

CERTIFICATE OF HIGHWAY MILEAGE

YEAR ENDING FEBRUARY 10, 2005

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2005 to: VT Agency of Transportation, Program Development Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of ROCKINGHAM in WINDHAM 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.

Table with 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 1 Lane, Class 2, Class 3, State Highway, Class 4, and Total.

* Class 1 Lane Mileage and Class 4 is NOT included in total.

PART II - INFORMATION AND 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).

TH. 25, Unnamed road off Parker Hill Rd., (0.10 mile); TH 71, Kerr's Rd. (0.10 mile)

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

TH. 61, Homestead Rd (0.11 mile); TH. 103, Whiting Rd (0.07 miles); TH. 109 Sand Hill Rd (0.31 mile) - all reclassified from 3 to 4

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

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Handwritten signatures of selectmen/aldermen/trustees.

Clerk Signature:

Handwritten signature of Dawn B. Aldrich

Handwritten signature of M.C. DiBernardo

Date Filed:

January 19, 2005

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

Handwritten signature of Representative, Agency of Transportation

Representative, Agency of Transportation

DATE:

5/18/2005

Discontinued CL 3

✓ TH 25 0.10

✓ TH 71 0.10

0.20

CL 3 → CL 4

✓ TH 61 0.11

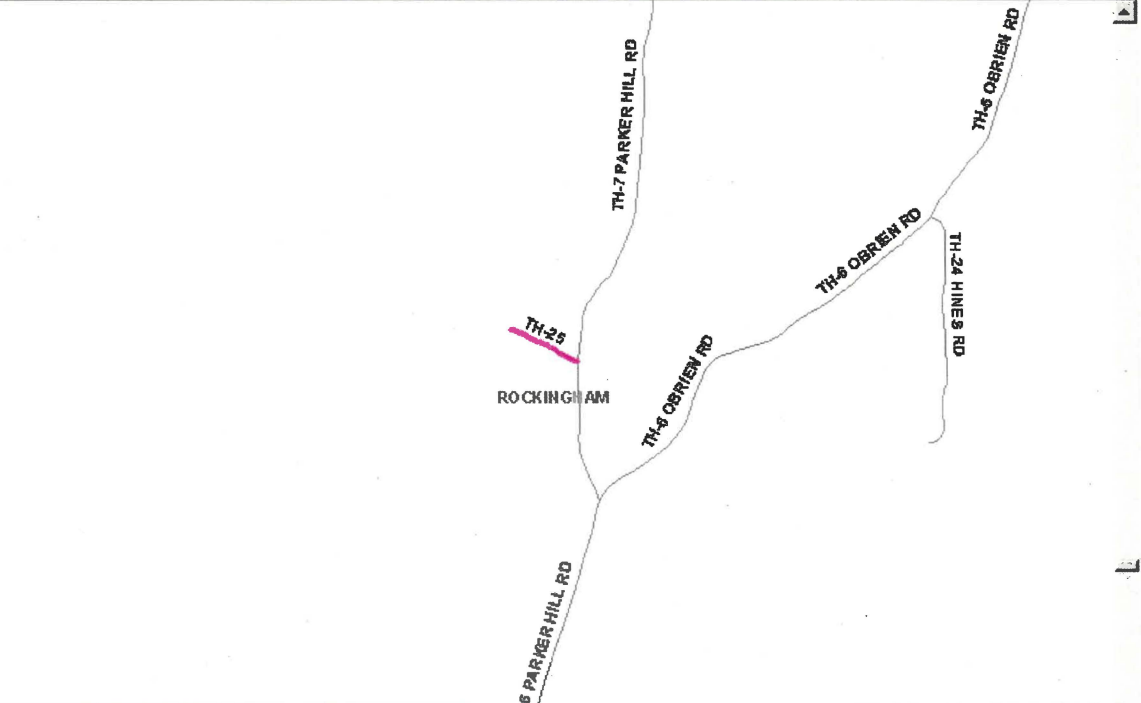
✓ TH 103 0.07

OK TH 109 0.31 (0.36 - 0.05)

0.49

Layers

- allrds2_g - rdsmall_arc
- E911 rds arc (Mar_15_2005)
- lrs2004.twnmilept Events
- lrs2004.route.twn
- hwydist
- Surface Water - Arcs
- Surface Water - Polygons
- index polygon
- bndhash.region.towns
- NAIP Color Imagery - 2003
- Orthophotos



Selected Attributes of allrds2_g - rdsmall_arc

| RTNAME | RTNO | HWYSN | CL | SURF | FC | NHS | SC | LRID | CTCODE | UA | RDNAME | RDFLNAME | AOTCLASS | AOTMILES | ARCMILES |
|--------|------|-------|----|------|----|-----|----|------|--------|----|--------|----------|----------|----------|----------|
| TH-25 | 25 | TH-25 | 3 | 3 | 9 | 0 | 0 | | 1314 | 0 | 0 | | 3 | 0.100 | 0.093000 |

sarawork.mxd - ArcMap - ArcInfo

File Edit View Insert Selection Tools Window Help

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Spatial Adjustment

100%

Layers

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- E911 rds arc (Mar_15_2005)
- lrs2004.twnmilept Events
- lrs2004.route.twn
- hwydist
- Surface Water - Arcs
- Surface Water - Polygons
- index polygon
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- NAIP Color Imagery - 2003
- Orthophotos

TH-61

TH-78 MEETING HOUSE RD

VT-103 ROCKINGHAM RD

TH-8 PARKER HILL RD

VT-103 ROCKINGHAM RD

ROCKINGHAM

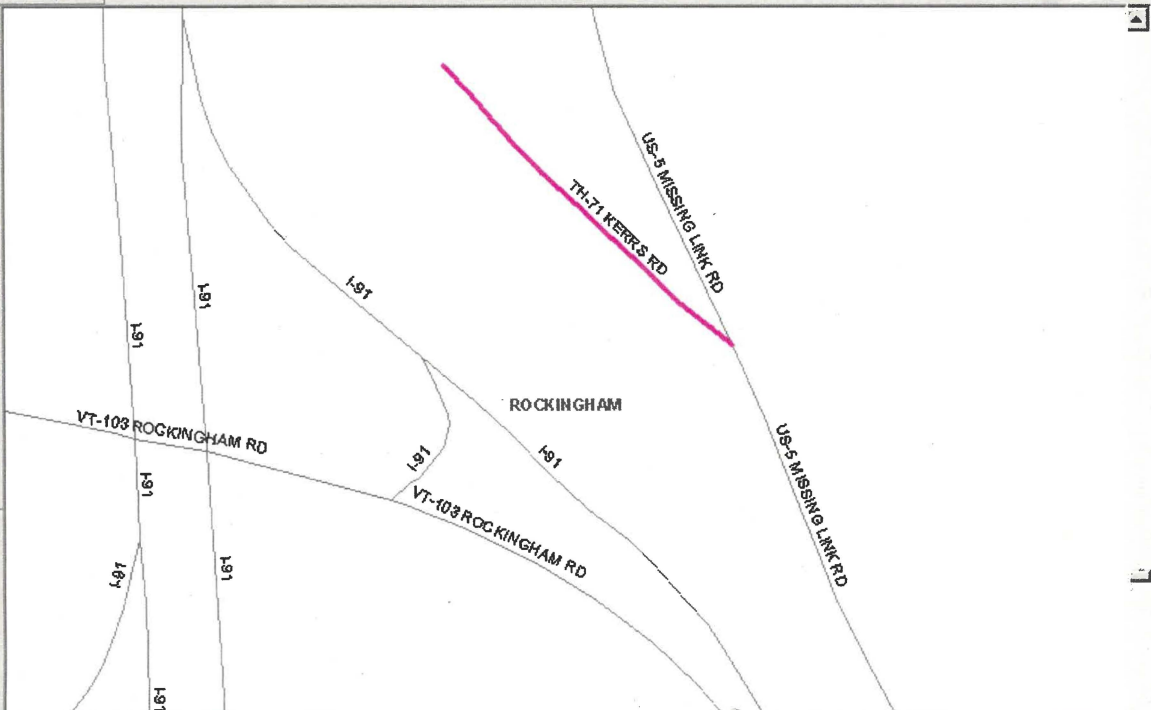
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| RTNAME | RTNO | HWYSN | CL | SURF | FC | NHS | SC | LRID | CTCODE | UA | RDNAME | RDFLNAME | AOTCLASS | AOTMILES | ARCMILES |
|--------|------|-------|----|------|----|-----|----|------|--------|----|--------|----------|----------|----------|----------|
| TH-61 | 61 | TH-61 | 3 | 1 | 9 | 0 | 0 | | 1314 | 0 | 665047 | | 3 | 0.110 | 0.103000 |

Record: 0 Show: All Selected! Records (1 out of *2000 Selected.) Options

Start | Inbox - Micro... | sarawork.m... | Rockingham_... | mileage05 : ... | [4] 00:33 - C... | THDATA1_form | 10:05 AM

- Layers**
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 - lrs2004.twnmilept Events
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 - hwydist
 - Surface Water - Arcs
 - Surface Water - Polygons
 - index polygon
 - bndhash.region.towns
 - NAIP Color Imagery - 2003
 - Orthophotos



Selected Attributes of allrds2_g - rdsmall_arc

| RTNAME | RTNO | HWYSN | CL | SURF | FC | NHS | SC | LRID | CTCODE | UA | RDNAME | RDFLNAME | AOTCLASS | AOTMILES | ARCMILES |
|--------|------|-------|----|------|----|-----|----|------|--------|--------|----------|----------|----------|----------|----------|
| TH-71 | 71 | TH-71 | 3 | 2 | 9 | 0 | 0 | 1314 | 0 | 665033 | KERRS RD | | 3 | 0.100 | 0.088000 |

sarawork.mxd - ArcMap - ArcInfo

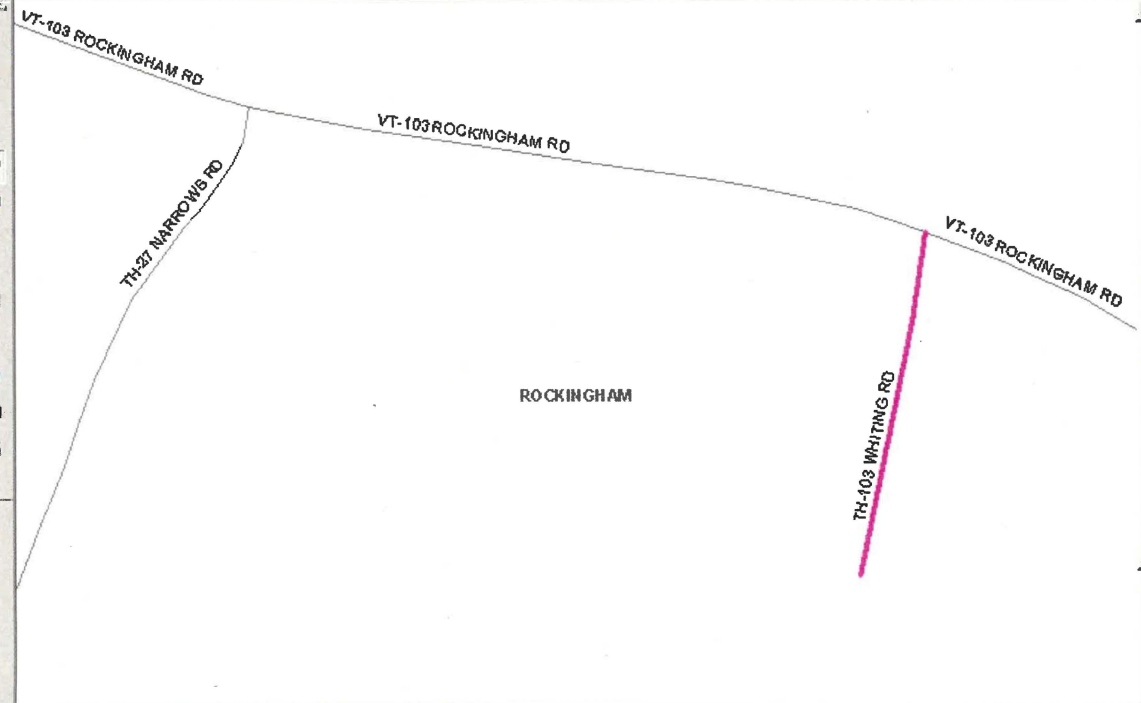
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Spatial Adjustment

100%

- Layers
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- lrs2004.twnmilept Events
- lrs2004.route.twn
- hwydist
- Surface Water - Arcs
- Surface Water - Polygons
- index polygon
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- Orthophotos



Selected Attributes of allrds2_g - rdsmall_arc

| RTNAME | RTNO | HWYSN | CL | SURF | FC | NHS | SC | LRID | CTCODE | UA | RDNAME | RDFLNAME | AOTCLASS | AOTMILES | ARCMILES |
|--------|------|--------|----|------|----|-----|----|------|--------|----|--------|------------|----------|----------|----------|
| TH-103 | 103 | TH-103 | 3 | 2 | 9 | 0 | 0 | | 1314 | 0 | 665189 | WHITING RD | 3 | 0.070 | 0.077000 |

