Class 4 1.00
- (4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW []

PART III - SIGNATURES - PLEASE SIGN

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES:

CLERK SIGNATURE: Barbara P Gros DATE FILED 1/18/95
 Please sign ORIGINAL & return for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: Donald C. Harvey DATE: 1/24/95
 Representative, Agency of Transportation

CERTIFICATE OF HIGHWAY MILEAGE Year ending FEB. 10, 1985

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 10, 1985
 Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of MANCHESTER, BENNINGTON COUNTY, on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added 1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 1

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	TOTAL	* SCENIC * HIGHWAYS
CLASS 1	1.783			1.783	
CLL LANE	.559			.559	
CLASS 2	12.340	3.52		15.860	
CLASS 3	28.040			28.040	
STATE HWY	19.419			19.419	
TOTAL	62,441.000	3.52	1,310	63,484.520	
CLASS 4	6.270			6.270	

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.
 (1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

(2) DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

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(4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW []

PART III - SIGNATURES - PLEASE SIGN.
 SELECTMEN/ALDERMEN/TRUSTEES
 SIGNATURES:

CLERK SIGNATURE: _____
 Please sign ORIGINAL & return for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: _____
 Representative, Agency of Transportation
 DATE: 1/24/85

10 1/c 0/11/17

BOARD OF SELECTMEN

MINUTES

May 2, 1994

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, Bob Stannard, Peggy Taylor.

The meeting was called to order by Chairman Beattie at 7:06 p.m.

MINUTES

Kilburn moved, West seconded, to approve the minutes of 4/18/94 as submitted. Motion carried 5-0.

Beattie observed a moment in memory of the two Manchester teenagers in the past two months who have committed suicide.

CORRESPONDENCE

Letter from Town Forest Fire Warden Chris Swezey of his intent to retire from the position upon replacement. **West moved, Kilburn seconded, to accept with regret the resignation of Chris Swezey as Town Forest Fire Warden. Motion carried 5-0.**

4/25/94 letter from Nathan Fice, Agency of Natural Resources, Forest Resource Protection Technician, suggesting a procedure to select the replacement Town Forest Fire Warden. He recommended a pool of three candidates be submitted by the Town to him, which he then would interview. Wilson will request nominees from the Fire Department.

4/24/94 letter from Patricia Anton that, due to upcoming relocation, she would resign from the ZBA on June 30, 1994, leaving one year of her three year term. She suggested that the Board may want to fill this term in their board selections coming up. **Treat moved, Madkour seconded, to accept the resignation of Patricia Anton, effective 6/30/94, from the ZBA. Motion carried 5-0.**

4/22/94 letter from Colin Lawson, Lawson Sports Marketing Co, for permission to again sponsor the Maple Leaf 1/2 Marathon Race as a fund raiser for the Rescue Squad. **Treat moved, Kilburn seconded, to grant permission to Colin Lawson to again sponsor the Maple Leaf 1/2 Marathon Race as a fund raiser for the Rescue Squad, subject to logistics approval by Police Chief Wessner. Motion carried 5-0.**

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

The board executed a liquor license for TNT, A Fresh Start (Kilburn abstained.)

Wilson announced the selection of Animal Warden Thomas Harriman.

Wilson reported notice of availability of the CVPS property.

TRANSPORTATION
JAN 19 1994
PLANNING DIVISION

The board reviewed the Committee Appointment process, and decided to again interview all applicants over the next two meetings. They asked that future applications include a question about whether the applicant would be willing to serve on other town boards.

Treat relayed the request from Emergency Management Chair Ed Bort that there be Selectboard representation at a seminar on May 13, 9:30-4:00 in Bennington. No board members are able to attend; Wilson will check with the Fire and Police Chiefs for representation, and will call Bort.

The Board discussed the memo from Zoning Administrator Tom Sawtell indicating that the Post Office had complied with all stipulations except to open a downtown satellite office. Wilson will direct Sawtell to send a notice of violation to owner Hal Miller, with a copy to the Post Office.

The board discussed the issue of vendors outside the commercial core, specifically at Hildene, a non-profit organization. Wilson suggested that, should the board be willing to allow Hildene to have vendors at various events, the Town Ordinance be amended in the exceptions clause, to waive the requirements for Town sponsored events or "special events sponsored by non-profit or charitable organizations". The intent is that such occurrences would need board approval for the vendors. Wilson will warn this ordinance change for the next meeting.

Wilson distributed spreadsheets of the use of the UDAG funds (copy attached.)

Madkour reported that the Rec Area park looks very good, with all the flowers etc. It was reported that the bridge has washed out again this year. Wilson will report this to Highway Superintendent Jeff Williams.

Wilson reported results of a recent meeting with District Highway Administrator, Joe Talbot, regarding possible upgrading of a few class 3 roads. (If upgraded, the Town could be eligible for more state highway aid.) **Madkour moved, Kilburn seconded, to proceed with the request to the Agency of Transportation to upgrade East Manchester Rd and Barnumville Rd from Class 3 to Class 2. Motion carried 5-0.**

On a similar matter, the Board discussed Bentley Hill Rd. **Kilburn moved, West seconded, in accordance with 19 V.S.A. Sec 708(a) that the Selectmen consider whether to reclassify a section of Bentley Hill Rd (Town Rd 37) from a Class III highway to a Trail. The section to be considered for reclassification is described as:**

Being that portion of Town Highway 37, known as Bentley Hill Rd, commencing at the intersection with Town Rd 38; thence northerly through lands of William C. Downey and Lauren B Downey, the Kenneth Rush Foundation, Susan Mattison, Ronald and Wendy Dobias, Donald and Roland Mattison, Ferdinand and Jean Bongartz, Ann Clay and George Clay and the Carthusian Foundation of America to the municipal boundary with the Town of Sandgate. The right of way is up to three rods in width. The segment of road herein described is depicted on an annotated copy of Tax Map #7, marked "Portions of Highway 37 To Be Reclassified", and is available for inspection in the Manchester Town Manager's Office.

Further, that an inspection of the highway be scheduled for 6:00 p.m. on June 21, 1994, and that a public hearing to consider whether to reclassify the highway be scheduled at the Manchester Town Hall for 8:00 p.m. on June 21, 1994. Motion carried 5-0.

The board discussed the history of the Jones sisters in their plight of reassessment/tax burden letters to new board members Treat and Madkour. Members described the efforts extended on their behalf by staff, including Wilson, Skuse, and Andrejczak, and neighbors/legislators Red Hinkley and Orland

Campbell. All efforts in the past have been viewed with fear that their property would be taken away from them.

Kilburn moved, West seconded, to enter executive session at 8:30 p.m. for real estate negotiations. Motion carried 5-0.

The board came out of executive session at 9:00 p.m. and adjourned.


Clerk

NOTE TO VT. AGENCY OF TRANSPORTATION:

Barnumville Road is T.H. 17
E. Manchester Road is T.H. 27

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, and names per sign in sheet attached.

The meeting was called to order by Vice-Chair West at 7:10 p.m.

MINUTES

Kilburn moved, Treat seconded, to approve the minutes of 6/21/94 and 7/14/94 as submitted. Motion carried 4-0 (Beattie not yet arrived.)

RESUMPTION OF PUBLIC HEARING-RECLASSIFY SEGMENT OF BENTLEY HILL RD TO "TRAIL"

The Public Hearing of Reclassification of a Segment of Bentley Hill Road to "Trail" was resumed at 7:12 p.m. Wilson reviewed the issue, referencing the 7/18/94 letter from Attorney Michael Nawrath (representing the Carthusian Foundation) where he indicated a preference for the road to remain a Class Three, but if reclassification was necessary, recommended that it be designated Class Four (rather than "Trail", which could be gated upon action by the Board.) Town Counsel Rob Woolmington read from the statutes, indicating that a trail would in essence be a Right of Way, with no maintenance required by the Town, whereas the Class Four would be a road, currently with no maintenance requirements by Statute. Woolmington summarized that Class Four accomplished what appeared to be the intent of the Board; he can prepare appropriate documents.

At 7:20 p.m. Kilburn moved, West seconded, to close the Public Hearing regarding reclassification of a segment of Bentley Hill Road to a "Trail". Motion carried 5-0. Kilburn moved, Treat seconded, to have counsel develop documents to reclass a segment of Bentley Hill Road to Class Four. Motion carried 5-0.

RT 11/30 MUNICIPAL PROPERTY-LEASE NEGOTIATIONS

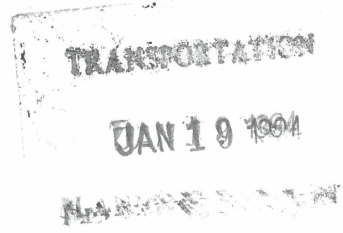
At 7:22 p.m. Kilburn moved, West seconded, that the Board enter Executive Session to discuss real estate contract negotiations. Kilburn continued: "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the "Rt 11/30 municipal property" lease negotiations between Vanderbilt MPD Corp and the Town. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Vanderbilt." Motion carried 5-0.

Town Counsel Rob Woolmington joined the executive session.

The board came out of executive session at 9:05 p.m.

PUBLIC SAFETY FACILITY-REVIEW FUNDING-APPROVAL PROCESS

Wilson distributed a recommendation from the Building Committee for the Public Safety Facility urging pursuit of project funding and construction not contingent upon leasing the Rt 11/30 municipal property, and further promoting a bond vote on facility funding in concert with the Sept 13, 1994 State Primary (copy attached.)



Wilson also distributed procedural outlines both with "linkage" presumed and not presumed (copies attached.) Wilson suggested that one "middle ground" position would be to proceed with the Bond vote only after the lease is signed. Wilson described the sentiment of "cautiously optimistic" regarding status of the lease negotiations. Personnel from the Fire Dept, Rescue Squad, and Police Chief Wessner were present to encourage "complete decoupling".

West read a prepared statement in support of decoupling in light of the clearly demonstrated need for the new facility. Beattie countered that, as an elected representative, he is charged with fiscal responsibility, and would recommend proceeding only after the disposition of the RT 11/30 property were determined.

Kilburn stated his sentiment that the taxpayers should not pay for the PSF if an alternate funding source could be developed. Further, he speculated that should the two be decoupled, there would be greater opposition to the development of the municipal property.

Resident Robert Stannard urged the three boards (Selectmen, Planning Commission, and Zoning Board of Adjustment) to demonstrate support together (to help the permitting process.) Resident Richard Hayes requested that coupling be maintained fully--to the extent that contingencies are fully complete (permits, etc). Madkour stated that he had already "gone on record" to indicate that the matters should be decoupled, and that the voters should be allowed to make the decision.

Chuck Thompson of the Fire Department stated that the public safety entities were not financial planners, so should not decide how the project should best be funded, but did clarify that their interest was primarily that the funding should be developed in a "reasonable" amount of time.

West moved, Madkour seconded, to direct Wilson to draft a "Warning" for a September 13, 1994 Special Meeting to consider a 1.95 million dollar bond issue for the construction of a Public Safety Facility. Motion carried 3-2 (Kilburn, Beattie opposed.) The Board planned to review said Warning and execute same at their next meeting on August 8, 1994.

OTHER BUSINESS

Beattie proposed that, in order to help the Jones sisters, an agricultural tax stabilization agreement be developed. He will pursue the matter in consultation with Orland Campbell and Ed Campbell.

(Beattie left the meeting at 10:25 p.m., and West resumed control.)

1994 CAPITAL IMPROVEMENT PROGRAM-PRELIMINARY REVIEW

Wilson reviewed the draft 1994 Capital Improvement Program. He noted the elimination of \$720,000 for road reconstruction, and the Fire Department Brush Truck (\$60,000) and Upgrade Radio System (\$40,000)--to be included in the PSF Bond Issue. Wilson sought guidance with respect to use of UDAG funds. The board indicated that they support a policy that refrained from using any UDAG funds until the Fund is replenished to one million dollars.

"GROUP B" FUNDS TRUST AGREEMENT-REVIEW/APPROVE

Kilburn moved, Treat seconded, to approve the Board Resolution to Establish Account (attached) regarding "Group B" funds, as developed by the Investment Advisory Committee. Motion carried 3-0-1 (Madkour abstained.)

CORRESPONDENCE

Letter from the Vermont Agency of Transportation informing us that Manchester received no Class II Highway or Special Bridge and Culverts grants this year.

7/5/94 letter from Edwin Gordin, Manchester on the Battenkill, complimenting the Police Department for help in two recent matters.

6/24/94 letter from Rick Pembroke, President, Manchester and the Mountains Chamber of Commerce requesting Sidewalk Sales. **Madkour moved, Kilburn seconded, to allow the 25th Annual Sidewalk Sales to run 8/18-21, with the normal conditions (Sidewalk sale activities shall: 1) not impede pedestrian circulation, 2) not adversely impact traffic flow, 3) not be conducted in any public or private parking space, 4) be limited to existing established merchants within the Commercial Zones of the downtown, and 5) utilize signage which conforms with the Town's Sign Code.) Motion carried 4-0.**

Madkour moved, Kilburn seconded, to accept with regrets, the resignation of Don Cutler from the ZBA, effective 8/11/94. Motion carried 4-0. Wilson will readvertise.

Kilburn moved, Treat seconded, to appoint Richard P Jacobs to the Public Access TV Committee (per his 6/22/94 letter of request to serve.) Motion carried 4-0.

7/19/94 letter from Jim Sparkman (copy attached,) regarding Selectmen's consideration of "Walker Project" compliance/noncompliance with the Town Plan. Treat asked related questions; Wilson will ask Ed Morrow, Planning Commission Chair, and Lee Krohn, Planning Director to attend the next meeting for clarification.

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

Selectmen signed the liquor license for Little Rooster Cafe (Kilburn abstained.)

Treat raised the issue of licensing cats due to the rabies epidemic. The matter was tabled until the next meeting.

The board directed Wilson to write to the Agency of Transportation recommending that signalization of Rt 11/30-Center Hill-Richville Road be completed in the spring of 1995.


August meeting dates were set at 8/8/94 and 8/22/94.

At 11:30 p.m., Madkour moved, Kilburn seconded, that the Board enter Executive Session to discuss real estate contract negotiations. Madkour continued that the Board should hold an Executive Session to discuss negotiating strategy in reference to the subdivision of the "Airport Property" between Equinox Resorts Associates (ERA) and the Town. "A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to ERA." Motion carried 4-0.

The board came out of executive session at 11:35 p.m.

At 11:35 p.m., Kilburn moved, Madkour seconded, to enter executive session to discuss real estate negotiations. Kilburn continued, "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the expansion of the Factory Point Cemetery. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Ms Marian Haines." Motion carried 4-0.

The board came out of executive session at 11:45 p.m., and adjourned.



Clerk

7/0 T/C 8/23/94

BOARD OF SELECTMEN

MINUTES

August 8, 1994

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, and names per sign in sheet attached.

The meeting was called to order by Chairman Beattie at 7:05 p.m. Beattie welcomed the large crowd (approximately 80) in attendance.

MINUTES

West moved, Treat seconded, to approve the minutes of 7/19/94 and 7/25/94 as submitted. Motion carried 5-0.

"WALKER PROJECT" - TOWN PLAN COMPLIANCE

Beattie gave a brief background for the topic of the project. Developer Ben Hauben has been working with the Planning Commission since June of 1992, with at least 21 meetings devoted to this issue. Beattie strongly cautioned the audience that Selectboard review at this stage was "treading on new ground" (as the Board does not usually oppose recommendations of another appointed board.) Nundy Bongartz questioned whether the issue was similar to the "Riverbend" issue. Beattie clarified that the Riverbend issue was a matter brought to the Board through Litigation settlement--not sought out by the Board.

Kilburn read a prepared motion: "Since the last divisive development battle, we have all developed a new spirit of cooperation. Rather than moving backward again, we should continue to move forward together building consensus for the betterment of our Town. Therefore, I move that the Board of Selectmen support the Planning Commission in its finding that the Walker Project conforms with the Town Plan." Beattie seconded the motion. Discussion ensued.

Planning Commission Chair Ed Morrow and Planning Director Lee Krohn were invited to join the table to answer questions. Morrow read a prepared statement outlining the issue. He stated that he would discuss three categories--political atmosphere, practical planning factors, and technical issues. He characterized the project as a lengthy process whereby the PC had a "high degree of shaping the outcome." Morrow began by commenting that though the PC welcomes community attendance for all its meetings, it seems to draw a significant turnout only for those meetings pertaining to one developer. He mentioned several similar projects (involving local residents) whose projects drew no public turnout or opposition, and whose permits had been issued in as little as 11 1/2 weeks. He stated that all projects are reviewed using "fair minded objectivity within the framework of the Town Plan and Zoning Ordinances." He expressed the hope that the Board "trusts that the PC is doing fair, objective", and "following due process".

Morrow reviewed six policy issues, explaining how the developer satisfied the PC of each requirement (historical preservation, building footprint, adequacy of parking, traffic impacts, destruction of existing trees, volumetric size and streetscape.) In summary, Morrow praised the master plan development as proposed. (Morrow received a standing ovation from the audience for the thorough presentation.)

Krohn spoke next, limiting his discussion to the three areas focused upon by the Act 250 review. According to the Traffic study results, the conclusion is that traffic will not have "an undue adverse impact." Secondly, the PC finds that the project does conform to the Town Plan, and thirdly, the building footprint requirement of 3000 sq ft applies to new buildings, whereas this project can be

considered redevelopment, which will assure "more conforming" buildings than currently exist. In conclusion Krohn stated that the master plan does satisfy the requirements and does comply with the Town Plan.

Board comments included: Treat expressed concern over the 3000 sq ft Town Plan requirement; further stated that "some issues are not clear to her". Madkour agreed with Treat, stating that the Board does have a right to question such a project. West voiced his political concerns, and had Krohn/Morrow clarify for him that should the project not be approved as proposed, the developer could use the existing buildings/configuration which are larger than the master plan proposal. Treat spoke again, suggesting that alternatives be developed. In addition, she stated that Act 250 may have been mislead in the belief that the "Town" is in support of the project, whereas to date it has received approval of the Planning Commission. Beattie stated his support of the PC and expert testimony received.

Resident Nundy Bongartz theorized that the Act 250 committee should receive the point of view of the opposition, in addition to the approval of the PC. He suggested that a "critical analysis" of the traffic study be done.