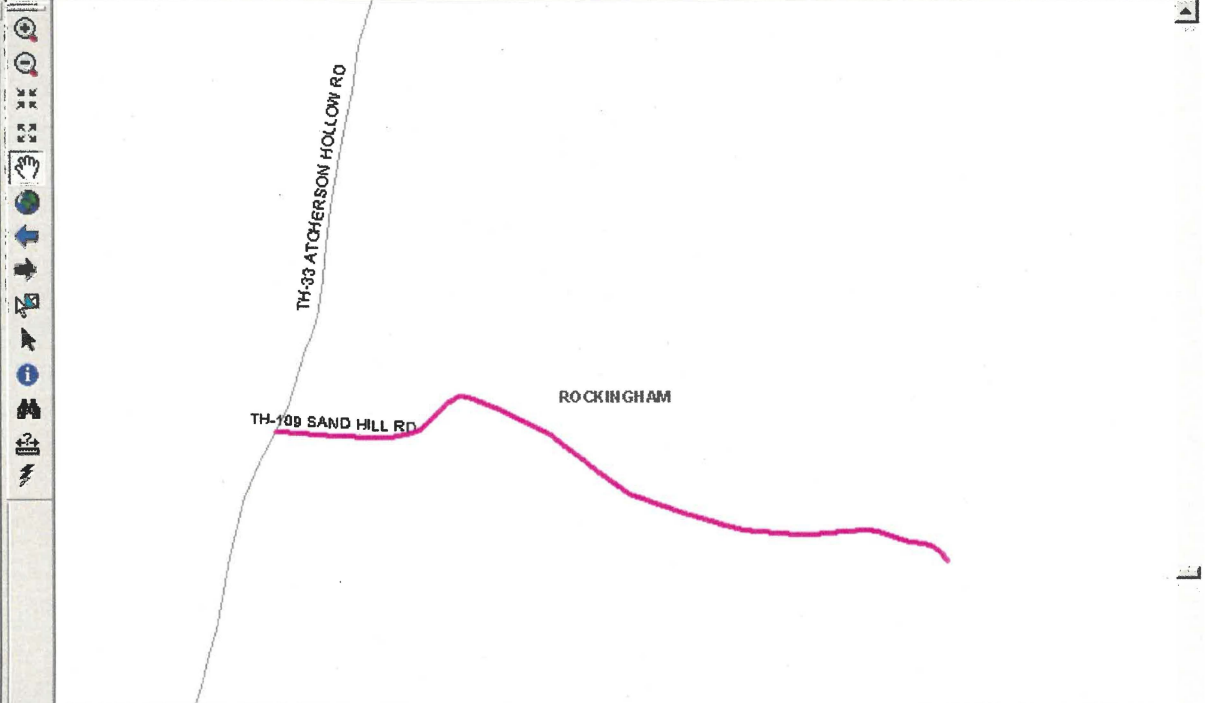
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Spatial Adjustment

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 - E911 rds arc (Mar_15_2005)
 - lrs2004.twnmilept Events
 - lrs2004.route.twn
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 - Surface Water - Arcs
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Selected Attributes of allrds2_g - rdsmall_arc

| RTNAME | RTNO | HWYSN | CL | SURF | FC | NHS | SC | LRID | CTCODE | UA | RDNAME | RDFLNAME | AOTCLASS | AOTMILES | ARCMILES |
|--------|------|--------|----|------|----|-----|----|------|--------|----|--------|--------------|----------|----------|----------|
| TH-109 | 109 | TH-109 | 3 | 2 | 9 | 0 | 0 | | 1314 | 0 | 665050 | SAND HILL RD | 3 | 0.360 | 0.400000 |

Record: 0 of 2000 Selected

DECISION AND ORDER OF THE SELECTBOARD
OF THE TOWN OF ROCKINGHAM, VERMONT
FOR THE DISCONTINUANCE OF
TOWN HIGHWAY # 71, KERR'S ROAD

Beginning at 5:30 p.m. on July 13, 2004, the Selectboard held a site inspection, and at 7:00 p.m. on July 27, 2004, held a hearing for the purpose of taking testimony of interested persons, and adjoining landowners, as to whether the public good, necessity and convenience of the inhabitants of the municipality required that T.H. #71, Kerr's Road be discontinued. The hearing was continued to November 16, 2004.

Due notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing including: Russell Capron, David Adams, Dawn Adams, Brattleboro Savings and Loan Association, Vermont Agency of Transportation, Vermont Department of Forests, Parks & Recreation, Green Mountain Power Company, Adelpia, and the Rockingham Planning Commission.

Notice was published in the Eagle Times on June 11, 2004.

During the site inspection, the Selectboard walked a portion of the highway. The following persons were present at the site inspection: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Municipal Manager Shane O'Keefe; Public Works Director Everett Hammond; Highway Superintendent Michael Hinds; Verizon representative Phil Dunwoody; Russell Capron, Peter Sherac, Jack Blake, Edna Blake, Bob Pettit, Linda Pettit.

The following persons were present at the hearings: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski; Municipal Manager Shane O'Keefe; Public Works Director Everett Hammond; Highway Superintendent Michael Hinds; Verizon representative Phil Dunwoody, and Russell Capron.

After hearing the witnesses, and making the inspection, the Selectboard makes the following findings of fact:

1. Kerr's Road is a class 3 Town Highway.
2. The Selectboard, on its own motion, proposed to discontinue the road beginning on the west side of U.S. Rte. 5 and running to the end of the road at its intersection with Interstate 91.
3. The road originally connected to a town roadway located on the west side of Interstate 91. Construction of the Interstate cut the connection between the roadways and left Kerr's Road as a dead-end.
4. There are two residences on the road. Kerr's Road runs behind both of these residences. Each residence also has frontage on U.S. Rte. 5 and access off of U.S. Rte. 5.
5. The road does not meet current class 3 road specifications. There is no turn-around at the

end of the road. Vehicles must back up once reaching the end of the road.

The road passes behind two residences. The road has historically been plowed by the Town. The property owner of the house at the north end of the road did not respond to or object to the discontinuance. The road has been used by the resident of the house at the south end of the road for fuel deliveries. The resident did not object to the discontinuance.

6. The road is used primarily by the residence at the south end and serves as a service driveway to this residence.


Based on the preceding findings, and pursuant to 19 V.S.A. sections 708-711, the Selectboard finds that the public good, necessity and convenience of the inhabitants require that T.H. #71, Kerr's Road, from its intersection with U.S. Rte. 5 to its intersection with Interstate 91, be discontinued.

Dated this 7th day of December, 2004 at Rockingham, Vermont.

SELECTBOARD



Lamont Barnett, Chair



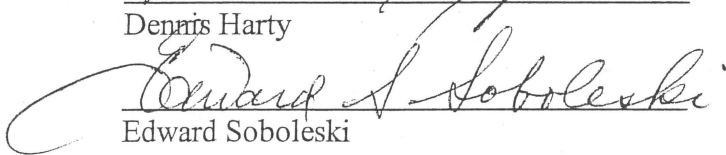
Leslie Goldman, Vice-chair



Ann DiBernardo



Dennis Harty



Edward Soboleski

DECISION AND ORDER OF THE SELECTBOARD
OF THE TOWN OF ROCKINGHAM, VERMONT
FOR THE DISCONTINUANCE OF
TOWN HIGHWAY # 25, UNNAMED HIGHWAY
OFF PARKER HILL ROAD

Beginning at 6:30 p.m. on September 7, 2004, the Rockingham Selectboard held a site inspection, and at 7 p.m. on September 7, 2004, held a hearing for the purpose of taking testimony of interested persons, and adjoining landowners as to whether the public good, necessity and convenience of the inhabitants of the municipality required that Town Highway #25, an unnamed highway off Parker Hill Road, be discontinued.

Due notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing including: Verizon, Green Mountain Power Company, Adelpia, the Rockingham Planning Commission, and the Vermont Department of Forests, Parks and Recreation.

Notice was published in the Eagle Times on August 6, 2004.

During the site inspection, the Selectboard walked a portion of the highway. The following persons were present at the site inspection: Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty - Selectboard; Shane O'Keefe - Municipal Manager; Phil Dunwoody - Verizon; Ellen Howard - Zoning/Planning Administrator.

The following persons were present at the hearing: Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty - Selectboard; Shane O'Keefe - Municipal Manager; Phil Dunwoody - Verizon; Ellen Howard - Zoning/Planning Administrator, and Edward Goutas, attorney for property owners Matt Zachowski and Lucia Zachowski.

After hearing the witnesses, and making the inspection, the Selectboard makes the following findings of fact:

1. The owners of the property located at the end and on both sides of Town Highway #25 requested via letter to the Selectboard that the highway be discontinued.
2. The Selectboard, on its own motion, proposed to discontinue the highway beginning at its intersection with Parker Hill Road, shown as .10 mile on the Vermont General Highway Map, Town of Rockingham, 2002, and laid out in Book 6, page 146, 6 chains and 75 links (.084 mile).
3. The unnamed highway, running off Parker Hill Road, is a class 3 Town highway.
4. The highway runs westerly to a single residence. The residence is on the north side of the highway. A barn is located on the south side.
5. There is no turn-around at the end of the class 3 highway. Vehicles turn around in the driveway area between the house and the barn. Both structures are immediately adjacent to the turn-around area.

6. The highway has not been plowed by the Town in the winter. It is a narrow highway, and two vehicles cannot pass each other easily without one vehicle pulling off the travel way. It does not meet current Town standards for a class 3 Town highway.
7. The highway is used primarily by the residents of the house, and by their guests. The property on each side and at the end of the highway belongs to the owners of the house, the Zachowskis. The highway does not serve any other properties, owners, or structures. It is not used by the general public and serves as a driveway to the single property.
8. The highway was laid out two rods wide (33 feet) and .084 mile long. The highway ends at the residence. The Vermont Department of Forests, Parks, and Recreation submitted a letter at the hearing requesting that in lieu of discontinuance, the highway road be classified as a legal Town trail.


The highway is short in length, ends at a single residence, and serves as a driveway. As a trail, the highway would not provide recreational value to the residents of the town.

Based on the preceding findings, and pursuant to 19 V.S.A. sections 708-711, the Selectboard finds that the public good, necessity and convenience of the inhabitants require that Town Highway #25, an unnamed Town highway, running off Parker Hill Road for a distance of approximately 0.10 mile, be discontinued, and hereby resolve that said Town Highway is discontinued.

Action taken on September 7, 2004.

Dated this 21ST day of September, 2004 at Rockingham, Vermont.

SELECTBOARD



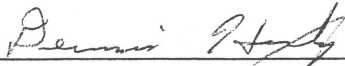
Lamont Barnett, Chair



Leslie Goldman, Vice-chair



Ann DiBernardo



Dennis Harty



Edward Soboleski

ORIGINAL TO
JC office box
recording 10/6/04

DECISION AND ORDER OF THE SELECTBOARD
OF THE TOWN OF ROCKINGHAM, VERMONT
FOR THE RECLASSIFICATION OF
TOWN HIGHWAY # 61, HOMESTEAD ROAD

Beginning at 5:30 p.m. on July 13, 2004, the Selectboard held a site inspection, and at 7:00 p.m. on July 27, 2004, held a hearing for the purpose of taking testimony of interested persons, and adjoining landowners, as to whether the public good, necessity and convenience of the inhabitants of the municipality required that a portion of T.H. #61, Homestead Road, be reclassified.

Legal notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing including: Wendy Matthews, Savings Bank of Walpole, ABN AMRO Mortgage Group, Nancy Divoll, Knox Divoll, Marcia Divoll, Edward Soboleski, Patricia Soboleski, Verizon, Green Mountain Power Company, Adelphia, and the Rockingham Planning Commission.

Notice was also published in the Eagle Times on June 11, 2004.

During the site inspection, the Selectboard walked a portion of the highway. The following persons were present at the site inspection: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Shane O'Keefe - Municipal Manager; Everett Hammond - Public Works Director; Michael Hindes - Highway Superintendent; Phil Dunwoody - Verizon; Peter Sherac, Jack Blake, Edna Blake, Bob Pettit, Linda Pettit.

The following persons were present at the hearing: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, and Dennis Harty; Shane O'Keefe, Everett Hammond, Michael Hindes, Phil Dunwoody - Verizon, Ellen Howard - Planning & Zoning, and Charles Jarras - new property owner.

After hearing the witnesses, and making the inspection, the Selectboard makes the following findings of fact:

1. Homestead Road is a class 3 Town highway.
2. The Selectboard, on its own motion, proposed to reclassify a portion of the road beginning at the intersection with Meeting House Road and running in a westerly direction along Homestead Road, shown as .11 mile on the Vermont General Highway Map, Town of Rockingham, 2002 from class 3 to class 4.
3. There is one residence on the road. The road runs between the barn and the residence.
4. There is no turn-around for Town trucks at the end of the class 3 portion of the roadway.
5. The road has historically been plowed by the Town to the farmhouse. The new owner of the farmhouse was present at the hearing and did not object to reclassification to a class 4 highway. The owner requested that the road be plowed during the winter of 2004-2005.

No class 4 roads in Rockingham are plowed by the Town during winter months. The "no plowing" standard would apply to this road immediately upon reclassification to a class 4 highway.

6. The road is used primarily by the farmhouse and serves as a driveway to this one residence.

Based on the preceding findings, and pursuant to 19 V.S.A. sections 708-711, the Selectboard finds that the public good, necessity and convenience of the inhabitants require that T.H. #61, Homestead Road, from its intersection with Meeting House Road to a point located approximately .11 mile westerly, be reclassified from a class 3 to a class 4 Town highway. Action taken July 27, 2004.

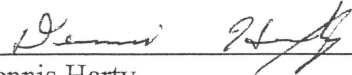
Dated this 17th day of August, 2004 at Rockingham, Vermont.

SELECTBOARD


Lamont Barnett, Chair


Leslie Goldman, Vice-chair

Ann DiBernardo


Dennis Harty

Edward Soboleski

DECISION AND ORDER OF THE SELECTBOARD
OF THE TOWN OF ROCKINGHAM, VERMONT
FOR THE RECLASSIFICATION OF A PORTION OF
TOWN HIGHWAY # 109, SAND HILL ROAD

Beginning at 5:30 p.m. on July 13, 2004, the Selectboard held a site inspection, and at 7:00 p.m. on July 27, 2004, held a hearing for the purpose of taking testimony of interested persons, and adjoining landowners, as to whether the public good, necessity and convenience of the inhabitants of the municipality required that a portion of T.H. #109, Sand Hill Road be reclassified, and a turn-around laid-out.

Legal notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing including: William Scarlett IV, Alexandra Scarlett, Chittenden Trust Company, Joseph Geiger, Robert Pettit, Edna Blake, Verizon, Green Mountain Power Company, Adelphia, Vtel, Central Vermont Public Service, and the Rockingham Planning Commission.

Notice was also published in the Eagle Times on June 11, 2004.

During the site inspection, the Selectboard walked a portion of the highway. The following persons were present at the site inspection: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Shane O'Keefe - Municipal Manager; Everett Hammond - Public Works Director; Michael Hindes - Highway Superintendent; Phil Dunwoody - Verizon; Peter Sherac, Jack Blake, Edna Blake, Bob Pettit, Linda Pettit.

The following persons were present at the hearing: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Shane O'Keefe - Municipal Manager; Everett Hammond - Public Works Director; Michael Hindes - Highway Superintendent; Phil Dunwoody - Verizon; Jack Blake, Edna Blake, Bob Pettit, Linda Pettit, Alexandra Scarlett.

After hearing the witnesses, and making the inspection, the Selectboard makes the following findings of fact:

1. Sand Hill Road is a class 3 Town highway.
2. The Selectboard, on its own motion, proposed to reclassify a portion of the road beginning at a point 265 feet east of the centerline of Atcherson Hollow Road and running in an easterly direction along Sand Hill Road to its eastern terminus, and to lay out a right-of-way 50 feet wide by fifty feet deep for a turn-around on the north side of Sand Hill Road, the center of which would be at a point 215 feet east of the centerline of Atcherson Hollow Road.
3. The road runs easterly from its intersection with Atcherson Hollow Road.
4. There are two residences on the road. The road extends past the driveway to the second residence. There is no turn around for vehicles. Vehicles must back up from the end of the road to the first residence's driveway, and turn around at the driveway.

5. A turn-around was proposed to be located on land of Joseph Geiger. After further discussion, Mr. Geiger indicated he was not willing to grant an easement allowing for the turn-around. The proposed turn-around will not be constructed.
6. If reclassified as proposed, the first residence would be located on the portion of the road, which would remain a class 3 road, and the second residence would be located on the class 4 portion of the road.
7. The property owners of the first house, William & Alexandra Scarlett, 7 Sand Hill Road, in a letter to the Selectboard, dated July 20, 2004, granted permission for the Town truck to turn around at the mouth of their driveway.
8. The road becomes steep and narrow past the Scarlett driveway, and it cannot be negotiated by a town truck in the winter. It has not been plowed beyond the Scarlett driveway by the Town in the past.
9. The road was not shown on the early State Aid Highway Maps. The Highway Mileage Certificate of 1981 listed T.H. #109 as a "provisional class 3 highway" for .36 mile. There was no information, including hearings, available as to why the road was put on the class 3 list when it had not been listed on it previously.

Based on the preceding findings, and pursuant to 19 V.S.A. sections 708-711, the Selectboard finds that the public good, necessity and convenience of the inhabitants require that Sand Hill Road, beginning at a point 265 feet east of the centerline of Atcherson Hollow Road, and running to its eastern terminus, be reclassified from a class 3 to a class 4 town highway.
Action taken July 27, 2004.

Dated this 17th day of August, 2004 at Rockingham, Vermont.

SELECTBOARD


Lamont Barnett, Chair


Leslie Goldman, Vice-chair


Ann DiBernardo


Dennis Harty

Edward Soboleski

DECISION AND ORDER OF THE SELECTBOARD
OF THE TOWN OF ROCKINGHAM, VERMONT
FOR THE RECLASSIFICATION OF
TOWN HIGHWAY # 103, WHITING ROAD

Beginning at 5:30 p.m. on July 13, 2004, the Selectboard held a site inspection, and at 7:00 p.m. on July 27, 2004, held a hearing for the purpose of taking testimony of interested persons, and adjoining landowners as to whether the public good, necessity and convenience of the inhabitants of the municipality required that T.H. #103, Whiting Road, be reclassified.

Legal notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing including: Edward & Patricia Soboleski, Savings Bank of Walpole, Verizon, Green Mountain Power Company, Adelphia, and the Rockingham Planning Commission.

Notice was also published in the Eagle Times on June 11, 2004.

During the site inspection, the Selectboard walked a portion of the highway. The following persons were present at the site inspection: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Shane O'Keefe - Municipal Manager; Everett Hammond - Public Works Director; Michael Hindes - Highway Superintendent; Phil Dunwoody - Verizon; Peter Sherac, Jack Blake, Edna Blake, Bob Pettit, Linda Pettit.

The following persons were present at the hearing: Selectboard members Lamont Barnett, Leslie Goldman, Ann DiBernardo, Edward Soboleski, Dennis Harty; Shane O'Keefe - Municipal Manager; Everett Hammond - Public Works Director, Michael Hindes - Highway Superintendent; Ellen Howard - Zoning/Planning; Phil Dunwoody - Verizon. Mr. Soboleski, an abutting property owner, abstained from voting on the proposed reclassification.

After hearing the witnesses, and making the inspection, the Selectboard makes the following findings of fact:

1. Whiting Road is a class 3 Town highway highway.
2. The Selectboard, on its own motion, proposed to reclassify the entirety of the road beginning at its intersection with State Rte. 103 from a class 3 highway to a class 4 highway.
3. There is one residence on the road. The road runs between the barn and the residence. There is no turn-around at the end of the road.
4. Available Town records indicate that the road was laid out in 1872 as 33 feet wide by 330 feet long.
5. Testimony from the abutting property owner indicated that the road may continue further than 330 feet. No record of this has been found to date.
6. The residence at the end of the road is the owner of all the property on both sides of the

road.

7. The road has historically been plowed by the Town to the farmhouse.
9. The road is used primarily by the farmhouse and serves as a driveway to this one residence.

Based on the preceding findings, and pursuant to 19 V.S.A. sections 708-711, the Selectboard finds that the public good, necessity and convenience of the inhabitants require that T.H. #103, Whiting Road, from its intersection with State Rte. 103, to its terminus approximately 330 feet westerly, be reclassified from a class 3 to a class 4 Town highway. Action taken July 27, 2004.

Dated this 17th day of August, 2004 at Rockingham, Vermont.

SELECTBOARD


Lamont Barrett, Chair


Leslie Goldman, Vice-chair


Ann DiBernardo


Dennis Harty

Abstained
Edward Soboleski

TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
Tuesday, July 27, 2004
7:00 P.M.

LOCATION: Rockingham Town Hall, Women's Club Meeting Room

Present: Lamont Barnett, Ann DiBernardo, Dennis Harty, Leslie Goldman, Edward Soboleski

Also Present: Shane O'Keefe, Municipal Manager; Kerry Bennett, Recording Clerk; Ellen Howard, Zoning Administrator; Everett Hammond, Public Works Director; Michael Hinds, Highway Supervisor; Phil Dunwoody, representative of Verizon; & residents Russ Capron, Charles Jarras, Phyllis Clayton, Joan & Don LaClair, Fred McGinnis, Walter Kesek, Attorney Edward Goutas, Matt & Lucia Zachowski; Attorney Bill Meub, Dany & Michael Petraska, Carl Follo; Bob & Linda Petit, Jack & Edna Blake, Alexandra Scarlet

1. CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman Lamont Barnett.
2. APPROVE MINUTES OF THE MEETING OF JULY 13 & 20, 2004: *Edward Soboleski moved that the minutes of July 13, 2004 and July 20, 2004 be accepted as printed. Motion was seconded by Leslie Goldman. Motion passed unanimously.*
3. HEARINGS ON HIGHWAY RECLASSIFICATION:
 - A. Kerr's Road (TH#71), discontinue Class 3 Town Highway: *Edward Soboleski moved that the Board vote to discontinue Kerr's Road (TH #71) as a Class 3 Town Highway. Motion was seconded by Ann DiBernardo.*

Barnett noted that the Board had visited Kerr's Road on July 13, 2004. This road serves one home. Russ Capron was in attendance at the site visit. Capron had questioned whether the Town had maps of the road right-of-way. He also expressed concerns about a large leaning oak tree on the opposite side of the road. O'Keefe was asked to contact the State of Vermont, the owner of the property on the other side of the road, about this proposal. There was question about whether the owner on each side would have a right-of-way over the opposite side of the road once it is discontinued.

Ellen Howard stated that she had tried to reach the Agency of Transportation Right-of-Way Division but was unsuccessful. Capron stated that he had made several attempts also and was not able to get his questions answered. Capron stated that if the road is discontinued he may not have access to the back of his property. His fuel delivery must be made via Kerr's Road. He would like more information before any action is taken on this road. The road has been used as access to I-91. It is not clear if the State-owned I-91 land runs to or past the fence. There has been little or no maintenance of the road except for plowing.

It was the consensus of the Board to table this action until more information is received.

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- B. Herrick's Cove Road (TH#32), reclassify a portion from Class 3 to Class 4: *Edward Soboleski made the motion that Herrick's Cove Road (TH #32) remain as a Class 3 road. Motion was seconded by Dennis Harty.*

Barnett stated that the Board had visited Herrick's Cove Road (TH #32) on July 13, 2004. The portion of the road proposed for reclassification has no homes, but leads to a recreational area. Resident Don LaClair, USGen representative Ken Alton, and Wally Elton of Ascutney Mountain Audubon Society were present at the site to meet with the Board. Barnett stated that the Board wished to see the easterly end of the road reclassified in order to expand recreational use of the area. A turnaround on US Gen property is required in order to advance the reclassification proposal. LaClair stated that he did not want the road reclassified because he did not want a turnaround closer to his home.

As the motion was for no change to the road classification, Barnett stated that no discussion was warranted and called for a vote on the motion. *Motion passed unanimously to leave the Herrick's Cove Road as a Class 3 road.*

- C. Unnamed road off of Parker Hill Road (TH#25), reclassify from Class 3 to legal trail: *Edward Soboleski moved that the Board reclassify the unnamed road off of Parker Hill Road (TH #25) from Class 3 to a legal trail. Motion was seconded by Ann DiBernardo.*

Barnett stated that the Board had visited this road on July 13, 2004. The road serves one house. No residents were present at the site visit. The Town had received a request on behalf of the owner to discontinue this Town Highway. Phil Dunwoody representing Verizon has indicated an interest in ensuring that utility rights are preserved. O'Keefe had stated at the site visit that the length of the road was incorrect in the meeting warning as .84 miles, when in fact it is .084 miles.

Attorney Edward Goutas was present at tonight's meeting representing Matt and Lucia Zachowski, the property owners who would like the road discontinued. According to Attorney Goutas this road basically serves as a driveway to their home and he stated that several letters have been written to the Selectboard requesting discontinuance of this road. Goutas is requesting that this item be rescheduled and rewarned to discontinue the road instead of reclassifying it to a legal trail.

Hammond reported that the road is not being plowed by the Town at this time. Mr. Dunwood was in attendance and stated that he had presented letters of easement from Verizon for the right-of-way to maintain the pole line. Both the property owner and the Town would have no problem with this.

Barnett called for the motion, to reclassify the unnamed road off of Parker Hill Road from Class 3 to a legal trail. Motion was defeated and this road will be re-warned to be considered for discontinuation.

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O'Keefe was asked by the Board to warn a site visit and hearing for discontinuance of this Town highway.

- D. Homestead Road (TH#61), reclassify from Class 3 to Class 4: *Dennis Harty moved that the Board reclassify Homestead Road (TH #61) from Class 3 to Class 4. Motion was seconded by Ann DiBernardo.*

Barnett noted that the Board had visited the road on July 13, 2004. This road serves one farmstead home. No residents were present at the site visit.

Charles Jarras, property owner, was present to state that he had no problem with the road being reclassified to a Class 4 Town highway, however, he requested that the Board not reclassify this road until May 2005. He stated that he had recently purchased the property and was not prepared to maintain the road this winter. The road is being plowed.

Barnett called for the motion, to reclassify Homestead Road from Class 3 to Class 4. Motion passed with 3 ayes, and 1 nay (Soboleski).

- E. Whiting Road (TH#103), reclassify from Class 3 to Class 4: *Dennis Harty moved that the Board reclassify Whiting Road from Class 3 to Class 4. Motion was seconded by Leslie Goldman.*

Barnett stated that the Board had visited the road on July 13, 2004. The road serves one farmstead home. Resident and Selectboard member Edward Soboleski was present at the visit. The road is being plowed. Soboleski stated that the road continues past his house. No maps have been found showing this. The layout was in the 1870's.

Barnett called for the motion, to reclassify Whiting Road (TH #103) from Class 3 to Class 4. Motion passed with 3 ayes, Soboleski abstained from the vote.

- F. Tuttle Road (TH#18), reclassify from Class 3 and Class 4 to legal trail: *Leslie Goldman moved that the Board reclassify Tuttle Road from Class 3/Class 4 to a legal trail. Motion was seconded by Edward Soboleski.*

Barnett stated that the Board had visited the road on July 13, 2004. Tuttle Road is a Town highway alternately classified as Class 3 and Class 4, and which is proposed for reclassification to a legal trail from a point approximately 50 feet from Brockways Mills Road. The Class 3 portion serves one home and the Class 4 portion has a home under construction. Residents Frank and Michelle Hsieh and Dany and Michael Petraska were in attendance at the site visit. The Petraskas objected to the proposal to reclassify the road to a trail and stated that it ought to be discontinued as they had requested several times over the past few years. It was mentioned that the Springfield portion of Tuttle Road was discontinued in the 1950's.

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Barnett stated that the Board had visited the road on July 13, 2004. This road effectively is a driveway to the Inn at Cranberry Farm. No residents were present at the site visit. There was a discussion at the visit of whether or not this road should be discontinued. O'Keefe was asked to determine if the road continued on to an old road or trail system. O'Keefe stated that it did not.

Carl Follo, owner of the Inn at Cranberry Farm was present stating that he would like this road to remain a Class 3 road so that it is plowed. This is a commercial property and approximately 2,000 guests travel that road each year. Follo stated that there were 2 separate properties on the road, both owned by him, one for the Inn and one for the house. He was also concerned about liability and damages if not Town-maintained.

Barnett called for the motion, to reclassify the unnamed road off of Williams Road (TH #108) from Class 3 to Class 4. All voted nay and the motion was defeated.

O'Keefe was asked by the Board to warn a site visit and hearing for discontinuance of this Town highway.

- H. Sand Hill Road (TH#109), reclassify a portion from Class 3 to Class 4: *Edward Soboleski moved that the Board reclassify a portion of Sand Hill Road from Class 3 to Class 4. Motion was seconded by Ann DiBernardo.*

Barnett stated that the Board had made a visit to the road on July 13, 2004. A portion of this road is proposed for reclassification as Class 4. Peter Sherac, Jack and Edna Blake, and Linda and Bob Petit, all part owners of the seasonal home at the end of the road were present at the site visit. Hammond mentioned that the owner of land planned for a turnaround is no longer interested in providing the necessary land. It was discussed at length during this visit how best to accommodate the road maintenance needs of the homeowners and limit municipal costs.

Bob Petit, owner of the seasonal home, was present and requests that the road continue to be maintained by the Town. He said it was not necessary for the Town to plow the road. They have made it available to the public for snowmobiling, hunting, etc., over the years, and would like it maintained in the off season.

Hammond reported that he had met with Alexandra Scarlett, another property owner on the road, who was not opposed to discussion about a turn around on her property. The Scarlets submitted a letter to the Selectboard.

Howard stated that the Board had recently adopted a Class 4 Road Policy and felt that they should adhere to this policy.