Resident Michael Powers (former 4 year Act 250 Commissioner) stated that the Commission uses "reason" to determine appropriateness of a proposal. He made reference to the Vision Statement, finding the master plan in compliance (to increase greenspace, decrease curb cuts, and to maximize the commercial areas of town.) He emphasized a "need to support our boards," and concluded by suggesting that we should act in order to "keep the influence here, rather than relying on Act 250 outside board which does not answer to our electorate."

PC member Bill Drunic, in opposition to his board's decision, spoke against the project. Beattie chastised Drunic for not supporting his Board's vote.

Resident comments also of note were from: "Bub" Cueman "Let's move on."; Steve Stettner, "I thank God for sending Ben Hauben to our Town", Steve Cole: "People on the street are saying 'What's the hold up?'--"The Walker House is not historic"--it's not fit to live in; Douglas Stewart gave a point by point dissertation of how the project, in his eyes, did not conform to the Town Plan.

Beattie responded to Stewart, clarifying some of his misstatements. Further he mentioned the Town Plan requirement of "diversity", and stated that it is not the obligation of any one developer to satisfy this requirement.

Former Selectman Bob Stannard raised issue of the campaign platform of Treat and Madkour that the Town should work towards consensus, suggesting that their position against the PC decision makes them hypocritical, and would serve as to discourage any board volunteers.

Morrow interjected that should the Board vote to oppose the PC decision, they deserve a detailed explanation, and "would be an insult at the least", given the time the PC devoted to its analysis. Morrow again remarked on the difference between an existing structure(s) versus new development.

Resident Patricia Barnett stated that board members should not be asking these specific questions at this late stage in the review process (after 21 warned meetings).

Developer Ben Hauben spoke, indicating that he was not prepared to "rework the past two year's work", and that should the board vote to oppose the PC decision, he probably would not proceed to Act 250 review, but rather could develop the buildings with the existing footprint. He expressed that he does not want an adversarial role with the Town, and has been working with the PC. Hauben directed

a question to Treat and Madkour asking if they would support his use of the existing buildings. Treat responded that she "probably would" be in support; Madkour stated "if the project conforms to the Town Plan." Further West stated that through the evening's discussion he learned that the Fleming building could be developed as currently permitted (with existing parking deficits, etc) should the master plan not be completed. Morrow commented that should that scenario occur, it would result in a "planning disaster"; by permitting the project, it would advance many other Town Plan goals such as set back/greenspace requirements.

Kilburn thanked everyone for their input in the lengthy discussion. The motion was called. **The motion carried 3-2 (Treat, Madkour opposed.)**

The board took a five minute break until 10:30 p.m.

OTHER BUSINESS

Don Cutler asked that the effective date of his ZBA resignation be changed from 8/11 to 9/30/94. Jim Sparkman sent an August 8, 1994 letter to the Board in opposition of the request. Wilson reported that he saw no problem with the Cutler request, although Attorney Woolmington recommended that the action would be "cleaner if accepted as originally voted," as he had not had a chance to review case law. Beattie stated that the board had acted similarly with Mark Breen. ZBA Chair Howard Wechsler and Zoning Administrator Tom Sawtell both spoke on behalf of extending the resignation date, in order to afford them a more complete board. Sawtell clarified that should no majority decision be rendered, the permit would be issued by default without conditions. **Kilburn moved, Beattie seconded, to change the effective date of Donald Cutler's resignation to 9/30/94. Motion failed 2-3 (Treat, Madkour, West opposed.)**

RECREATION AREA IMPROVEMENTS-STATUS REPORT

Recreation Director Tom Lebiecki reported that the only bid received for the budgeted \$50,000 renovations was in excess of the budget, so he and the Rec Committee negotiated a lower price with the sole bidder, Bruce Kern. Kern "sharpened his pencil" on some matters, and the Rec Committee agreed that some portions would be paid for through Recreation Savings Account. The Board reviewed site drawings for the pool house, restrooms renovations/addition project.

PSF BOND ISSUE-REVIEW/EXECUTE WARNING

Wilson read aloud the Warning regarding Public Safety Facility (attached.) The issue will require a simple majority to pass. **Madkour moved, Treat seconded, to approve and execute the Public Safety Facility Warning as presented. Motion carried 5-0. The warning was executed.**

CORRESPONDENCE

Madkour moved, Kilburn seconded, to appoint Wilson as the Voting delegate to the 10/94 VLCT Town Fair. Motion carried 5-0.

Per 8/3/94 correspondence, **West moved, Kilburn seconded, to reappoint Ramon Carrano as Health Officer. Motion carried 5-0.**

Act 250 Notice of Schedule Change, per request of developer representative Kirk Moore, postponement of the District Environmental Commission #8 pre-hearing conference regarding the proposed "Walker" retail project to Thursday, 8/18/94 at 9:30 a.m. at the Manchester Town Offices. Further, the date for

the first hearing to take testimony is tentatively scheduled for Weds, 9/14/94 at 9:30 a.m. at the same location.

Wilson reported receipt of another letter from the Jones sisters regarding their inability to pay taxes as billed. Wilson suggested that the Board of Abatement be given the opportunity to review the matter. Beattie will pursue the matter.

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

West moved, Treat seconded, to approve the Outside Consumption Permit for the Manchester Country Club. Motion carried 3-0-2 (Kilburn, Madkour abstained.)

The board set the following meeting dates: 8/22, 9/12, 9/26.

West moved, Kilburn seconded, to approve and execute the Select Board's Findings and Order of Reclassification as prepared by Attorney Woolmington (copy attached). Motion carried 5-0.

At 11:35 p.m., Kilburn moved, Madkour seconded, that the Board enter executive session to discuss Real Estate contract negotiations. Kilburn continued: "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the "Rt 11/30 municipal property" lease negotiations between Vanderbilt MPD Corp and the Town. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Vanderbilt." Motion carried 5-0. The board came out of executive session at 11:40.

The board briefly discussed the vaccination of cats for rabies. Wilson mentioned that the topic is legislated with fines able to be imposed. However, he noted that local licensing would be difficult to enforce. He instead recommended that education of the public regarding the matter may be more effective. This alternative will be pursued.

West asked for an update on the effort to locate a satellite Post Office in the downtown. Ads have been seen in the newspaper seeking a branch office. Treat recommended the former building on Cemetery Ave.

The meeting adjourned at 11:50 p.m.

D. T. Kilburn
Clerk

Orig. To T/c
8/10/94

Town of Manchester

P. O. Box 909
Manchester Center
Vermont 05255

FAX (802) 362-1314

Water & Sewer Departments
Office: (802) 362-1197
Plant: (802) 362-3339

Board of
(802) 362-

Town Cl
(802) 362-1315

Police & Fire Departments
Phone: (802) 362-2121
FAX: (802) 362-2022

Finance Office
(802) 362-1197

Highway Department
(802) 362-3283

Planning & Zoning Department
(802) 362-4824

Assessing Office
(802) 362-1373

TOWN OF MANCHESTER STATE OF VERMONT

Select Board's Findings and Order of Reclassification

The Select Board of the Town of Manchester initiated proceedings pursuant to 19 V.S.A. Sec. 708 et seq., to consider whether a section of Town Road 37, known as Bentley Hill Road, and more thoroughly described in Schedule A attached, should be reclassified downward from Class III. (The section of road described in Schedule A is hereafter called simply the "Road.")

The Selectmen scheduled an inspection of the Road on June 21, 1994, and then immediately thereafter convened a public hearing to consider testimony on the question of whether to reclassify the Road. The hearing was continued until July 25, 1994.

After consideration of public comments at the hearing, and based upon the inspection of the premises, the Board of Selectmen makes the following findings and conclusions, and issues the following order.

Findings

1. The physical condition of the Road does not meet Class III standards as set forth in 19 V.S.A. Sec. 302(a)(3)(b).
2. The cost of upgrading the Road would consume a disproportionate share of the Town's annual budget.
3. The Road is little traveled, but does serve as seldom-used access to lands owned by the Carthusian Foundation in America, Inc. ("Carthusians").
4. The Carthusians opposed reclassification to a trail, and asked that if the Road is reclassified, it be designated a Class IV town highway.

Conclusions

A. The Select Board determines which town highways shall be Class IV highways. 19 V.S.A. Sec. 302(a)(4).

B. Based on the foregoing findings, the Select Board concludes that the public good, necessity and convenience of the residents requires a reclassification of the Road from Class III to Class IV. The Road will therefore remain a town highway, unlike a trail. The new classification will be more appropriate than Class III based on the historic level of maintenance and actual use of the Road.

THEREFORE, it is hereby ordered that the Road as described on Schedule A shall be reclassified as a Class IV town highway, effective immediately.

TOWN OF MANCHESTER SELECT BOARD

Bill West

Bill West

Sarah Trent

Sarah Trent

E. Madhoun

SCHEDULE A

Description of Highway Segment To Be Reclassified

Being that portion of Town Highway 37, known as Bentley Hill Road, commencing at a point 190 feet, more or less, northerly of the intersection with Town Road 38, at the boundary on the westerly side of Town Road 37 between lands of William C. and Lauren B. Downey and lands of the Trustees of the Kenneth Rush Foundation; thence northerly through lands of the said Downey and Rush Foundation, and lands of Susan Mattison, Ronald and Wendy Dobias, Donald and Roland Mattison, Ferdinand and Jean Bongartz, Ann Clay and George Clay and the Carthusian Foundation of America to the municipal boundary with the Town of Sandgate. The right of way is up to three rods in width. The segment of road herein described is depicted on an annotated copy of Tax Map #7, marked "Portions of Highway 37 To Be Reclassified," and available for inspection in the Manchester Town Office.