O'Keefe stated that it is a State law that any roads classified as Class 3 must be plowed. All were in agreement that this road could not remain Class 3 as it was impossible to plow it in the winter.

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Barnett suggested that the road be graded and ditched as soon as possible, which could last 8 to 10 years, and be reclassified as Class 4. He suggested that if any significant damage is done to the road that the property owners approach the Board to ask for some maintenance assistance.

Harty suggested that we change the policy to state that if the road is properly maintained by the property owners and if the road is ruined by others, that we could grade the road. Goldman read a section of the Class 4 and Trails from the State of Vermont on posting and gating to preserve the integrity of the road.

Jack Blake, property owner on the road, asked if the Board could keep the road as Class 3 and a letter be submitted to the Board asking that it not be plowed, if this would this be acceptable. Barnett stated that it would not as the law states that Class 3 roads must be maintained, which includes plowing.

After more lengthy discussion, Barnett called for the motion, to reclassify a portion of Sand Hill Road beginning at a point 265 feet east of the centerline of Atcherson Hollow Road from Class 3 to Class 4. Motion passed unanimously.

Barnett stated that grading and ditching will be done and the possibility of gating and posting the road will be investigated further.

4. OTHER BUSINESS:

- O'Keefe distributed draft Findings of Fact for each roadway. Findings need to be made for each road and recorded in the land records.
- Howard asked how soon the rescheduling of the proposed road reclassification would take place. Barnett stated as soon as possible once all the information is collected.
- DiBernardo stated that she was disappointed that there had not been any discussion on the Herrick's Cove Road. She had been there recently and done quite a bit of clean up and would like this property better taken care of and felt that the Board should address this issue.
- Goldman stated that she will not be present for the Selectboard meeting on August 3.
- Barnett stated that the next regular Selectboard meeting would be held at the Rockingham Meeting House at 6:00 p.m.
- Barnett stated that he had received a petition prior to tonight's meeting from the Senior Center requesting that a sign be erected to better direct people to their facility. This will be investigated further.

TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
Tuesday, August 17, 2004
7:00 P.M.

Present: Lamont Barnett, Ann DiBernardo, Edward Soboleski, Dennis Harty, Leslie Goldman.

Also Present: Shane O'Keefe, Municipal Manager; Kerry Bennett, Recording Clerk; Deane Haskell, Finance Director; Cathy Bergman, Housing Advisory Committee; Mike Shaughnessey & Bill Stevens from Bellows Falls Downtown Development Alliance; Laurie Rowell, Walter Kesek.

Press: Stan Davis, FACTV; Sally Anderson, Eagle Times

1. CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman Lamont Barnett.
2. APPROVE MINUTES OF THE MEETINGS OF AUGUST 2 & 3, 2004: *Edward Soboleski moved that the minutes of August 2, 2004 and August 3, 2004 be accepted as printed. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*
3. MANAGER'S REPORT:
 - O'Keefe distributed a copy of a memo from Baybutt Construction on the Town Hall renovation Phase 1. This will be discussed under Other Business.
 - O'Keefe reported that USGen has grieved their Grand List assessment to the Board of Civil Authority. The BCA has requested more information and will meet on Monday, August 23.
 - A notice has been received of a State timber sale in the Durant State Forest.
 - Blasting will be taking place on the Route #121 Project on McBride Road. Work is going as scheduled.
 - The Canal Street Project is moving along well. Date of completion is slated for September 10 to September 15.
 - The Vermont Department of Public Service has made available the Vermont Electric Plan on line. O'Keefe will copy this for the Board.
 - A letter has been received from the Environmental Protection Agency that it is considering placing a lien on the former TLR property to try to recoup some of the costs of the clean up. The Town is protesting this and Attorney Michael Harty is investigating this further.
 - Also, the Bellows Falls Village Corporation has signed over its interest in the TLR property to the Town. The Town now owns the property solely.
 - An invitation has been received from the Town of Chester Selectboard to attend an "Ancient Roads" Forum being held on September 1 at 7:00 p.m.
 - O'Keefe has also been contacted by Malcolm Potter, the Town of Rockingham Cemetery Sexton. He has had numerous requests recently from families who would like to dig their own graves for loved ones who have been cremated. The policy is old and will be looked into further.

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4. COMMITTEE REPORTS:

- DiBernardo reported that the Chamber mixer would be held at the River Mist Bed & Breakfast on August 25. Chamber Director Heather Edwards is leaving soon and this will be the last function she will attend as director.
- DiBernardo also noted that the Chamber of Commerce Annual Steak Roast and award of the Person of the Year on September 9. If anyone has any nominations for Person of the Year they are urged to contact the Chamber.
- Goldman reported that there will be a Landfill Committee meeting on September 8 at 5:00 p.m.
- Barnett reported that the Theater Restoration Committee had met earlier today. The memo previously distributed from Baybutt Construction outlines the proposals for Phase 1 of this project. He noted that if the Board can give the go ahead now, work could begin in late October to early November. There are funds that have been set aside for work on the Town Hall. This fund is now around \$500,000.

Leslie Goldman made the motion that the Board authorize Black River Engineering to proceed with construction drawings as outlined in the memo from Baybutt Construction for Phase I of the Town Hall restoration project. Motion was seconded by Edward Soboleski.

Barnett noted that the drawings would take approximately 5 weeks and Phase I of the project would take 5 or 6 months.

Harty asked if the Development Office was able to apply for any grant funds for this project. Barnett noted that application for grand funding could not be started until construction drawings and a plan was finalized. This will be investigated after the drawings are complete.

O'Keefe stated that he felt the Board should wait on this and go to Town Meeting in March for a bond vote to proceed with renovation of the entire Town Hall and not just for an initial phase.

There being no further comment or discussion, Barnett called for a vote on the motion. Motion passed unanimously.

5. CONSIDER REQUEST FOR TAX STABILIZATION – INN AT SAXTONS RIVER:

The Inn has recently changed ownership and the new owners are requesting tax stabilization. Stewart Pease, one of the new owners, was present to discuss this request with the Board. Barnett noted that the Tax Stabilization Committee had recommended that the Board approve a tax stabilization agreement for the Inn at Saxtons River for 3 years – 50% the first year, 30% the second and 10% the third.

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Edward Soboleski moved that the Board approve the tax stabilization agreement for the Inn at Saxtons River beginning in FY2004 for 3 years at 50% for the first year, 30% for the second year, and 10% for the third year and that the Board authorize the Municipal Manager to execute any and all documentation for this agreement. Motion was seconded by Leslie Goldman. Motion passed unanimously.

6. DISCUSS REQUEST FROM BELLOWS FALLS HOUSING ADVISORY COMMITTEE: O'Keefe noted that the Housing Advisory Committee has met recently and would like to possibly combine the efforts of the Committee with the town-wide reappraisal going on now. Cathy Bergmann was present to discussion this request.

Bergmann briefly explained the goals of the Housing Advisory Committee and its desire to develop rental housing codes for the Village of Bellows Falls. Members of the Committee recently went to Brandon, VT and toured rental housing with an inspector and feel that a significant part of this code developing in Brandon would fit with our community as well. The Committee is asking for two approvals by the Selectboard.

- To accept and approve the Mission Statement of the Housing Advisory Committee to develop a program for the implementation of rental codes for the Village of Bellows Falls; and
- To include a count with square footage of rental housing units in the reappraisal and bring the tax maps up to date. The Committee would like to know how many rental units are in the village and the square footage of the apartments if possible.

O'Keefe stated that we could look at the date base used by the reappraisal personnel to see if there is some way to get this information. Laurie Rowell, a former lister, was present at the meeting and suggested that one way to figure out how many units is by how many kitchens are in a building. Goldman suggested that Bergmann and O'Keefe meet with the Listers Office to discuss these requests. Harty asked if there was any information from the Fire Department or the Windham Regional Commission that would help.

It was the consensus of the Board to see what information could be extracted from the reappraisal efforts and any other sources and that O'Keefe meet with Bergmann and the Listers Office to develop a plan.

7. DISCUSS AGREEMENT WITH BELLOWS FALLS DOWNTOWN DEVELOPMENT ALLIANCE: Bill Stevens, President of BFDDA, and Mike Shaughnessey, BFDDA Board member, were present to discuss this agreement. Stevens reported that the BFDDA would like to hire its own executive director at this time. The present situation does not appear to be working out. Presently, the Development Director for the Town of Rockingham serves as the Executive Director for BFDDA. The BFDDA feels that they are getting the "short end of the stick" with getting their goals accomplished. With all the

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projects that the Development Office is involved with the Director does not have the time to spend on BFDDA projects. Stevens reported that it was the opinion of the Development Director also that not enough time was being spent on BFDDA needs.

Soboleski stated that he would like to discuss this with the Development Director before any decisions are made.

Goldman stated that she would like to see the job description for the Development Director and for the Executive Director for BFDDA and would like O'Keefe's recommendation on what should be done.

Barnett noted that the Town now pays for the salary of the Executive Director as part of the Development Directors position. The BFDDA is not in any financial position to assume the salary of a new director and that the Town would still be paying for this position if a new executive director was hired.

Soboleski stated that it sounded like an opportunity to apply for grant funding to hire an executive director for BFDDA.

O'Keefe stated that the Development Director's hours are phenomenal and that he presently puts in a tremendous amount of time on development projects that are extremely time consuming. The Development Director position was previously a full time position. When the present Director was hired, the executive director position for BFDDA, previously a part time, 2 day a week position, was rolled into the Development Director duties.

Barnett stated that with the decision by the Board to include the Executive Director responsibilities of BFDDA with the Town's Development Director, that this was made a priority and felt that this policy was being ignored.

Harty stated that he was uncomfortable talking about a personnel matter in open session, especially when the Development Director was not available to be at the meeting and felt that this was better discussed in executive session when the Development Director returns from vacation.

O'Keefe stated that the letter received from BFDDA on August 2, 2004 was the first notice he had received that there was any kind of a problem, and agreed with Harty that this should be discussed in executive session.

Goldman stated she felt that from the comments heard this evening, that this was a system failure, not a personnel failure. She would like O'Keefe to work with the Development Director and the BFDDA Board to try to come to a solution to this problem.

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Barnett stated that this agreement was in effect until a new one is worked out.

8. AUTHORIZE CONNECTIONS ON WEBB TERRACE TO THE INDUSTRIAL PARK SEWER LINE: O'Keefe stated that the present Interlocal Agreement regarding the sewer hook ups provides that new connections must get approval by the Selectboard. There has been a health order issued as there are 2 properties currently without any septic system at all and have been dumping over the bank into the Connecticut River. As the agreement presently stands, there is a \$10,000 fee to hook on for commercial and industrial property. The bed & breakfast has a desire to hook on to the system but the owner contends that the fee is too much. Along with the two other properties that have no system, the cost would be approximately \$12,000. O'Keefe is suggesting that the Board allow these 3 properties to split this cost equally to \$4,000 each.

Edward Soboleski made the motion that the Board approve the hook up to the sewer line for the 3 properties on Webb Terrace at a cost of \$12,000, which will be split evenly among the properties at \$4,000 each and that the Municipal Manager execute any and all documentation necessary for this project. Dennis Harty seconded the motion. Motion passed unanimously.

Following this motion, there was a general discussion about the purpose of the sewer line hook ups and the debenture system that had been in place. Soboleski explained the intent of the debentures, as he was responsible for selling these at the time of the project. He does not feel it was the intent at that time that small businesses like the bed & breakfast be charged the \$10,000 fee, but more for an industrial property. O'Keefe will look into this further.

9. DISCUSS AGREEMENT WITH THE VERMONT PUBLIC POWER SUPPLY AUTHORITY: O'Keefe noted that a copy of the Term Sheet with VPPSA was included in the packet information for the Selectboard. Authorization has been received from the bankruptcy court in Maryland to go forward with the purchase from USGen.

Barnett noted that he and DiBernardo had met with the VPSSA Board this past week and they do want to move forward with a partnership with the Town of Rockingham. He stated that VPSSA needs a firm financial commitment from the Town on its intention to move forward with this project. Time is short as there is less than 4 months before the deadline for this purchase.

Edward Soboleski made the motion that the Board continue with the next step and spend whatever funds are necessary as outlined in the initial Term Sheet, not to exceed \$50,000 for due diligence and not to exceed \$250,000 for agreement finalization and bond counsel. Motion was seconded by Ann DiBernardo.

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Harty stated that he felt the Board should go forward with the \$50,000 for due diligence but stop there before proceeding with spending any further funds until a public meeting is held and the Board has more definite information. He stated that the Board had promised the public that they would be kept informed and feels the Board should follow through with this promise.

Goldman stated that she agrees with both Barnett and Harty, that time is of the essence and the Board needs to move quickly, however, the public does need to be informed. She would like the Board to set 3 dates for public meetings tonight if possible. She suggested that the Town do another informational mailing to the citizens and have meetings at various times of the day such as a Saturday morning, an evening during the week, and a weekday, to allow everyone an opportunity to attend.

Harty reiterated the fact that the Town should not spend more than the \$50,000 for the engineering study only at this time.

Barnett stated that the next steps to follow was the financial commitment with VPPSA for the due diligence and bond counsel. He stated that after the due diligence was spent and the findings were not favorable that the procedure could be stopped before more funds were expended.

Goldman stated that the Board needs to let VPPSA know that it has a responsibility to the Town for public information and the sooner we get this information the better.

Barnett stated that things have changed significantly since the beginning of this purchase. The Town will not be buying the facility as originally planned, but VPPSA will purchase and do the bonding. With the terms of the partnership, the Town will then be in a position to own the facility in 15 years or so. A payment in lieu of taxes would be made by VPPSA to the Town. The tax rate would be stabilized and there is very little risk for the Town by going this route.

O'Keefe distributed an expenditure sheet of funds expended to date on this project. In FY2004 \$100,000 was budgeted and also in FY2005 \$100,000 was budgeted. To date we have spent approximately \$311,000. Some of these funds are recoverable if all goes through as planned. The Town's Revolving Loan Fund also has a balance somewhere in the vicinity of \$350,000 +/- at its disposal and the general fund still has a considerable fund balance. Therefore, by committing the \$300,000 for the next steps in this project, the Town will not go into debt.

Goldman stated that she feels the public needs to know that this is a very different project than what was originally anticipated. This route does not require 2 public votes now that VPPSA is involved. By the vote taken at Town Meeting in 2002, the Board has the authority to pursue this purchase.

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Harty asked what the Town's attorney had recommended. Barnett stated that Saudek had not made any recommendation.