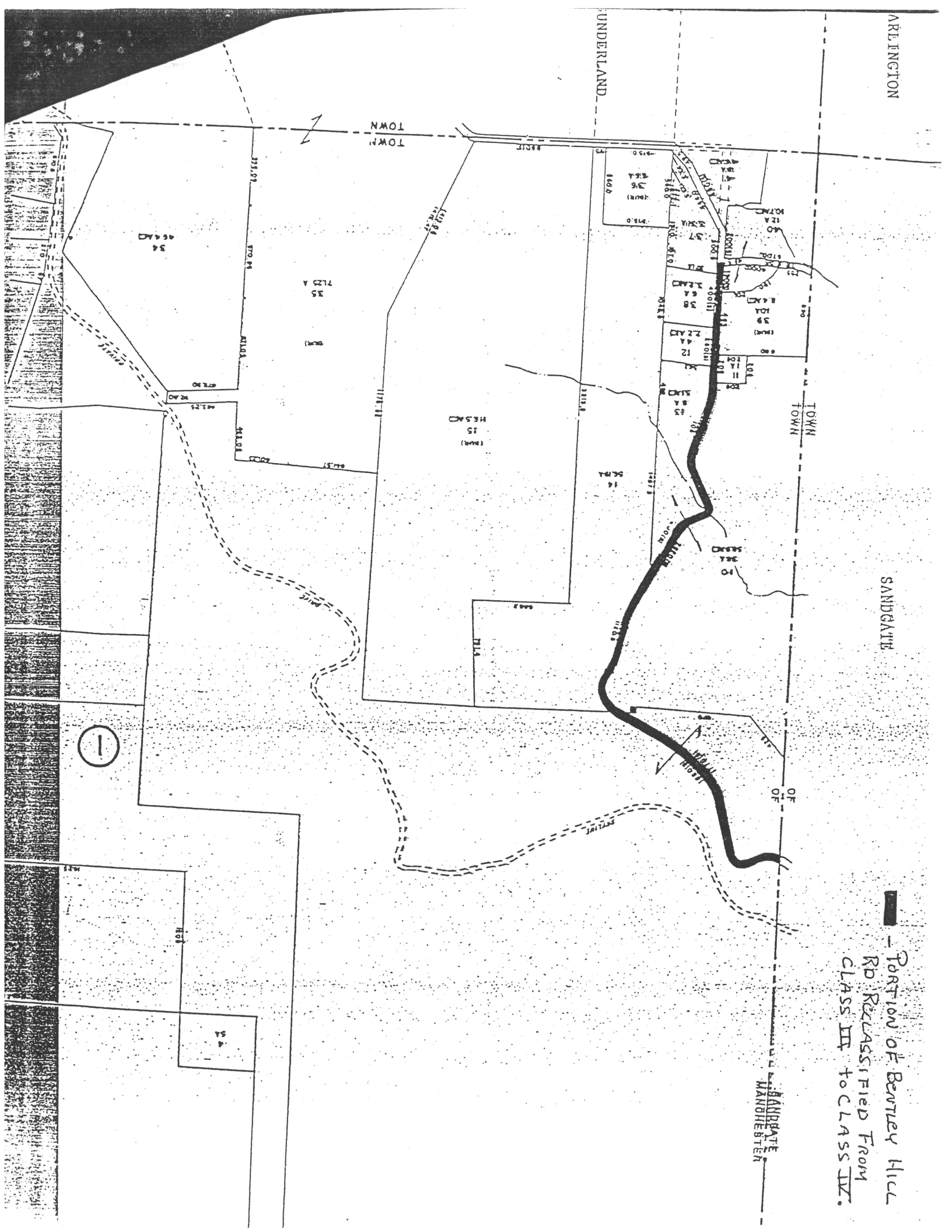
ARLINGTON

UNDERLAND

SANDGATE

— PORTION OF BENTLEY HILL
RD RECLASSIFIED FROM
CLASS III TO CLASS II.

SANDGATE
MANCHESTER



COPIES OF FINDINGS TO THE FOLLOWING PROPERTY OWNERS

AUGUST 10, 1994

Ms. Phoebe Sheres, Chair
Sandgate Board of Selectmen
P O Box 184
Arlington, VT 05250

Ferdinand & Jean Bongartz
P O Box 836
Manchester Ctr., VT 05255

Carthusian Foundation
RR 2 Box 2412
Arlington, VT 05250

Ms. Ann Clay
RD #2
Arlington, VT 05250

Mr. George Clay
P O Box 992
Manchester, VT 05254

Ronald & Wendy Dobias
6 Ackerman Ave.
Suffern, NY 10901

William C. & Lauren B. Downey
RR 1 Box 2472
Arlington, VT 05250

Donald & Roland Mattison
113 Edee Road
Saratoga Spa, NY 12866

Ms. Susan Mattison
2010 Keter Street
Philadelphia, PA 19146-1313

Kenneth Ruth Foundation Trustees
P O Box 622
Manchester, VT 05254

ORIG. 101/C

8/10/94

Town of Manchester

P. O. Box 909
Manchester Center
Vermont 05255

FAX (802) 362-1314

Water & Sewer Departments
Office: (802) 362-1197
Plant: (802) 362-3339

Board of
(802) 362-

Town Cl
(802) 362-1315

Police & Fire Departments
Phone: (802) 362-2121
FAX: (802) 362-2022

Finance Office
(802) 362-1197

Highway Department
(802) 362-3283

Planning & Zoning Department
(802) 362-4824

Assessing Office
(802) 362-1373

TOWN OF MANCHESTER STATE OF VERMONT

Select Board's Findings and Order of Reclassification

The Select Board of the Town of Manchester initiated proceedings pursuant to 19 V.S.A. Sec. 708 et seq., to consider whether a section of Town Road 37, known as Bentley Hill Road, and more thoroughly described in Schedule A attached, should be reclassified downward from Class III. (The section of road described in Schedule A is hereafter called simply the "Road.")

The Selectmen scheduled an inspection of the Road on June 21, 1994, and then immediately thereafter convened a public hearing to consider testimony on the question of whether to reclassify the Road. The hearing was continued until July 25, 1994.

After consideration of public comments at the hearing, and based upon the inspection of the premises, the Board of Selectmen makes the following findings and conclusions, and issues the following order.

Findings

1. The physical condition of the Road does not meet Class III standards as set forth in 19 V.S.A. Sec. 302(a)(3)(b).
2. The cost of upgrading the Road would consume a disproportionate share of the Town's annual budget.
3. The Road is little traveled, but does serve as seldom-used access to lands owned by the Carthusian Foundation in America, Inc. ("Carthusians").
4. The Carthusians opposed reclassification to a trail, and asked that if the Road is reclassified, it be designated a Class IV town highway.

Conclusions

A. The Select Board determines which town highways shall be Class IV highways. 19 V.S.A. Sec. 302(a)(4).

B. Based on the foregoing findings, the Select Board concludes that the public good, necessity and convenience of the residents requires a reclassification of the Road from Class III to Class IV. The Road will therefore remain a town highway, unlike a trail. The new classification will be more appropriate than Class III based on the historic level of maintenance and actual use of the Road.

THEREFORE, it is hereby ordered that the Road as described on Schedule A shall be reclassified as a Class IV town highway, effective immediately.