There being no further discussion, Barnett called for a vote on the motion. DiBernardo, Goldman and Soboleski voted aye; Harty voted nay. Motion passed.

Barnett said he anticipated the Town would have some further information within the next week or so.

Harty requested that we have a press release put together when we have this information.

O'Keefe stated that he would like to have a firm agreement with Green Mountain Power and Central Vermont Public Service before a press release is issued. This should happen shortly.

Goldman again stated that the Board should schedule information public meetings as soon as this information is available and can be made public.

10. CONSIDER RECLASSIFICATION OF HOMESTEAD ROAD (TH #61):

Dennis Harty moved that the Board approve the decision to reclassify Homestead Road (TH #61) from a Class 3 highway to a Class 4 highway as presented in the Decision and Order of the Selectboard of the Town of Rockingham, Vermont for the Reclassification of Town Highway #61, Homestead Road. Ann DiBernardo seconded the motion. Motion passed with 3 aye votes, and Soboleski abstaining

11. CONSIDER RECLASSIFICATION OF WHITING ROAD (TH#103)

Dennis Harty moved that the Board approve the decision to reclassify Whiting Road (TH #103) from a Class 3 highway to a Class 4 highway as presented in the Decision and Order of the Selectboard of the Town of Rockingham, Vermont for the Reclassification of Town Highway #103, Whiting Road. Ann DiBernardo seconded the motion. Motion passed with 3 aye votes, and Soboleski abstaining.

12. CONSIDER RECLASSIFICATION OF A PORTION OF SAND HILL ROAD (TH#109)

Dennis Harty moved that the Board approve the decision to reclassify Sand Hill Road (TH #109) from a Class 3 highway to a Class 4 highway as presented in the Decision and Order of the Selectboard of the Town of Rockingham, Vermont for the Reclassification of Town Highway #109, Sand Hill Road. Ann DiBernardo seconded the motion. Motion passed with 3 aye votes, and Soboleski abstaining.

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13. REVIEW AND APPROVE WAYPOINT CENTER OWNERSHIP AND OPERATIONS AGREEMENT: O'Keefe noted that the Waypoint Center Ownership and Operations Agreement had expired last week and the Board needs to make a decision on a new agreement. The agreement that was previously in place had worked well.

Ann DiBernardo moved that the Board approve the Waypoint Center Ownership and Operations Agreement and to authorize the Selectboard Chair to sign the agreement on behalf of the Town. Motion was seconded by Leslie Goldman. Motion passed unanimously.

DiBernardo also felt that the fees and expenditures for the Waypoint Center be looked at again. She felt that especially the maintenance budget for the Waypoint Center was excessive.

Goldman felt that the Waypoint Board should look at the costs and revenue and come back to the Selectboard with any changes.

14. APPOINT BOARD MEMBER TO TOWN EMERGENCY MANAGEMENT COMMITTEE: Goldman stated that she would be willing to serve on this committee if the meeting time could be changed to accommodate her work schedule. She is free on Monday and Tuesday afternoons or all day on Fridays.

Ann DiBernardo moved that the Board appoint Leslie Goldman to serve on the Emergency Management Committee. Motion was seconded by Dennis Harty. Motion passed unanimously.

15. DISCUSS UPCOMING JOINT BOARD MEETING : O'Keefe noted that there would be a Joint Board Meeting on Tuesday, August 31. At this time, the following items are on the agenda to be discussed:

- Personnel Rules and Benefits Policy
- Blake Street Garage Agreement
- The Interlocal Agreement for the sewer line.

O'Keefe asked the Board if there were any other items that should be brought up at this time.

Barnett stated that the recent decision by the Selectboard to consider the purchase of used or refurbished fire trucks and equipment be discussed with the Bellows Falls Trustees.

Goldman would like to discuss the role of the Bellows Falls Fire Chief as Emergency Management Coordinator for the Town and what the Selectboard can request of him and clarify this position.

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Goldman also brought up the fact that along with the school department, the Village has 5 tax fees. She would like to hold a meeting with all 5 Boards – Rockingham Selectboard, Bellows Falls Trustees, Saxtons River Trustees, Rockingham School Board and the Windham Northeast Supervisory Union Board, to discuss big money issues and see if somehow this can be made easier for the tax payers.

16. DISCUSS POLICY ON ROCKINGHAM MEETINGHOUSE DONATIONS: O'Keefe noted that the general admission for the Meeting House in the past had been \$.50 per person. It was the feeling of the docents this year that a donation policy should be implemented and a donation box be installed at the Meeting House and that visitors donate whatever they would like. The question arose as to whether admission donations should go to the Town or the Rockingham Meetinghouse Association.

Ann DiBernardo moved that the Board establish a donation policy for the Rockingham Meeting House and that a donation box be installed, and that all money collected by donations go to Town revenue and any fund raising efforts by the Rockingham Meeting House Association, such as books, postcards, etc., go to that Association. Motion was seconded by Edward Soboleski. Motion passed unanimously.

17. APPROVE RENEWAL OF BORROWING – BOND ANTICIPATION NOTE FOR FORMER BEN & JERRY'S PROJECT: Deane Haskell, Finance Director, was in attendance to discuss this issue. Haskell explained that this is a note for the Ben & Jerry's land and construction project. In September of 1991 the Town borrowed \$385,000 from Vermont National Bank, in anticipation of issuing a bond for the cost of purchasing the land at the Ben & Jerry's site. The Town and the BFADC own the property as "tenants in common", and leased the property to Ben & Jerry's for 25 years, interest free. The lease on the property has been assigned to Sonnax, and Sonnax has asked that the terms of payment remain the same. No bond was ever issued to repay this bond anticipation note and the Town has been paying 1/20th of the original principal each year, and issuing an annual bond anticipation note for the balance. The current note is due on August 20th, and after the principal payment is made the principal balance will be \$154,000.00. No bank other than Chittenden Bank has been willing to bid on the note for several years and they have offered to renew the note at 2.25%.

Leslie Goldman moved that the Board approve the recommendation from Haskell and sign the Chittenden Bank's Bond Anticipation Note for \$154,000, on the Resolution for Borrowing, and on the Non-Arbitrage Certificate. Motion was seconded by Edward Soboleski. Motion passed unanimously.

18. APPROVE RENEWAL OF BORROWING – CAPITAL EQUIPMENT REFUNDING NOTE FOR 2001 FIRE ENGINE: Likewise, Haskell received a quote from Chittenden Bank of 2.75%, considerably lower than any other quotes received 2 months ago, and is recommending that the Board approve this note.

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Edward Soboleski made the motion that the Board renew the note with Chittenden Bank for two years with two equal principal installments of \$33,818 plus interest and sign the Capital Equipment Refunding Note and the Capital Equipment Refunding Borrowing Resolution and the Non-Arbitrage Certificate. Motion was seconded by Leslie Goldman. Motion passed unanimously.

19. OTHER BUSINESS

O'Keefe reminded the Board the USGen has appealed its grand list assessment and a meeting of the Board of Civil Authority will be Monday, August 23. If this value is reduced there will be a significant impact on the tax base for the Town & Village. Barnett also reminded everyone that as long as USGen is the property owner that it can appeal the tax assessment every year.

Goldman asked on a personal note that the Board change its meeting time from 7:00 to 7:30 or consider holding the Selectboard meetings on another night. Soboleski noted that the Board had voted at its organization meeting in March to hold the meetings on the 1st and 3rd Tuesdays of each month at 7:00. This will be researched and put on the agenda for the next meeting.

Soboleski stated that the railroad crossing on the right hand side heading north looks horrible and that the Town hire someone to clean it up and fix it and send the bill to the railroad. O'Keefe said he had been in contact with Charlie Miller from the State Rail Division and this is being worked on.

Barnett brought up the issue of the fencing on Depot Street. O'Keefe stated that bids had been received for a cost of \$8,000 to get this fixed. Barnett stated that this has been an ongoing issue and it should have been fixed before now. O'Keefe noted that bids had to be sought prior to work being done and that it was felt that the fence work ought to be done right and not be done 2 or 3 times. Barnett stated that some rabbit fence could be put up there for the time being and would like this done ASAP.

Barnett also asked for an update on the "bump outs" for the downtown area. O'Keefe will have a report on this at the next meeting.

20. EXECUTIVE SESSION: No executive session was necessary at this time.
21. ORDERS, BILLS & WARRANTS: Orders, bills and warrants were reviewed and signed by the Board.
22. ADJOURN: *Leslie Goldman moved that the Board adjourn at 10:05 p.m. Motion was seconded by Edward Soboleski.*

Attest:


Kerry Bennett, Recording Clerk

**TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
September 7, 2004**

Selectboard present: Lamont Barnett, Chairman, Leslie Goldman, Dennis Harty, Edward Soboleski and Ann DiBernardo

Others present: Shane O'Keefe, Municipal Manager; Deane Haskell, Finance Director; Joanne White, Village Clerk; Richard Ewald, Development Director; Bill Weston, Fire Chief; Ellen Howard, Health and Zoning Administrator, Attorneys Edward Goutas and Leslie Cota; Phil Dunwoody, Verizon Representative; Carl Follo, Diane Reynolds and Mike and Diane Petraska.

Press: Chris Fleischman, Eagle Times and Howard Weiss Teisman, Brattleboro Reformer.

1. SITE VISITS FOR PROPOSED RECLASSIFICATION OF TOWN HIGHWAYS

The Board assembled at 6:30 pm at an unnamed road off of Williams Road (TH #108) and then went on to visit an unnamed road off of Parker Hill Road (TH# 25)

2. CALL TO ORDER

Lamont Barnett called the meeting of the Rockingham Selectboard to order at 7:10 p.m. in the Woman's Club Room, Town Hall.

3. APPROVE MINUTES OF PREVIOUS MEETING (S) – August 17, 2004

Edward Soboleski made a motion to accept the minutes of the August 17, 2004 meeting. Leslie Goldman seconded motion. Motion passed with all members in favor.

4. REVIEW AND APPROVE ORDERS, BILLS & WARRANTS

These were examined, approved and signed.

5. HEARINGS ON HIGHWAY RECLASSIFICATION

A. Unnamed road off of Williams Road (TH #108), discontinue a Class 3 Town Highway.

Lamont Barnett inquired if there was any discussion into the discontinuance of TH# 108. Cal Fallo, owner of the Inn at Cranberry Farm advised that he owns a 14-room Inn on that road which has over 1200 visitors in a year. Fallo added that he felt the road was more public than most and is not out of the way to general traffic. Dennis Harty stated he felt the road should remain the same and the Town should do all it can to help promote businesses. Harty added that the section of road that is being considered for discontinuance is only 400'. Barnett noted that in the past there have been two other roads that were reclassified with businesses on them and that should be kept in mind while making this decision.

Ellen Howard advised that the reclassification had been warned and certified mailings went out to all the effected property owners. Howard advised that she had received a letter from the State of Vermont Forest, Parks and Recreation Office and they have advised that they would prefer to have the road reclassified not discontinued.

Dennis Harty made a motion to discontinue TH #108, an unnamed road off of Williams Road. Ann DiBernardo seconded the motion. Motion failed with one yes vote from Ann DiBernardo.

B. Unnamed road off of Parker Hill Road (TH #25), discontinue a class 3 Town Highway.

Ellen Howard advised for the record that certified mailings went out to all abutters and interested parties.

Edward Goutas, Attorney representing property owner Zachowski advised that the road is question is .1 mile in length and leads directly into the Zachowski's property and that he was there to support the discontinuance of this road. Barnett noted that there was some concern in regard to utility access. Phil Dunwoody asked that utility rights for Verizon and the utility for the power company be maintained by the Town or the property owner, by right of an easement for maintenance.

Howard noted for the record she had also received a letter from the Forest, Parks and Recreation Department regarding this road. Howard asked if the road serves a business or residence, which Goutas advised was a residence. Howard advised Dunwoody that the easement that was drawn up and presented to the Selectboard at their last meeting gives the right to the utilities to cut grass, trees, etc well beyond the highway right-of-way. Howard added that there was concern as to where the Town has the right to grant easements beyond its right under statutes and, after research was done by the Vermont League of Cities and Towns, it was found that the Town can not give out rights for this type of easement. Howard advised in this case, where there is only one property owner involved; it would be up to them to grant an easement. Dunwoody asked that more research be done regarding who is responsible for the easements where there are overhead and underground utility lines. Goutas advised that he would like to have this issue resolved as it was the second time he was present at a meeting on behalf of his clients, which is costing them money.

Leslie Goldman made a motion to discontinue Town Highway #25, an unnamed road off of Parker Hill Road. Motion was seconded by Edward Sobosleski. Motion passed with all members in favor.

6. CONSIDER REQUEST TO CONDUCT A BOOT DROP

Barnett advised that a request had been received from TARPS, a non-profit that rescues and shelters cats and dogs, for a boot drop on Saturday, September 25th, on Rockingham Street somewhere in the vicinity of the Evergreen Trailer Park. Diane Reynolds of TARPS advised that they did not want to infringe on the Police and/or Fire Department so they asked to have the drop north of the Police/Fire facility.

Town of Rockingham Selectboard Meeting
September 7, 2004
Page 3 of 5

Edward Soboleski made a motion to approve the TARPS bootdrop between the hours of 9:30 am to 3:00 pm of September 25, 2004 (with a raindate of October 2, 2004), with the condition that vehicles shall be able to bypass the coin collection at all times. Motion was seconded by Ann DiBernardo. Motion passed with all members in favor.

7. UPDATE ON EMERGENCY MANAGEMENT PLAN

Bill Weston updated the Board on the Emergency Management Plan. Weston advised that the next meeting of the committee would be held on September 14th at 4:00 pm.

Weston advised that the following will be on the agenda for that meeting:

- Rapid Response Plan which has been updated with current names and numbers
- Review the Emergency Plan update
- Review the Vermont Homeland Security planning grant

Weston advised that the plan is to hire a plan writer/consultant, which will be fully paid for through the grant.

Goldman asked what the time frame is to complete the grant requirements. Barnett advised that he thought Police Chief Keith Clark had advised that April 1, 2005 was the due date. Weston advised that he would check on the date and get back to the Board.

8. AUTHORIZE APPLICATION FOR FUNDING-VERMONT COMMUNITY ASSISTANCE GRANT PROGRAM-CANAL WALL

Richard Ewald advised that he would like to apply for a \$5,000 grant for additional funds to be used for the Canal Wall project, specifically a protective roof over the canal wall.

Leslie Goldman made a motion to authorize the submittal of an application for funding under the State of Vermont's 2004 Community Assistance Grant program to assist with the construction of a protective roof over the historic Bellows Falls Canal wall that is part of the Town-owned TLR complex, and authorize the Municipal Manager to execute any and all documents necessary to secure the desired funding on behalf of the Town. Motion was seconded by Dennis Harty. Motion passed with all members in favor.

9. CONSIDER THEATRE AND ENTERTAINMENT PERMITS-ATHENS PIZZA

Barnett advised that an entertainment permit was received from Athens Pizza for the Boards approval.

Edward Soboleski made a motion to approve an entertainment permit for Athens Pizza House, Inc. Dennis Harty seconded the motion. Motion passed with all members in favor.

10. EXECUTE CORPORATE RESOLUTION-PENSION PLAN

Barnett advised that Banknorth Investment Group, which manages the municipal pension plan was requiring a corporate resolution officially removing former Municipal Manager Roberta Smith and replacing her with the present Manager, Shane O'Keefe.

Edward Soboleski made a motion the former Municipal Manager Roberta Smith be removed from any responsibility involving instructions to the Trustee of the Town of Rockingham and Bellows Falls Village Pension Plan, and that Municipal Manager Shane P. O'Keefe be authorized to issue instructions to said Trustee. Motion was seconded by Leslie Goldman. Motion passed with all members in favor.

11. DISCUSS SELECTBOARD MEETING TIME/DATE

Goldman asked the Board to consider a change of day and or time of the Selectboard meetings. Goldman added that a change in time to 7:30, instead of 7:00 pm, would work for her due to a conflict that she has. O'Keefe advised that he would like to see the meetings held on the same day of the week. Barnett reminded Board members that there are times when the meetings go quite late, especially during budget discussions. Soboleski added that he also would not like to see the meeting day changed since this is what people are used to.

Leslie Goldman made a motion to change the regular meetings of the Rockingham Selectboard to the first and third Tuesday of each month at 7:30 pm. Ann DiBernardo seconded the motion. Motion passed with all members in favor.

12. OTHE BUSINESS

Deane Haskell advised the Board that he had an updated summary of the FY2004 budget. Haskell noted that figures were not audited. Haskell reviewed the figures with the Board

O'Keefe advised that a request had been received from Harvest Moon a new business at 26A Main Street in Saxtons River. O'Keefe reported that the owners of the business would like to install an exhaust duct over the right-of-way that is owned by the Town. O'Keefe advised that he did not feel there was an issue of putting up duct work for their kitchen; however, if it were to fall and damage the roof in the right-of-way, the business owner should be responsible for repair or replacement of the roof. Barnett advised that the sidewalk should be looked at to get an easement to move it and resolve the matter. O'Keefe advised that due to the height of the roof, when the snow falls from it, it would land in the middle of the sidewalk either way. Soboleski suggested that the sidewalk be discontinued as people could go around the block and not through this area. O'Keefe advised that because there is an agreement that was drafted in 1929 for the use of this as a sidewalk, and people use it for pedestrian circulation, he would not recommend changing it. Barnett instructed O'Keefe to keep track of the snowfall this winter as to where it lands and if it leaves a pathway down the middle it should be looked at next winter to move the sidewalk and resolve the problem. Walter Kesek advised that there is a substantial amount of snow that falls off the roof during the winter season and would affect this area no matter where the sidewalk was located.

Town of Rockingham Selectboard Meeting
 September 7, 2004
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Edward Soboleski made a motion to authorize Ryan James, owner of Harvest Moon, to install an exhaust stack above the Town easement, and if there is any damage done to the roof by the stack it would be the responsibility of the business owner to repair or replace it. Dennis Harty seconded the motion. Motion passed with all members in favor with Ann DiBernardo abstaining.

12. MANAGER'S REPORT

O'Keefe reported on the following:

- FTA has notified him of the release of \$1.3 million for the Bellows Falls Intermodal Transportation Project.
- The downtown bump out project has been postponed until Spring 2005 due to the amount of projects already in the works or scheduled to start.
- The Town is fighting the Environmental Protection Agency, who is trying to put a lien on the TLR Building.

Goldman inquired if Ellen Howard had reported to O'Keefe of any issues there might be with the new Flood Plain Maps. O'Keefe advised that he was aware of problems with the maps and would add this to the next meetings agenda for discussion.

13. SELECTBOARD REPORTS

Goldman inquired if the Citizens Action Committee (CAC) would be reactivated. Barnett advised that this would be added to the next meeting agenda for discussion.

14. EXECUTIVE SESSION

Barnett advised that the Board would go into Executive Session to discuss Personnel and Real Estate matters in which he invited Attorney Leslie Cota, Development Director, Richard Ewald and Town Manager, Shane O'Keefe

Edward Soboleski made a motion to enter into Executive Session to discuss a Personnel Matter and a Real Estate Matter. Motion was seconded by Leslie Goldman. Motion passed with all members in favor. The Board entered into Executive Session at 8:20 pm and returned at 10:39 p.m. No decisions were made

15. ADJOURN

Meeting Adjourned at 10:30 p.m.

Respectfully Submitted,

Joanne White
 Joanne White
 Village Clerk

Rec'd. for the record Rockingham Town Clerk's Office September 22, 2004 at 9:01 a.m.
 Attest: *Nolan Aldrich* Clerk

TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
Tuesday, September 21, 2004
7:30 P.M.

Present: Lamont Barnett, Edward Soboleski, Ann DiBernardo, Dennis Harty, Leslie Goldman.

Others present: Shane O'Keefe, Municipal Manager; Kerry Bennett, Recording Clerk; Ellen Howard, Zoning Administrator; Deane Haskell, Finance Director; Everett Hammond, Public Works Director; Camilla Roberts, Lister; Bill Lockwood & Mike Reynolds, Town Hall Renovation Committee; Lawrence Rayno, Commander VFW Post #8702; Fred Athearn; Michael Marquise

Press: Noell Webster, FACTV; Chris Fleisher, Eagle Times; Howard Weiss-Tissman, Brattleboro Reformer.

1. CALL TO ORDER: Meeting was called to order at 7:30 p.m. by Chairman Lamont Barnett.
2. APPROVE MINUTES OF THE MEETINGS OF SEPTEMBER 7 & 15, 2004: *Leslie Goldman made the motion to approve the minutes of the meetings of September 7 and September 15, 2004. Motion was seconded by Edward Soboleski.*

DiBernardo noted that the spelling of Carl Follo was misspelled.

The minutes were approved as corrected.

3. MANAGER'S REPORT:
 - O'Keefe noted that he had been notified last Friday by the Agency of Transportation that they will hold 2 public hearings on the State's FY2006 Transportation Program and Budget. The first one will be on September 22, 2004 at the Weathersfield Town Offices and on Thursday, September 30, 2004 at the Arlington Town Office.
 - The Canal Street project is essentially completed except for the lighting. These have been backordered since May and are expected to be in by November 15, 2004.
 - Chip sealing has taken place on Pleasant Valley Road, Griswold Drive, Rounds Road, and Country Club Road. O'Keefe noted that there have been several complaints on Griswold Drive, and Hammond had received complaints also that the tar used was getting all over cars. Hammond explained that this was the same process that had been used in the past. Hammond also noted that a degreaser will take the tar off the cars and will have some available for anyone who wishes it. Harty also noted that Griswold Drive is pretty dangerous now for motorcycles and bikes.
 - O'Keefe reported that the reconstruction and drainage project on Vancor Drive is being done by the Town crew.

Rockingham Selectboard Meeting
September 21, 2004 – Page 2

4. COMMITTEE REPORTS:

- Goldman reported that the Landfill Committee has completed its work and this will now go before the Planning/Zoning Board and then back to the Selectboard.
- Goldman reported that the Emergency Management Committee has met and will be sending out an RFP for a consultant to update the emergency management procedures.

5. DISCUSS REQUEST FOR DESIGNATED HANDICAPPED PARKING IN SAXTONS RIVER: O'Keefe reported that he has received a letter from the Saxtons River Trustees requesting that one of the two handicap parking spaces in front of the Christ Church be removed, and that a new space be created in front of the new location of the Golden Egg restaurant in the former Tenney's Lumber building. At present there are no official parking ordinances for Saxtons River, which makes any violation of these parking areas unenforceable.

Leslie Goldman made the motion that the Board authorize the Municipal Manager to arrange for removal of one handicap accessible parking space in front of the Christ Church (24 Main Street) and establish a new handicap accessible parking space in front of the Golden Egg Restaurant (33 Main Street), each located in the Village of Saxtons River, and that the Town absorb the cost. Motion was seconded by Dennis Harty. Motion passed unanimously.

6. DISCUSS FLOOD HAZARD ISSUES: Ellen Howard, Zoning Administrator, was present to discuss this issue. Howard explained that the Federal Emergency Management Administration has presented changes to the flood plain maps. A letter has been sent stating that the maps were not acceptable. Howard stated that the Town of Westminster will be hiring an engineer to try to straighten these out and is suggesting that if the Selectboard was to hire an engineer that we do so with Westminster and share the expense. Harty asked if the State would be addressing this issue. Howard stated that they did not have time to do so. Barnett suggested contacting Green Mountain Railroad also. Howard stated that she has been in touch with Doug Lamoreux of Green Mountain Railroad.

Goldman made the motion that the Town proceed with an engineering study not to exceed \$1500. Motion was seconded by Ann DiBernardo. Motion passed with 3 aye votes and 1 nay (Harty).

7. DISCUSS FY2005 MUNICIPAL PLANNING GRANT APPLICATION: Ellen Howard, Planning/Zoning Administrator, was present to discuss this application. Howard stated that this is a planning grant offered by the Vermont Department of Housing and Community Affairs through the Vermont Municipal Planning Grant Program. Howard stated that the Town has been very successful in acquiring grant funds under this program. This application will be to update the Town Plan maps and put the information into a program we can use. This application is for \$10,200 with no local match requirement. The deadline for applying is September 30, 2004.

Leslie Goldman made the motion to execute the authorizing resolution for the FY2005 Vermont Municipal Planning Grant Program, and to designate Ellen Howard as the grand administrator. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

Rockingham Selectboard Meeting
September 21, 2004 – Page 3

8. CONSIDER DISCONTINUANCE OF UNNAMED TOWN HIGHWAY OFF OF PARKER HILL ROAD (TH #25): Ellen Howard was present to discuss this item. The Selectboard had voted at its meeting on September 7, 2004 to discontinue this road. The Board must at this time execute this decision.

Edward Soboleski moved to execute the Decision and Order for the discontinuance of Town Highway #25, an unnamed road off of Parker Hill Road. Motion was seconded by Leslie Goldman. Motion passed unanimously.

9. CONSIDER CONSTRUCTION MANAGER PROPOSALS FOR TOWN HALL RENOVATIONS: Deane Haskell, Finance Director, was present to discuss this issue. The RFP for construction management services was put out following the August 17, 2004 decision to move ahead with Phase I of the Town Hall renovations. Two bids were received for this project, one from Baybutt Construction and one from H.P. Cummings Construction. Baybutt Construction was the lower bid. The Town Hall Renovation Committee is recommending that the Board approve the bid from Baybutt Construction. Haskell explained that Phase I would consist of a new electrical service to the Town Hall building and internal electric service to the theater, including air conditioning for the theater, remove the present lowered ceiling, walls, balcony, etc. Harty stated that he is in favor of moving ahead with this proposal but would like to see plans at the next meeting.

Ann DiBernardo moved to accept the proposal from Baybutt construction for construction management services related to Phase 1 of the Town Hall renovations, and to authorize the Municipal Manager to execute any and all documents necessary to secure the required services. Motion was seconded by Leslie Goldman. Motion passed unanimously.

It was the consensus of the Board that Deane Haskell be the owner representative for this project.

Haskell also informed the Board that the asbestos removal has been completed except for some glue containing asbestos used in the ceiling tiles in the theater. This will be taken care of in Phase I. Haskell also noted that it was expected that the theater would be closed for at least 1 month and the plan is to begin this phase in mid October.

10. CONSIDER BIDS FOR WINTER SAND: Everett Hammond, Public Works Director, was present to discuss the bids received. Hammond reported that 2 bids were received for winter sand. Butch Wilson Excavating gave a bid of \$7.35/yd x 500 yd = \$36,750, and Cersosimo Lumber submitted a bid of \$10.00/yd x 5000 yd = \$50,000. It is Hammond's recommendation to award the bid to Butch Wilson Excavating.

Goldman made the motion to accept the winter sand bid from Butch Wilson Excavating of \$7.35 per yard for an estimated total of \$36,700, and to authorize the Municipal Manager to execute any and all documents necessary to acquire the required product. Motion was seconded by Edward Soboleski. Motion passed unanimously.

Rockingham Selectboard Meeting
September 21, 2004 – Page 4

11. CONSIDER BIDS FOR WINTER SALT: Everett Hammond, Public Works Director, was present to discuss these bids. Hammond reported that 4 bids had been received for winter salt. They were Cargill Inc, for $\$41.37/\text{ton} \times 1500 = \$62,055$; American Rock Salt Co. for $\$43.41/\text{ton} \times 1500 = \$65,115$; Easter Salt Co. for $\$57.00/\text{ton} \times 1500 = \$85,500$; and Morton Salt for $\$58.15/\text{ton} \times 1500 = \$87,225$. Hammond is recommending that the Board approve the bid from Cargill, Inc.

Edward Soboleski moved to accept the winter salt bid from Cargill, Inc. of \$41.37 per ton for an estimated total of \$62,055, and to authorize the Municipal Manager to execute any and all documents necessary to acquire the required product. Motion was seconded by Dennis Harty. Motion passed unanimously.

12. CONSIDER REQUEST FOR ACCESS PERMIT: Hammond was present to discuss this permit. He noted that Ryan Ostebo and Mary Hepburn have submitted an application for an access permit for 27 Pleasant Street in Saxtons River to replace an existing driveway with a new, wider one at an existing home. Hammond recommends that the access permit be approved with the conditions that the utility pole be relocated as it currently creates an obstructed view exiting the proposed access, and that all portions of the drive sloping toward the road be paved to prevent erosion of the drive into the Town Road.

Edward Soboleski made the motion to approve the access permit for 27 Pleasant Street, in Saxtons River, with all conditions recommended by the Public Works Director. Motion was seconded by Dennis Harty. Motion passed unanimously.