TOWN OF MANCHESTER SELECT BOARD

 J C B

 Bill West

 D D Kelle

 Sarah Trent

 E Medlow

SCHEDULE A

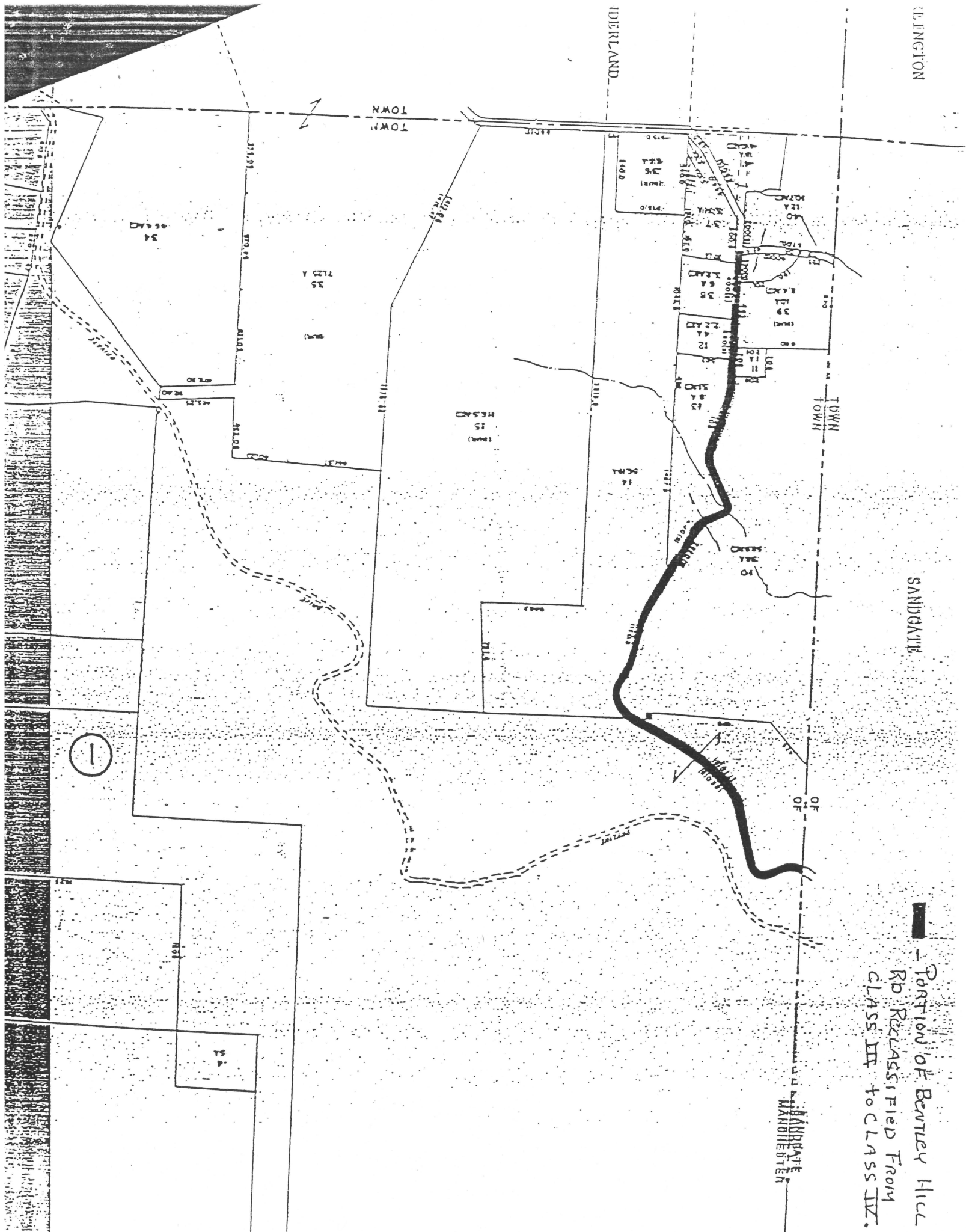
Description of Highway Segment To Be Reclassified

Being that portion of Town Highway 37, known as Bentley Hill Road, commencing at a point 190 feet, more or less, northerly of the intersection with Town Road 38, at the boundary on the westerly side of Town Road 37 between lands of William C. and Lauren B. Downey and lands of the Trustees of the Kenneth Rush Foundation; thence northerly through lands of the said Downey and Rush Foundation, and lands of Susan Mattison, Ronald and Wendy Dobias, Donald and Roland Mattison, Ferdinand and Jean Bongartz, Ann Clay and George Clay and the Carthusian Foundation of America to the municipal boundary with the Town of Sandgate. The right of way is up to three rods in width. The segment of road herein described is depicted on an annotated copy of Tax Map #7, marked "Portions of Highway 37 To Be Reclassified," and available for inspection in the Manchester Town Office.

LEWINGTON

SANDGATE

— Portion of Bentley Hill Rd Reclassified From Class III to Class IV.



SANDGATE
MANCHESTER

OF

BENTLEY HILL RD

IDERLAND

TOWN

TOWN

HESSCO

149.84

311.91

111.11

34

72.35

42.30

43.23

41.08

32.27

111.11

121

2.4

1

COPIES OF FINDINGS TO THE FOLLOWING PROPERTY OWNERS

AUGUST 10, 1994

Ms. Phoebe Sheres, Chair
Sandgate Board of Selectmen
P O Box 184
Arlington, VT 05250

Ferdinand & Jean Bongartz
P O Box 836
Manchester Ctr., VT 05255

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113 Edee Road
Saratoga Spa, NY 12866

Ms. Susan Mattison
2010 Keter Street
Philadelphia, PA 19146-1313

Kenneth Ruth Foundation Trustees
P O Box 622
Manchester, VT 05254

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, and names per sign in sheet attached.

The meeting was called to order by Vice-Chair West at 7:10 p.m.

MINUTES

Kilburn moved, Treat seconded, to approve the minutes of 6/21/94 and 7/14/94 as submitted. Motion carried 4-0 (Beattie not yet arrived.)

RESUMPTION OF PUBLIC HEARING-RECLASSIFY SEGMENT OF BENTLEY HILL RD TO "TRAIL"

The Public Hearing of Reclassification of a Segment of Bentley Hill Road to "Trail" was resumed at 7:12 p.m. Wilson reviewed the issue, referencing the 7/18/94 letter from Attorney Michael Nawrath (representing the Carthusian Foundation) where he indicated a preference for the road to remain a Class Three, but if reclassification was necessary, recommended that it be designated Class Four (rather than "Trail", which could be gated upon action by the Board.) Town Counsel Rob Woolmington read from the statutes, indicating that a trail would in essence be a Right of Way, with no maintenance required by the Town, whereas the Class Four would be a road, currently with no maintenance requirements by Statute. Woolmington summarized that Class Four accomplished what appeared to be the intent of the Board; he can prepare appropriate documents.

At 7:20 p.m. Kilburn moved, West seconded, to close the Public Hearing regarding reclassification of a segment of Bentley Hill Road to a "Trail". Motion carried 5-0. Kilburn moved, Treat seconded, to have counsel develop documents to reclass a segment of Bentley Hill Road to Class Four. Motion carried 5-0.

RT 11/30 MUNICIPAL PROPERTY-LEASE NEGOTIATIONS

At 7:22 p.m. Kilburn moved, West seconded, that the Board enter Executive Session to discuss real estate contract negotiations. Kilburn continued: "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the 'Rt 11/30 municipal property' lease negotiations between Vanderbilt MPD Corp and the Town. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Vanderbilt." Motion carried 5-0.

Town Counsel Rob Woolmington joined the executive session.

The board came out of executive session at 9:05 p.m.

PUBLIC SAFETY FACILITY-REVIEW FUNDING-APPROVAL PROCESS

Wilson distributed a recommendation from the Building Committee for the Public Safety Facility urging pursuit of project funding and construction not contingent upon leasing the Rt 11/30 municipal property, and further promoting a bond vote on facility funding in concert with the Sept 13, 1994 State Primary (copy attached.)

Wilson also distributed procedural outlines both with "linkage" presumed and not presumed (copies attached.) Wilson suggested that one "middle ground" position would be to proceed with the Bond vote only after the lease is signed. Wilson described the sentiment of "cautiously optimistic" regarding status of the lease negotiations. Personnel from the Fire Dept, Rescue Squad, and Police Chief Wessner were present to encourage "complete decoupling".

West read a prepared statement in support of decoupling in light of the clearly demonstrated need for the new facility. Beattie countered that, as an elected representative, he is charged with fiscal responsibility, and would recommend proceeding only after the disposition of the RT 11/30 property were determined.

Kilburn stated his sentiment that the taxpayers should not pay for the PSF if an alternate funding source could be developed. Further, he speculated that should the two be decoupled, there would be greater opposition to the development of the municipal property.

Resident Robert Stannard urged the three boards (Selectmen, Planning Commission, and Zoning Board of Adjustment) to demonstrate support together (to help the permitting process.) Resident Richard Hayes requested that coupling be maintained fully--to the extent that contingencies are fully complete (permits, etc). Madkour stated that he had already "gone on record" to indicate that the matters should be decoupled, and that the voters should be allowed to make the decision.

Chuck Thompson of the Fire Department stated that the public safety entities were not financial planners, so should not decide how the project should best be funded, but did clarify that their interest was primarily that the funding should be developed in a "reasonable" amount of time.

West moved, Madkour seconded, to direct Wilson to draft a "Warning" for a September 13, 1994 Special Meeting to consider a 1.95 million dollar bond issue for the construction of a Public Safety Facility. Motion carried 3-2 (Kilburn, Beattie opposed.) The Board planned to review said Warning and execute same at their next meeting on August 8, 1994.

OTHER BUSINESS

Beattie proposed that, in order to help the Jones sisters, an agricultural tax stabilization agreement be developed. He will pursue the matter in consultation with Orland Campbell and Ed Campbell.

(Beattie left the meeting at 10:25 p.m., and West resumed control.)

1994 CAPITAL IMPROVEMENT PROGRAM-PRELIMINARY REVIEW

Wilson reviewed the draft 1994 Capital Improvement Program. He noted the elimination of \$720,000 for road reconstruction, and the Fire Department Brush Truck (\$60,000) and Upgrade Radio System (\$40,000)--to be included in the PSF Bond Issue. Wilson sought guidance with respect to use of UDAG funds. The board indicated that they support a policy that refrained from using any UDAG funds until the Fund is replenished to one million dollars.

"GROUP B" FUNDS TRUST AGREEMENT-REVIEW/APPROVE

Kilburn moved, Treat seconded, to approve the Board Resolution to Establish Account (attached) regarding "Group B" funds, as developed by the Investment Advisory Committee. Motion carried 3-0-1 (Madkour abstained.)

CORRESPONDENCE

Letter from the Vermont Agency of Transportation informing us that Manchester received no Class II Highway or Special Bridge and Culverts grants this year.

7/5/94 letter from Edwin Gordin, Manchester on the Battenkill, complimenting the Police Department for help in two recent matters.