13. CONSIDER REQUEST FOR ACCESS PERMIT: Hammond was present to discuss this permit. Hammond reported that an access permit had been received from Champlain Oil Company for property located at 705 Rockingham Road to widen an existing second curbcut on Lovell Drive. Hammond's recommendation is to approve this access permit with the condition that the access be reduced from 95' to 70' and that all portions of the drive sloping toward the road be paved to prevent erosion of the drive into the Town Road.

Edward Soboleski moved that the Board approve the access permit for the Lovell Drive access to 705 Rockingham Street, with all conditions recommended by the Public Works Director. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

14. DISCUSS EMPLOYEE BENEFITS: At the Joint Board meeting on September 15, the two Boards discussed establishing a committee to discuss employee benefits. The Bellows Falls Trustee voted to establish a committee to review all employee benefits with the emphasis on health insurance and appointed 2 members to this committee. The Selectboard decided to put off any action on this until tonight's meeting. It was noted that at the Joint Board meeting on August 31, 2004, Stewart Read had made the recommendation to set up a committee to review health care coverage. At the meeting of September 15, he changed this to include all benefits. O'Keefe noted that he had objected to this recommendation as a committee had just spent a year revising the employee benefits and didn't feel this was necessary at this time. He did agree that a committee to review health care benefits be considered.

Rockingham Selectboard Meeting
September 21, 2004 – Page 5

Barnett asked for a consensus from the Board at this time on this issue. It was the consensus that representation to this committee would be made to discuss health care benefits only and this decision will be relayed to the Bellows Falls Trustees.

15. CONSIDER AT-LARGE REPRESENTATIVES TO THE UNIFICATION COMMITTEE: Also discussed at the Joint Board meeting on September 15, 2004, was a committee to review and update information previously compiled in 1991 for a municipal merger. The representatives of the Selectboard were Barnett and Harty, and from the Trustees, Charles Jarras and Stewart Read. Both Boards were to select an at-large representative. To date only Fred Athearn has expressed an interest in being appointed to this committee. Fred Athearn, a resident of Rockingham, was present to express his interest in this committee. Athearn stated that he was very involved in the merger process in 1991 to 1994.

Barnett stated that a list will be formed of interested individuals and Mr. Athearn's name will be added to this list. This will be put on the next Selectboard agenda.

16. DISCUSS BUDGET PROCESS, GOALS AND DIRECTION FOR FY2006 TOWN BUDGET: Deane Haskell, Finance Director, was present to discuss this item. A FY2006 budget schedule was distributed to the Board. Haskell also noted that all special appropriations would be voted on individually at the Town Meeting in March 2005. Haskell and O'Keefe are requesting direction from the Board on the goals for this budget process.

After discussion, it was the recommendation of the Board to the Municipal Manager and Finance Director to level fund the municipal tax rate.

Haskell also noted that if the Board was interested in pursuing a bond vote for the Town Hall renovations, this would be a separate process. The decision would have to be made in January to meet all the deadlines.

Goldman stated that she was curious about the \$8 million dollars in revenue. Haskell explained that the auditors require that tax revenue be applied when it is billed, not when it is paid. It was decided to discuss at the net meeting the issue of human service and special municipal service contributions in the budget.

17. OTHER BUSINESS:

- Lawrence Rayno, Commander of VFW Post 8702 was present to inform the Board that the VFW Post 8702 has received the Veterans of Foreign Wars National Outstanding Community Service Post. Rayno outlined some of the various community service projects undertaken including purchase of new flags for schools, organizations, etc., drivers for the handicapped; etc. This honor was accompanied by a street sign stating "Home of VFW Post #8702 – 2004 National Outstanding Community Service Award", and Commander Rayno is asking the Selectboard to erect this sign at some point of entry to the Village. O'Keefe will work with Rayno to erect this sign in an appropriate place.

Rockingham Selectboard Meeting
September 21, 2004 – Page 6

- o Camilla Roberts, Town Lister, was present and presented an Errors, Omissions and Additions to the 2004-2005 Grand List. This is a change of \$456.50 for Rockingham and \$178.63 for the Village of Bellows Falls, and 0 for Saxtons River Village.

Edward Soboleski moved that the list of Errors, Omissions and Additions for the 2004-2005 Grand List be accepted as presented. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

- o O’Keefe noted that the tax sale will be held on September 29, 2004 at 10:00 a.m. in the Town Clerk’s office. As of September 14 there were 14 properties on this list. Barnett will represent the Town at the tax sale.
- o O’Keefe also noted that a representative from the Selectboard needs to be made to the Traffic & Parking Study steering committee. Edward Soboleski volunteered to be the representative.
- o Harty noted that the Town had won the Supreme Court case regarding the USGen appeal for the assessed value of the property. Harty stated that as a Board member he would like to be informed when something this major takes place and not read it in the papers.
- o O’Keefe noted that there will be a tree removal hearing on Monday, October 4 about trees at the Bellows Falls Village Playground.
- o Barnett asked that O’Keefe get the lights in the Women’s Club meeting room fixed before the next meeting.

- 18. EXECUTIVE SESSION: *Leslie Goldman made the motion to enter into executive session to discuss a personnel issue at 9:20 p.m. Motion was seconded by Dennis Harty. Motion passed unanimously.*

O’Keefe was asked to remain for executive session.

The Board came out of executive session at 10:10 p.m. No announcements or decisions were made.

- 19. ORDERS, BILLS & WARRANTS: Orders, bills and warrants were reviewed and signed by the Board.
- 20. ADJOURN: Meeting was adjourned at 10:10 p.m.

Attest: *Kerry Bennett*
Kerry Bennett, Recording Clerk

TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
Tuesday, November 16, 2004
7:30 P.M.

LOCATION: Rockingham Town Hall, Women's Club Meeting Room

MEETING OF THE ROCKINGHAM BOARD OF LIQUOR COMMISSIONERS

Meeting of the Rockingham Board of Liquor Commissioners was called to order at 7:30 p.m. by Chairman Lamont Barnett.

1. PAUL KANE – REQUEST TO CATER AT THE WINDHAM: *Edward Soboleski moved to approve the request to cater from Paul Kane to cater musical events at The Windham on Thursday, Friday and Saturday nights from 7:30 p.m. to 12:30 a.m. from November 14, 2004 through February 14, 2005 and that the Town Clerk be authorized to sign this request. Motion was seconded by Leslie Goldman. Motion passed unanimously.*

MEETING OF THE ROCKINGHAM SELECTBOARD

1. CALL TO ORDER: Meeting of the Rockingham Selectboard was called to order at 7:32 p.m. by Chairman Lamont Barnett.
2. APPROVE MINUTES OF THE MEETING(S) OF OCTOBER 27, 2004 & NOVEMBER 2, 2004: *Edward Soboleski moved to approve the minutes of October 27, 2004 and November 2, 2004 as printed. Motion was seconded by Dennis Harty. Motion passed unanimously.*
3. MANAGER'S REPORT:
O'Keefe reported that the public meeting held here last night for the hydroelectric purchase was well attended. He also stated that the Special Town Meeting would be held on Monday, November 22, 2004 at 7:30 p.m. in the Town Hall Auditorium (Falls Cinema) with voting by Australian Ballot at the Masonic Temple on Tuesday, November 23, 2004 from 9:00 a.m. to 7:00 p.m.
4. COMMITTEE REPORTS: None
5. CONSIDER AMENDMENT TO THEATER & ENTERTAINMENT PERMIT: O'Keefe noted that Gary Smith had received a theater and entertainment permit on August 6, 2004 for "The Windham". He would like to be able to amend the permit to include other sites around the community, specifically at 33 Bridge Street.

Edward Soboleski moved to amend the Theater and Entertainment Permit issued to The Windham on April 6, 2004, to allow for events to take place elsewhere in the community. Motion was seconded by Dennis Harty. Motion passed unanimously.

Harty noted that in the future, he would like to see the permit application be more specific to the sites where events will take place. O'Keefe stated that he would take a look at the ordinance and see what specificity is required.

Rockingham Selectboard Meeting
November 16, 2004 – Page 2

6. HEARING CONTINUATION ON DISCONTINUANCE OF KERR ROAD (TH#71): Barnett noted that this item had been tabled at the July 27, 2004 Selectboard Meeting, until more information was available. Russ Capron, property owner, was present at tonight's meeting also.

Capron reported that he would have no problem with the discontinuance of the road, however, there is a tree that is rotting and he would like this addressed by the Town.

Edward Soboleski moved that the Board discontinue Kerr's Road (TH#71) as a Class 3 Town Highway, and that the Town make arrangements to have the aforementioned tree removed at Town cost. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

7. DISCUSS MULTI-TOWN HOUSING REVOLVING LOAN FUND PROGRAM: Richard Ewald, Director of Community Development was present to give the Board an update on this program. Ewald explained that Rockingham would be the lead town in this program covering communities in Windham and Southern Windsor counties. The purpose of this loan fund program is to provide low to moderate income property owners the ability to make necessary improvements to their homes. This will be applied for in February and Ewald will keep the Board informed.
8. CONSIDER POLICY ON CONTRIBUTIONS TO SOCIAL SERVICE AND OTHER AGENCIES: Barnett noted that O'Keefe and Goldman had come up with a policy for the Board to discuss and approve.

Leslie Goldman moved that the Board approve and execute the proposed policy on municipal contributions to social service agencies. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

9. DISCUSS MUNICIPALIZATION: Barnett stated also that the public meeting held last night was well attended and many questions were asked and answered. An information sheet will be mailed out tomorrow to the voters in the town of Rockingham. Soboleski stated that he felt the Board should also make phone calls.

Harty stated that he felt the Selectboard should come up with some agreement between the Town of Rockingham and the Village of Bellows Falls as to what tax payment or payment in-lieu-of-taxes the Village could expect out of this agreement. Charles Jarras, Village President, and Stewart Read, Village Trustee, were present to discuss this issue. Read expressed his concerns regarding the intentions of the Selectboard in protecting the Village's interests. He would like to see an agreement signed by the two boards prior to the vote on November 23. He has been in contact with the Village Attorney, Raymond Massucco, and has presented a formula to the Manager. However, the Manager stated that this formula did not appear to work well as currently laid out.

Rockingham Selectboard Meeting
November 16, 2004 – Page 3

O'Keefe read how the taxes were divided now with the School Department getting 47.9%, the Town of Rockingham gets 29.6%, and the Village of Bellows Falls gets 27.5%

Barnett noted that there was approximately \$700,000 in property that would need to be taken out of this equation outside the Village. Soboleski suggested that a formula be derived from the Grand List of the Town & Village and the personal property taxes to find a percentage for each.

Goldman stated that she felt that the Trustees need to have faith in the Selectboard. That it was the Selectboard's position to protect the interests of both the Village of Bellows Falls and the Town of Rockingham. Harty, however, stated that he would like to have an agreement signed with the Trustees before the vote next Tuesday.

Dennis Harty made the motion to draw up an agreement between the Bellows Falls Village Corporation and the Town of Rockingham consistent with the tax split as it has been this past year. There was no second to the motion.

Charles Jarras, Village President, asked for a verbal poll from the Selectboard on their intentions towards the Bellows Falls Village:

- ❖ DiBernardo stated that she had taken an oath to serve all the people in this community and felt very insulted that it was insinuated that the Selectboard would not protect the Village.
- ❖ Goldman stated again that she didn't understand why these two boards could not work together and stated that she felt the Boards could work together in good faith.
- ❖ Barnett stated that he was born here, had his business in the Village, and he was committed to protecting both the Town and the Village in these endeavors.
- ❖ Soboleski stated that it has always been his intention to protect both the Village and the Town.
- ❖ Harty stated that he was a resident of the Town of Rockingham along with the only Selectboard member residing in the Village. He is committed to support each and every taxpayer in this community.

Jarras thanked the Board for its commitment and stated that he has faith in the Selectboard and feels that the Village of Bellows Falls will get its fair share.

10. Other Business:

- Carol Holden, property owner, was present to discuss the legality of tax sale costs with the Board. She stated that there may be an error in the cost of notices in the newspapers. She had received a refund check for the attorney's office when she had paid for her taxes, fees, etc., of \$104.40. She is asking that the Board find out what the actual costs of advertising are and not estimate these values. O'Keefe stated he would be happy to look this over and see what he can find out.

Rockingham Selectboard Meeting
November 16, 2004 – Page 4

- Ryan Ostebo and Mary Hepburn, Saxtons River, were present to discuss a previously issued access permit for their property. Ostebo handed out maps of the site and photographs showing where the pole placement is. One of the conditions of this permit was that the pole be taken out. It is going to cost \$1100 to \$1200 to get this pole relocated by Green Mountain Power. All other poles on this street are in a similar proximity to driveways and would like the Board to consider eliminating this condition.
 - ❖ *Edward Soboleski moved that the Board remove the requirement to have the pole relocated and that the property owner be allowed to pave with acceptable pavers. Motion was seconded by Dennis Harty. Motion passed unanimously.*
 - O'Keefe reported that there would be a ribbon cutting at the new Radio Shack, located in the Newberry building, on Friday, November 19 at 9:00 a.m.
 - O'Keefe reported that the issue of the lack of lights at the Masonic Temple for voting is being taken care of.
 - Stan Davis, FACTV cameraman, made the comment that this community now has its own Internet, its own phone service, and will soon have its own radio station. Wouldn't it be great to have our own power station.
11. Executive Session (if necessary): No executive session was necessary.
12. Orders, Bills & Warrants : Orders, Bills and Warrants were reviewed and signed by the Board.
13. Adjourn: *Dennis Harty moved to adjourn the meeting at 9:35 p.m. Motion was seconded by Edward Soboleski. Motion passed unanimously.*

Attest: *Kerry Bennett*
Kerry Bennett, Recording Clerk

Received for the record Rockingham Town Clerk's Office December 9, 2004
at 1:51 p.m.

Attest: *Doreen B. Aldrich* Town Clerk
Doreen B. Aldrich

TOWN OF ROCKINGHAM
MEETING OF THE SELECTBOARD
Tuesday, December 7, 2004
7:00 P.M.

LOCATION: Rockingham Town Hall, Women's Club Meeting Room

Present: Lamont Barnett, Ann DiBernardo, Dennis Harty, Leslie Goldman, Edward Soboleski.

Also Present: Shane O'Keefe, Municipal Manager; Kerry Bennett, Recording Clerk; Ellen Howard, Planning/Zoning/Health Department; Edward Howard, Falls Cinema; Russell Capron, landowner Kerr's Road; Richard Ewald, Development Director.