6/24/94 letter from Rick Pembroke, President, Manchester and the Mountains Chamber of Commerce requesting Sidewalk Sales. Madkour moved, Kilburn seconded, to allow the 25th Annual Sidewalk Sales to run 8/18-21, with the normal conditions (Sidewalk sale activities shall: 1) not impede pedestrian circulation, 2) not adversely impact traffic flow, 3) not be conducted in any public or private parking space, 4) be limited to existing established merchants within the Commercial Zones of the downtown, and 5) utilize signage which conforms with the Town's Sign Code.) Motion carried 4-0.

Madkour moved, Kilburn seconded, to accept with regrets, the resignation of Don Cutler from the ZBA, effective 8/11/94. Motion carried 4-0. Wilson will readvertise.

Kilburn moved, Treat seconded, to appoint Richard P Jacobs to the Public Access TV Committee (per his 6/22/94 letter of request to serve.) Motion carried 4-0.

7/19/94 letter from Jim Sparkman (copy attached,) regarding Selectmen's consideration of "Walker Project" compliance/noncompliance with the Town Plan. Treat asked related questions; Wilson will ask Ed Morrow, Planning Commission Chair, and Lee Krohn, Planning Director to attend the next meeting for clarification.

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

Selectmen signed the liquor license for Little Rooster Cafe (Kilburn abstained.)

Treat raised the issue of licensing cats due to the rabies epidemic. The matter was tabled until the next meeting.

The board directed Wilson to write to the Agency of Transportation recommending that signalization of Rt 11/30-Center Hill-Richville Road be completed in the spring of 1995.

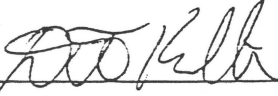
August meeting dates were set at 8/8/94 and 8/22/94.

At 11:30 p.m., Madkour moved, Kilburn seconded, that the Board enter Executive Session to discuss real estate contract negotiations. Madkour continued that the Board should hold an Executive Session to discuss negotiating strategy in reference to the subdivision of the "Airport Property" between Equinox Resorts Associates (ERA) and the Town. "A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to ERA." Motion carried 4-0.

The board came out of executive session at 11:35 p.m.

At 11:35 p.m., Kilburn moved, Madkour seconded, to enter executive session to discuss real estate negotiations. Kilburn continued, "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the expansion of the Factory Point Cemetery. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Ms Marian Haines." Motion carried 4-0.

The board came out of executive session at 11:45 p.m., and adjourned.



Clerk

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, and names per sign in sheet attached.

The meeting was called to order by Chairman Beattie at 7:05 p.m. Beattie welcomed the large crowd (approximately 80) in attendance.

MINUTES

West moved, Treat seconded, to approve the minutes of 7/19/94 and 7/25/94 as submitted. Motion carried 5-0.

"WALKER PROJECT" - TOWN PLAN COMPLIANCE

Beattie gave a brief background for the topic of the project. Developer Ben Hauben has been working with the Planning Commission since June of 1992, with at least 21 meetings devoted to this issue. Beattie strongly cautioned the audience that Selectboard review at this stage was "treading on new ground" (as the Board does not usually oppose recommendations of another appointed board.) Nundy Bongartz questioned whether the issue was similar to the "Riverbend" issue. Beattie clarified that the Riverbend issue was a matter brought to the Board through Litigation settlement--not sought out by the Board.

Kilburn read a prepared motion: "Since the last divisive development battle, we have all developed a new spirit of cooperation. Rather than moving backward again, we should continue to move forward together building consensus for the betterment of our Town. Therefore, I move that the Board of Selectmen support the Planning Commission in its finding that the Walker Project conforms with the Town Plan." Beattie seconded the motion. Discussion ensued.

Planning Commission Chair Ed Morrow and Planning Director Lee Krohn were invited to join the table to answer questions. Morrow read a prepared statement outlining the issue. He stated that he would discuss three categories--political atmosphere, practical planning factors, and technical issues. He characterized the project as a lengthy process whereby the PC had a "high degree of shaping the outcome." Morrow began by commenting that though the PC welcomes community attendance for all its meetings, it seems to draw a significant turnout only for those meetings pertaining to one developer. He mentioned several similar projects (involving local residents) whose projects drew no public turnout or opposition, and whose permits had been issued in as little as 11 1/2 weeks. He stated that all projects are reviewed using "fair minded objectivity within the framework of the Town Plan and Zoning Ordinances." He expressed the hope that the Board "trusts that the PC is doing fair, objective", and "following due process".

Morrow reviewed six policy issues, explaining how the developer satisfied the PC of each requirement (historical preservation, building footprint, adequacy of parking, traffic impacts, destruction of existing trees, volumetric size and streetscape.) In summary, Morrow praised the master plan development as proposed. (Morrow received a standing ovation from the audience for the thorough presentation.)

Krohn spoke next, limiting his discussion to the three areas focused upon by the Act 250 review. According to the Traffic study results, the conclusion is that traffic will not have "an undue adverse impact." Secondly, the PC finds that the project does conform to the Town Plan, and thirdly, the building footprint requirement of 3000 sq ft applies to new buildings, whereas this project can be

considered redevelopment, which will assure "more conforming" buildings than currently exist. In conclusion Krohn stated that the master plan does satisfy the requirements and does comply with the Town Plan.

Board comments included: Treat expressed concern over the 3000 sq ft Town Plan requirement; further stated that "some issues are not clear to her". Madkour agreed with Treat, stating that the Board does have a right to question such a project. West voiced his political concerns, and had Krohn/Morrow clarify for him that should the project not be approved as proposed, the developer could use the existing buildings/configuration which are larger than the master plan proposal. Treat spoke again, suggesting that alternatives be developed. In addition, she stated that Act 250 may have been mislead in the belief that the "Town" is in support of the project, whereas to date it has received approval of the Planning Commission. Beattie stated his support of the PC and expert testimony received.

Resident Nundy Bongartz theorized that the Act 250 committee should receive the point of view of the opposition, in addition to the approval of the PC. He suggested that a "critical analysis" of the traffic study be done.

Resident Michael Powers (former 4 year Act 250 Commissioner) stated that the Commission uses "reason" to determine appropriateness of a proposal. He made reference to the Vision Statement, finding the master plan in compliance (to increase greenspace, decrease curb cuts, and to maximize the commercial areas of town.) He emphasized a "need to support our boards," and concluded by suggesting that we should act in order to "keep the influence here, rather than relying on Act 250 outside board which does not answer to our electorate."

PC member Bill Drunsic, in opposition to his board's decision, spoke against the project. Beattie chastised Drunsic for not supporting his Board's vote.

Resident comments also of note were from: "Bub" Cueman "Let's move on."; Steve Stettner, "I thank God for sending Ben Hauben to our Town", Steve Cole: "People on the street are saying 'What's the hold up?'--"The Walker House is not historic"--it's not fit to live in; Douglas Stewart gave a point by point dissertation of how the project, in his eyes, did not conform to the Town Plan.

Beattie responded to Stewart, clarifying some of his misstatements. Further he mentioned the Town Plan requirement of "diversity", and stated that it is not the obligation of any one developer to satisfy this requirement.

Former Selectman Bob Stannard raised issue of the campaign platform of Treat and Madkour that the Town should work towards consensus, suggesting that their position against the PC decision makes them hypocritical, and would serve as to discourage any board volunteers.

Morrow interjected that should the Board vote to oppose the PC decision, they deserve a detailed explanation, and "would be an insult at the least", given the time the PC devoted to its analysis. Morrow again remarked on the difference between an existing structure(s) versus new development.

Resident Patricia Barnett stated that board members should not be asking these specific questions at this late stage in the review process (after 21 warned meetings).

Developer Ben Hauben spoke, indicating that he was not prepared to "rework the past two year's work", and that should the board vote to oppose the PC decision, he probably would not proceed to Act 250 review, but rather could develop the buildings with the existing footprint. He expressed that he does not want an adversarial role with the Town, and has been working with the PC. Hauben directed

a question to Treat and Madkour asking if they would support his use of the existing buildings. Treat responded that she "probably would" be in support; Madkour stated "if the project conforms to the Town Plan." Further West stated that through the evening's discussion he learned that the Fleming building could be developed as currently permitted (with existing parking deficits, etc) should the master plan not be completed. Morrow commented that should that scenario occur, it would result in a "planning disaster"; by permitting the project, it would advance many other Town Plan goals such as set back/greenspace requirements.

Kilburn thanked everyone for their input in the lengthy discussion. The motion was called. The motion carried 3-2 (Treat, Madkour opposed.)

The board took a five minute break until 10:30 p.m.

OTHER BUSINESS

Don Cutler asked that the effective date of his ZBA resignation be changed from 8/11 to 9/30/94. Jim Sparkman sent an August 8, 1994 letter to the Board in opposition of the request. Wilson reported that he saw no problem with the Cutler request, although Attorney Woolmington recommended that the action would be "cleaner if accepted as originally voted," as he had not had a chance to review case law. Beattie stated that the board had acted similarly with Mark Breen. ZBA Chair Howard Wechsler and Zoning Administrator Tom Sawtell both spoke on behalf of extending the resignation date, in order to afford them a more complete board. Sawtell clarified that should no majority decision be rendered, the permit would be issued by default without conditions. **Kilburn moved, Beattie seconded, to change the effective date of Donald Cutler's resignation to 9/30/94. Motion failed 2-3 (Treat, Madkour, West opposed.)**

RECREATION AREA IMPROVEMENTS-STATUS REPORT

Recreation Director Tom Lebiecki reported that the only bid received for the budgeted \$50,000 renovations was in excess of the budget, so he and the Rec Committee negotiated a lower price with the sole bidder, Bruce Kern. Kern "sharpened his pencil" on some matters, and the Rec Committee agreed that some portions would be paid for through Recreation Savings Account. The Board reviewed site drawings for the pool house, restrooms renovations/addition project.

PSF BOND ISSUE-REVIEW/EXECUTE WARNING

Wilson read aloud the Warning regarding Public Safety Facility (attached.) The issue will require a simple majority to pass. **Madkour moved, Treat seconded, to approve and execute the Public Safety Facility Warning as presented. Motion carried 5-0. The warning was executed.**

CORRESPONDENCE

Madkour moved, Kilburn seconded, to appoint Wilson as the Voting delegate to the 10/94 VLCT Town Fair. Motion carried 5-0.

Per 8/3/94 correspondence, **West moved, Kilburn seconded, to reappoint Ramon Carrano as Health Officer. Motion carried 5-0.**

Act 250 Notice of Schedule Change, per request of developer representative Kirk Moore, postponement of the District Environmental Commission #8 pre-hearing conference regarding the proposed "Walker" retail project to Thursday, 8/18/94 at 9:30 a.m. at the Manchester Town Offices. Further, the date for

the first hearing to take testimony is tentatively scheduled for Weds, 9/14/94 at 9:30 a.m. at the same location.

Wilson reported receipt of another letter from the Jones sisters regarding their inability to pay taxes as billed. Wilson suggested that the Board of Abatement be given the opportunity to review the matter. Beattie will pursue the matter.

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

West moved, Treat seconded, to approve the Outside Consumption Permit for the Manchester Country Club. Motion carried 3-0-2 (Kilburn, Madkour abstained.)

The board set the following meeting dates: 8/22, 9/12, 9/26.

~~West moved, Kilburn seconded, to approve and execute the Select Board's Findings and Order of Reclassification as prepared by Attorney Woolmington (copy attached). Motion carried 5-0.~~

At 11:35 p.m., Kilburn moved, Madkour seconded, that the Board enter executive session to discuss Real Estate contract negotiations. Kilburn continued: "I propose that the Board hold an Executive Session to discuss negotiating strategy in reference to the "Rt 11/30 municipal property" lease negotiations between Vanderbilt MPD Corp and the Town. A discussion of this topic in open session would place the Town at a substantial disadvantage by prematurely disclosing the Town's negotiating strategy to Vanderbilt." Motion carried 5-0. The board came out of executive session at 11:40.

The board briefly discussed the vaccination of cats for rabies. Wilson mentioned that the topic is legislated with fines able to be imposed. However, he noted that local licensing would be difficult to enforce. He instead recommended that education of the public regarding the matter may be more effective. This alternative will be pursued.

West asked for an update on the effort to locate a satellite Post Office in the downtown. Ads have been seen in the newspaper seeking a branch office. Treat recommended the former building on Cemetery Ave.

The meeting adjourned at 11:50 p.m.

D. T. Kilburn
Clerk

Attendance: Ivan Beattie, William West, Douglas Kilburn, Abraham Madkour, Sally Treat, Jeffrey Wilson, Ruth Skuse, Bob Stannard, Peggy Taylor.

The meeting was called to order by Chairman Beattie at 7:06 p.m.

MINUTES

Kilburn moved, West seconded, to approve the minutes of 4/18/94 as submitted. Motion carried 5-0.

Beattie observed a moment in memory of the two Manchester teenagers in the past two months who have committed suicide.

CORRESPONDENCE

Letter from Town Forest Fire Warden Chris Swezey of his intent to retire from the position upon replacement. West moved, Kilburn seconded, to accept with regret the resignation of Chris Swezey as Town Forest Fire Warden. Motion carried 5-0.

4/25/94 letter from Nathan Fice, Agency of Natural Resources, Forest Resource Protection Technician, suggesting a procedure to select the replacement Town Forest Fire Warden. He recommended a pool of three candidates be submitted by the Town to him, which he then would interview. Wilson will request nominees from the Fire Department.

4/24/94 letter from Patricia Anton that, due to upcoming relocation, she would resign from the ZBA on June 30, 1994, leaving one year of her three year term. She suggested that the Board may want to fill this term in their board selections coming up. Treat moved, Madkour seconded, to accept the resignation of Patricia Anton, effective 6/30/94, from the ZBA. Motion carried 5-0.

4/22/94 letter from Colin Lawson, Lawson Sports Marketing Co, for permission to again sponsor the Maple Leaf 1/2 Marathon Race as a fund raiser for the Rescue Squad. Treat moved, Kilburn seconded, to grant permission to Colin Lawson to again sponsor the Maple Leaf 1/2 Marathon Race as a fund raiser for the Rescue Squad, subject to logistics approval by Police Chief Wessner. Motion carried 5-0.

ORDERS/ZONING REPORTS

Selectmen signed orders and reviewed zoning reports.

OTHER BUSINESS

The board executed a liquor license for TNT, A Fresh Start (Kilburn abstained.)

Wilson announced the selection of Animal Warden Thomas Harriman.

Wilson reported notice of availability of the CVPS property.

TRANSPCETATICTI

JAN 19 1994

PLANNING DEPARTMENT

The board reviewed the Committee Appointment process, and decided to again interview all applicants over the next two meetings. They asked that future applications include a question about whether the applicant would be willing to serve on other town boards.

Treat relayed the request from Emergency Management Chair Ed Bort that there be Selectboard representation at a seminar on May 13, 9:30-4:00 in Bennington. No board members are able to attend; Wilson will check with the Fire and Police Chiefs for representation, and will call Bort.

The Board discussed the memo from Zoning Administrator Tom Sawtell indicating that the Post Office had complied with all stipulations except to open a downtown satellite office. Wilson will direct Sawtell to send a notice of violation to owner Hal Miller, with a copy to the Post Office.

The board discussed the issue of vendors outside the commercial core, specifically at Hildene, a non-profit organization. Wilson suggested that, should the board be willing to allow Hildene to have vendors at various events, the Town Ordinance be amended in the exceptions clause, to waive the requirements for Town sponsored events or "special events sponsored by non-profit or charitable organizations". The intent is that such occurrences would need board approval for the vendors. Wilson will warn this ordinance change for the next meeting.

Wilson distributed spreadsheets of the use of the UDAG funds (copy attached.)

Madkour reported that the Rec Area park looks very good, with all the flowers etc. It was reported that the bridge has washed out again this year. Wilson will report this to Highway Superintendent Jeff Williams.

Wilson reported results of a recent meeting with District Highway Administrator, Joe Talbot, regarding possible upgrading of a few class 3 roads. (If upgraded, the Town could be eligible for more state highway aid.) **Madkour moved, Kilburn seconded, to proceed with the request to the Agency of Transportation to upgrade East Manchester Rd and Barnumville Rd from Class 3 to Class 2. Motion carried 5-0.**

On a similar matter, the Board discussed Bentley Hill Rd. Kilburn moved, West seconded, in accordance with 19 V.S.A. Sec 708(a) that the Selectmen consider whether to reclassify a section of Bentley Hill Rd (Town Rd 37) from a Class III highway to a Trail. The section to be considered for reclassification is described as:

Being that portion of Town Highway 37, known as Bentley Hill Rd, commencing at the intersection with Town Rd 38; thence northerly through lands of William C. Downey and Lauren B Downey, the Kenneth Rush Foundation, Susan Mattison, Ronald and Wendy Dobias, Donald and Roland Mattison, Ferdinand and Jean Bongartz, Ann Clay and George Clay and the Carthusian Foundation of America to the municipal boundary with the Town of Sandgate. The right of way is up to three rods in width. The segment of road herein described is depicted on an annotated copy of Tax Map #7, marked "Portions of Highway 37 To Be Reclassified", and is available for inspection in the Manchester Town Manager's Office.

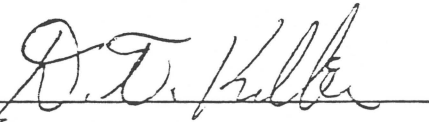
Further, that an inspection of the highway be scheduled for 6:00 p.m. on June 21, 1994, and that a public hearing to consider whether to reclassify the highway be scheduled at the Manchester Town Hall for 8:00 p.m. on June 21, 1994. Motion carried 5-0.

The board discussed the history of the Jones sisters in their plight of reassessment/tax burden letters to new board members Treat and Madkour. Members described the efforts extended on their behalf by staff, including Wilson, Skuse, and Andrejczak, and neighbors/legislators Red Hinkley and Orland

Campbell. All efforts in the past have been viewed with fear that their property would be taken away from them.

Kilburn moved, West seconded, to enter executive session at 8:30 p.m. for real estate negotiations. Motion carried 5-0.

The board came out of executive session at 9:00 p.m. and adjourned.


Clerk

NOTE TO VT. AGENCY OF TRANSPORTATION:

Barnumville Road is T.H. 17

E. Manchester Road is T.H. 27

AGENCY OF TRANSPORTATION

OFFICE MEMORANDUM

TO: Edward Chabot, Business Manager, Planning
FROM: Joseph Talbot, ^{JT} District Transportation Administrator
DATE: January 23, 1995
SUBJECT: Class 2 Town Highway Transfer - Manchester

TRANSPORTATION

JAN 26 1995

PLANNING DIVISION

Enclosed please find the certificates for the Town of Manchester.