MEETING OF THE ROCKINGHAM BOARD OF LIQUOR COMMISSIONERS

1. Meeting of the Rockingham Board of Liquor Commissioners was called to order at 7:00 p.m. by Chairman Lamont Barnett. Vermont FAI, Inc. (Black Bear Pub), Springfield, VT, request to cater malt and vinous beverages & spirituous liquors – Sonnax Christmas Party @ Vermont Academy.

Edward Soboleski moved that the Board approve the request to cater from Vermont FAI, Inc. (Black Bear Pub) to cater the Sonnax Christmas party at Vermont Academy on December 18, 2004, from 5:00 PM to 11:00 PM. Motion was seconded by Leslie Goldman. Motion passed unanimously.

MEETING OF THE ROCKINGHAM SELECTBOARD

1. CALL TO ORDER: The regular meeting of the Rockingham Selectboard was called to order at 7:02 p.m. by Chairman Lamont Barnett.
2. APPROVE MINUTES OF THE MEETING(S) OF NOVEMBER 15, NOVEMBER 16, & NOVEMBER 29, 2004: *Leslie Goldman moved that the minutes of November 15, November 16 and November 29, 2004 be accepted as printed. Motion was seconded by Edward Soboleski. Motion passed unanimously.*
3. MANAGER'S REPORT:
 - Vermont League of Cities & Towns will hold a legislative strategy session in Hartford on January 11. Information is available from the manager.
 - An announcement has been received from the Superior Court of Vermont assistant judges of a budget meeting for 2005-2006 County Budget on December 9 at the courthouse.
 - The Rockingham Tree Committee will meet on Monday, December 13, 2004 at 5:15 in the 3rd Floor Meeting Room, Town Hall.

Rockingham Selectboard Meeting
December 7, 2004 – Page 2

- A letter has been received from Adelphia Cable expressing its interest in meeting with the Board to discuss any concerns. Barnett stated that he was aware of FACTV having some concerns. O’Keefe will contact Adelphia about scheduling a time to be placed on the Board’s agenda.
 - A letter has been received from Bob Petit & John Blake relating to their property on Sand Hill Road regarding gating the property. O’Keefe will look into this.
 - A request has been received from the Saxtons River Trustees to rename the Tenney Bridge. A public hearing may have to be scheduled for this.
 - There will be a ribbon cutting on the new Tenney Bridge on Wednesday, December 15, 2004 at 1:00 p.m.
 - A petition has been received to include on the Town Warning in March, the question – Shall the Town adopt the Natural Resource Overlay District as Ellen Howard noted that this had come before the Planning Commission and the recommendation of the Commission was to not adopt this. This item will be put on an agenda in January.
 - A revised budget meeting schedule was handed out.
 - A copy of a memo from Attorney Mike Harty in reference to the Carol Holden complaint about advertising fees for properties going up for tax sale was received. It appears that this was handled properly and a copy of this memo will be sent to Ms. Holden.
 - A grant has been received for \$100,000 for the Town Hall renovations from Preservation Trust of Vermont thanks to Senator Patrick Leahy.
 - The Town has also received just under \$2 million for the intermodal center project.
 - O’Keefe reported that he had spent all day waiting and working on paperwork on the final documentation for the Hydro purchase. Everything has been signed and sent and the \$72 million is transferring to Vermont Hydroelectric Power Authority.
4. COMMITTEE REPORTS:
- DiBernardo reported that she will be meeting with the Department of Economic Services tomorrow to discuss concerns regarding the Town Service Officer responsibilities, vouchers, etc.
5. PUBLIC HEARING ON PROPOSED ZONING BYLAW AMENDMENT – ESTABLISHMENT OF THE DOWNTOWN DESIGN CONTROL DISTRICT: Barnett opened the Public Hearing. Ellen Howard, Zoning Administrator, was present to discuss this issue. Howard reports that new changes have taken place in Title 24, Chapter 117 with wording and is requesting that new language proposed in a handout distributed by Howard be approved and that this hearing be continued to January 4, 2005.

Edward Soboleski moved that the Board continue the public hearing on the proposed zoning bylaw amendment – Establishment of the Downtown Design Control District - to January 4, 2005, and to accept the changes as distributed. Motion was seconded by Dennis Harty. Motion passed unanimously.

Rockingham Selectboard Meeting
December 7, 2004 – Page 3

6. CONSIDER SUBMISSION OF PROPOSED WASTE FACILITY TOWN PLAN AND ZONING BYLAW AMENDMENTS: Ellen Howard was also present to discuss this issue. The Landfill Siting Criteria Steering Committee submitted its changes to the Town Plan and Zoning Bylaws recently to the Planning Commission. The Planning Commission has held a hearing and is now submitting these amendments to the Board. At this time the Board should set two (2) public hearings for the Town Plan amendment and one (1) public hearing for the Zoning Bylaw amendments.

Edward Soboleski made the motion to hold two (2) public hearings in conformance with 24 VSA 4385(a), on January 4, 2004 and January 18, 2004, relative to a proposed Town Plan amendment establishing waste facility siting criteria. Motion was seconded by Dennis Harty. Motion passed unanimously.

Leslie Goldman moved that the Board hold a public hearing, in conformance with 24 VSA 4442 (a), on January 4, 2005, relative to a proposed Zoning Bylaw amendment establishing waste facility siting criteria. Motion was seconded by Edward Soboleski. Motion passed unanimously.

7. CONSIDER DISCONTINUANCE OF KERR'S ROAD (TH#71): O'Keefe stated that the Board had voted to discontinue Kerr's Road at the meeting of the Selectboard on November 16, 2004. At this time the Board is asked to execute the Decision and Order related to that action.

Edward Soboleski moved to execute the Decision and Order for the discontinuance of Town Highway 371, Kerr's Road. Motion was seconded by Ann DiBernardo. Motion passed unanimously.

O'Keefe also noted that the Board had also voted at the November 16, 2004 meeting to arrange for removal of a tree across from Russ Capron's home. Tim Morton, Tree Warden, had looked at the tree and found that it was not likely to strike Mr. Capron's home. Capron stated that he believes that Morton looked at the wrong tree and has spray painted an X on the correct tree. The Town is still planning on removing the tree.

8. UPDATE ON EMERGENCY MANAGEMENT PLAN: O'Keefe stated that he had supplied an update in the Staff Memo distributed to the Board with their packet of information for tonight's meeting. Clough, Harbour & Associates of Keene, NH has been contracted to do the Emergency Management Plan. There will be an emergency planning committee meeting on Thursday, December 16, 2004 at 4:00 p.m. in the 3rd floor meeting room of the Fire Station.
- 8 DISCUSS NEWSPAPER OF RECORD: Leslie Goldman had asked for this subject to be put on the agenda. Goldman stated that the reason for her request was the recent editorial in the Eagle Times regarding the proposed Hydro purchase. She stated that she felt the article was very biased.

Rockingham Selectboard Meeting
December 7, 2004 – Page 4

Richard Ewald, Development Director, spoke up in support of the Eagle Times stating that this paper had the best coverage for this community.

Ellen Howard, Zoning Administrator, stated that the Eagle Times was very easy to work with regarding legal notices, ads, etc.

Barnett called for a consensus of the Board and it was decided to stay with the Eagle Times with the only no vote from Goldman.

O'Keefe pointed out that the reporter from the Eagle Times was the only one present to cover the meeting tonight.

9. DISCUSS POLICY ON LIGHT POLE BANNERS: O'Keefe noted that the new light poles on Canal Street and Depot Street are equipped with mast arms for banners. The ones in the Square are not and it would cost quite a bit to retrofit these to be consistent with the newer poles.

Barnett suggested that an application form to hang banners be developed for those interested in hanging banners in the downtown, with a review process and approval by the manager. It was also suggested that possibly the Bellows Falls Downtown Development Alliance could be involved in this.

A committee will be formed to develop a policy and application process.

10. CONSIDER THEATER & ENTERTAINMENT PERMIT – PIZZA PALACE II: A request has been received from Pizza Palace II for a jukebox, candy crane and video game.

Leslie Goldman moved to approve the Theatre and Entertainment Permit for Pizza Palace II at 111 Rockingham Street to allow a juke box, candy crane and a video game. Motion was seconded by Dennis Harty. Motion passed unanimously.

11. DISCUSS THEATER & ENTERTAINMENT UPDATED FORM: At the last Selectboard meeting the Board had asked for an updated permit form for review by the Board, to include more specifics on places events are held. Goldman stated that she did not like the language on the form stating that no music would be allowed on Sundays until after 1:00 p.m. and felt that this should be taken out. It was decided to take out the restriction line and insert another category, "Approved With Conditions", and have a space for those conditions.
12. CONSIDER FEE WAIVER FOR USE OF WOMEN'S CLUB ROOM:
 - a) Rotary – December 4, 2004 – for use during Holiday Extravaganza
 - b) Women's Health Advisory Council – April 11, 2004 – training of hairdressers, massage therapists, etc. to increase awareness and resources for clients – domestic violence, sexual abuse & healthy sexuality.

Rockingham Selectboard Meeting
December 7, 2004 – Page 5

Leslie Goldman moved that the Board approve the free waiver requests noted above for the Rotary Club for December 4, 2004 and the Women's Health Advisory Council for April 11, 2004. Motion was seconded by Edward Soboleski. Motion passed unanimously.

13. REVIEW & DISCUSS FY2006 BUDGET: On the schedule for this meeting, along with Deane Haskell, Finance Director, were Edward Howard, Theater Manager, and the Administration Budget.

Haskell passed out information on highway wages that the Board had requested at the previous night's meeting. Haskell reviewed and answered questions the Board had on this item.

New Falls Cinema – Edward Howard:

Howard reported that his budget is pretty straight forward and that everything depends on the box office. The theater is undergoing some major renovations at this time which will require the theater to be closed from time to time. This will have an effect on the revenue brought in, but also the expenditures will decrease to reflect this. Haskell has suggested that Howard consider hiring adults in the part time positions to help with the disciplinary problems experienced in the theater over the past.

Harty commended Howard on the good job he is doing in the theater.

Administration Budget – Deane Haskell & Shane O'Keefe:

- Haskell outlined the budget with highlighted items addressed listed below:
- The Social Service Agencies are not listed in the budget yet, as they will be voted on at Town Meeting.
- The Selectboard expenses were discussed and O'Keefe urged board members to submit requests for any out of pocket expenditures.
- A new format for the Town Report was discussed. Kerry Bennett will review the newspaper insert format for this year's Town Report.
- The office technology budget yielded a fairly length discussion. The recommendation from the Manager is to replace all the computers in the town hall and have everyone with the same software. This will make maintenance, communication, etc., much easier. Haskell also noted that the split of the office technology in the Town Hall should be changed to reflect a more accurate accounting of the Town/Village split. O'Keefe is suggesting a 75% Town and 25% Village split. The Board was in agreement with this.
- Municipalization was discussed. This will be an enterprise fund and details are still being worked out about tax payments, fund balances, etc. It will probably be necessary to consult with an accountant specializing in this.
- Insurance & Benefits – Haskell noted that there were significant changes in this item due to the different insurance plans offered.
- The Saxtons River 4th of July donation will be put on the Special Services list.
- A line item has been added for Town Service Officer for expenses.

Rockingham Selectboard Meeting
December 7, 2004 – Page 6

- Capital Projects - \$50,000 will be taken out for
- The Stable Building at the Waypoint Center was discussed. The Board is still unsure about this and will revisit this item.
- There is a \$10 thousand water tank replacement for the Rockingham Volunteer Fire Department. Haskell will check to see if there is enough in the fire reserve fund to cover this.

Haskell noted that he will have preliminary changes for the Board for the next budget meeting on December 13, 2004.

14. OTHER BUSINESS: There was no other business to come before the Board.
15. EXECUTIVE SESSION: *Leslie Goldman moved to go into executive session at 10:30 p.m. to discuss a real estate contract. Motion was seconded by Ann DiBernardo. Motion passed unanimously.*

Shane O’Keefe, Municipal Manager, and Richard Ewald, Development Director, were asked to attend.

The Board came out of executive session at 10:45 p.m. No decisions or announcements were made.

16. ORDERS, BILLS AND WARRANTS: Orders, bills and warrants were reviewed and signed by the Board.
17. ADJOURN: The meeting was adjourned at 10:45 p.m.

Attest: *Kerry Bennett*
Kerry Bennett, Recording Clerk

Received for the record Rockingham Town Clerk's office December 14, 2004 at 8:46 A.M.
Attest: *Brenda Davignon* Assistant Town Clerk
Brenda Davignon

State of Vermont

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation



AGENCY OF NATURAL RESOURCES
103 South Main St., 10 South
Waterbury, Vermont 05671-0601

DEPT. OF FORESTS, PARKS AND RECREATION

802-241-3693
State Lands Division

Fax: (802) 244-1481

July 7, 2004

Town of Rockingham Selectboard
P.O. Box 339
Rockingham, VT 05101

Dear Board Member:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to:

1. Reclassify Town Highway #25 from a Class III Town Highway to legal trail.
2. Reclassify Town Highway #18, Tuttle Road from Class III and Class IV to designation as legal trail.

For your information, it has been the policy of this Department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or location to be of value to snowmobilers, cross-country skiers, hikers, horseback riders, and other recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

This Department has no objection to your proposed reclassification provided the Town reclassifies the roads to "trail" status and by doing this will ensure that the right-of-way is retained for possible future use but the Town would have no responsibility for maintenance.

With the passage of H. 83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. 711 states in part:

"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. 302(a)
(3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

I am enclosing a copy of the "Town Policy on Class 4 Roads and Trails" issued by the Vermont Trails and Greenways Council. You will find a copy of the Department's policy on road discontinuance in this enclosure. You may want to consider a similar policy in the Town of Rockingham. Having such a policy will help to ensure that you will not be required to maintain Class 4 roads or trails or upgrade them to Class 3. Also enclosed is a "Class 4 Highways and Trails Fact Sheet" that may help to answer some questions you might have about this issue.

This Department will not be represented at your meeting on July 27, 2004, but we ask that this

letter and attachments be entered into the proceedings. We also request that local trail organizations such as snowmobile clubs be notified of the proposed discontinuance.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely yours,

A handwritten signature in black ink that reads "Mike Fraysier" followed by a slanted line and the letters "rcf".

Mike Fraysier
State Lands Director

rcf

Enclosures

Cc: Trails Coordinator, VAST
FPR District Trails Coordinator
Planning Office, AOT