JT/jc

24

SELECTION OF CLASS 2 TOWN HIGHWAYS

ROUTE	DATE
TO DIST.	1-3-95
RET. DIST.	1-18-95
TO SEC.	
RET. SEC.	
TO C. F.	
FILE COMP.	



Town of Manchester
 County of Bennington
 District No. 1
 Total Class 2 Mileage 15.860

TRANSPORTATION

JAN 26 1994

PLANNING DIVISION

Important town highways pursuant to Title 19, V.S.A., Section 17:

No. 3... 2.170 miles

Beginning at Village of Manchester north limit,

extending (Give direction) north,

ending at VT 30.

No. 4... 1.980 miles

Beginning at Sunderland Town Line,

extending (Give direction) north,

ending at Village of Manchester south limit.

No. 5... 0.400 miles

Beginning at VT 11,

extending (Give direction) northwest on Center Hill Road,

ending at Class 1 Town Highway #1.

No. 6... 3.870 miles

Beginning at Class 2 Town Highway #4,

extending (Give direction) north on Richville Road,

ending at VT 11.

No. 7... 1.750 miles

Beginning at VT 30,

extending (Give direction) east,

ending at US 7.

No. 8... 2.100 miles

Beginning at US 7,

extending (Give direction) southeast,

ending at Winhall Town Line.

No. 9. 0.070 miles

Beginning at ... Village of Manchester east limit,
extending (Give direction) ... east,
ending at ... Class 2 Town Highway #6.

TH 17

No. 10. 1.730 miles

Beginning at ... VT 7A,
extending (Give direction) ... northeasterly,
ending at ... Class 2 Town Highway #8.

TH 27

No. 11. 1.790 miles

Beginning at ... Class 2 Town Highway #6,
extending (Give direction) ... southeasterly then northeasterly,
ending at ... VT 11.

No. miles

Beginning at
extending (Give direction)
ending at

No. miles

Beginning at
extending (Give direction)
ending at

We have this 16th day of JANUARY, 1995, made the above selection which is to supersede and replace any and all selections made prior to this time.

Signatures of Bill West and others, Selectmen of the Town of MANCHESTER

Concur:

Effective February 10, 1995

Approved: , 19...

TRANSPORTATION BOARD X

District Transportation Administrator

Secretary of Transportation

SELECTION OF CLASS 2 TOWN HIGHWAYS

ROUTE	DATE
TO DIST.	1-3-95
RET. DIST.	1-18-95
TO SEC.	
RET. SEC.	
TO C. F.	
FILE COMP.	

Town of Manchester
 County of Bennington
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 Total Class 2 Mileage 15.860

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JAN 26 1994

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No. 6... 3.870 miles

Beginning at Class 2 Town Highway #4,
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 ending at VT 11.

No. 7... 1.750 miles

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 extending (Give direction) east,
 ending at US 7.

No. 8... 2.100 miles

Beginning at US 7,
 extending (Give direction) southeast,
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No. 9. . . . 0.070 miles

Beginning at . . . Village of Manchester east limit, . . .
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ending at . . . Class 2 Town Highway #6.

TH 17

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No. miles

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extending (Give direction)
ending at

No. miles

Beginning at
extending (Give direction)
ending at

We have this . . . 16th . . . day of . . . JANUARY . . . , 19 95 . . . , made the above selection which is to supersede and replace any and all selections made prior to this time.

Paul C. Burr
D. A. Mills
Sarah A. Frost
Bill West
Mark

Selectmen
of the
Town of
MANCHESTER

Concur:

Effective February 10, 19 95 . . .

Jan 23 , 19 95 . . .

Approved: , 19

Joseph Falbot
District Transportation Administrator

TRANSPORTATION BOARD X

Secretary of Transportation

SELECTION OF CLASS 2 TOWN HIGHWAYS

ROUTE	DATE
TO DIST.	1-3-95
RET. DIST.	1-18-95
TO SEC.
RET. SEC.
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FILE COMP.

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 County of Bennington
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Important town highways pursuant to Title 19, V.S.A., Section 17:

~~TRANSPORTATION~~

JAN 26 1984

~~PLANNING DIVISION~~

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Beginning at

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ending at

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. <i>D. T. Kelly</i> <i>Joseph C. Fleet</i> <i>Bill West</i> <i>C. J. Mailman</i>	Selectmen of the Town of MANCHESTER
---	--

Concur:

Effective February 10, 19 95 . . .

. , 19

Approved: , 19

TRANSPORTATION BOARD

District Transportation Administrator

Secretary of Transportation

ROUTE	DATE
TO DIST.	1-3-95
RET. DIST.	1-18-95
TO SEC.	
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SELECTION OF CLASS 2 TOWN HIGHWAYS

Town of Manchester
 County of Bennington
 District No. 1
 Total Class 2 Mileage 15.860

Important town highways pursuant to Title 19, V.S.A., Section 17:

TRANSPORTATION

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No. miles

Beginning at ...
extending (Give direction) ...
ending at ...

We have this ... 16th ... day of ... JANUARY ... , 19 95 ... , made the above
selection which is to supersede and replace any and all selections made prior to this time.

Handwritten signatures: D. T. Kuller, Joseph A. ... , Bill West, A. J. ... } Selectmen of the Town of MANCHESTER

Concur:
Jan 23 ... , 19 95

Effective February 10, 19 95

Approved: ... , 19 ...

Handwritten signature: Joseph Falbot
District Transportation Administrator

TRANSPORTATION BOARD X

Secretary of Transportation



STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05633-5001



TRANSPORTATION
JUN 13 1995
PLANNING DIVISION

June 9, 1995

Two Rivers-Ottawaquechee Regional
Commission
The King Farm
Woodstock, VT 05091

Ladies and Gentlemen:

RE: STP SPR PL-1(31) and (32)

Please find enclosed, for your files, a fully executed copy of Amendment #1 to the Cooperative Agreement to Provide public transportation services under the above-referenced project number by and between the State of Vermont and yourself.

If I can be of any further assistance, please do not hesitate to call my office.

Sincerely,

Laura Kilton
Contract Specialist

cc: Central Files
Financial Services
External Audit
~~Betsy Ham, Planning~~
Project File

STATE OF VERMONT
AGENCY OF TRANSPORTATION
COOPERATIVE AGREEMENT WITH LOCAL GOVERNMENTS
WITH
TWO RIVERS-OTTAUQUECHEE REGIONAL COMMISSION

STP SPR PL-1(31), EA #0001031, Sub/Job #702
STP SPR PL-1(32), EA #0001032, Sub/Job #702

Amendment #1

It is hereby agreed by and between the State of Vermont, Agency of Transportation, hereinafter referred to as the STATE, and Two Rivers-Ottauquechee Regional Commission, hereinafter referred to as the RPC that the Agreement dated May 5, 1994 shall be modified as follows:

1. Paragraph 4, BEGINNING WORK AND TERMINATION, is hereby modified by extending the termination date from April 30, 1995 to July 30, 1995.

Except as modified by this and any existing Amendments, all other provisions of the original Agreement dated May 5, 1994 shall remain unchanged and in full force and effect.

Dated this 8th day of June, 1995.

TWO RIVERS-OTTAUQUECHEE
REGIONAL COMMISSION
WOODSTOCK, VERMONT

BY: Peter G. Gregory
TITLE: Assistant Director

STATE OF VERMONT
AGENCY OF TRANSPORTATION

BY: Alan Gershan
TITLE: Secretary of Transportation
DATE: 6/8/95

Approved as to form:
Date: 06-01-95
John K. Smith
Assistant Attorney General

Agreement Reviewed in the amount of \$ -0-
Audit File # 94 138 1522
Date: 06-26-95
See Memo Dated: 1-1-
By: J Miller
External Audit
All Cost Subject to Final Audit

PLANNING DIVISION

OFFICE MEMORANDUM

To: Steve O'Connor, Contract Specialist
VIA Secretary Patrick Garahan

From: Betsy Ham, Transportation Planning Coordinator *Betsy Ham*

Date: May 10, 1995

Subject: Cooperative Agreement with Local Governments for
Planning Services with Two Rivers - Ottauquechee
Regional Commission
STP SPR PL - 1(32), EA # 0001032

As we discussed, I am requesting an amendment to extend the termination date of this Cooperative Agreement from April 30, 1995 to July 30, 1995. This amendment will be for a time extension only and will not involve a change to the scope of work, the maximum limiting amount or any other provisions of the Agreement.

The time extension is necessary to complete the final report for the Wells River/ Woodsville Rt. 302 Bridge Study. The public participation necessary to produce a quality report for this project took longer than expected and the extra time is necessary to bring this project to a close.

Unfortunately, because most of my contracts now run from beginning to end of the Federal Fiscal Year, I did not realize that this particular contract expired on April 30, 1995 until after the expiration date. I am sorry for any inconvenience this may cause.

Thanks for your help. Let me know if you have any questions.

The following specific change should be made to the contract:

1. Section 4 Beginning Work and Termination should be changed to read "completed on or before July 30, 1995".

If you have any questions or need more information please give me a call.

APPROVED: _____

Patrick Garahan
Secretary Patrick Garahan

DATE: _____

5/12/95