

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1999

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 20, 1999 TO:
Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

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

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

DISTRICT 2,3,4

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	* TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000	—	—	0.0	*
* CL1 LANE	.000	—	—	0.0	*
CLASS 2	11.850	—	—	11.850	*
CLASS 3	43.340	—	0.550	42.790	*
STATE HWY	11.822	—	—	11.822	* 7.652 (RT 131)
TOTAL	67.012		0.550*	66.462	* 7.652
CLASS 4	3.450	0.550		4.000	*

* Class 1 Lane Mileage is NOT added into the total.

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

(1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

NONE

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

NONE

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

0.550 MILES OF TH#36 RECLASSIFIED FROM CLASS III TO CLASS IV

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

RT 131 STATE HIGHWAY - ON FILE W/VAOT BY ORDER OF TRANSPORTATION BOARD
ATTACHMENTS = CERTIFICATE OF RECLASSIFICATIONS & MINUTES 10/13/98, 11/9/98, 11/16/98, 12/14/98 & 12/20/98.

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

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES
SIGNATURES:

William L. Buswell
Wayne E. Sullivan
Robert W. Fletcher
Sandra T. Stearns
Daniel W. Churchill

CLERK SIGNATURE: Jane L. Cyley

DATE FILED 2-19-99

Please sign ORIGINAL & return for Transportation signature.

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

APPROVED: Donald C. Harney
Representative, Agency of Transportation

DATE: 2/25/99

Whereas the Board of Selectmen of the Town of Cavendish has concluded that the public good, necessity and convenience of the inhabitants of the municipality require reclassification of Town Highway #36, Old Bailey Hill Road to class 4 highway and

Whereas the Cavendish Board of Selectmen, in accordance with VSA T.19 § 709, did properly warn and advertise a public hearing regarding the proposed reclassification of Town Highway #36 and held a site visit and hearing on Monday, November 16, 1998 and

Whereas the issue of reclassification of Town Highway #36 and review of the public comments received at the hearing was further considered at the regular warned meeting of the Cavendish Board of Selectmen on December 14, 1998 and

Whereas the Board of Selectmen duly recognizes that some 2.0 miles more or less of State Forestry Highway makes wintertime access to Town Highway #36 by the Town Highway Department impossible as said State Forestry Highway is not maintained during the winter months and that therefore the Town is not able to provide winter maintenance for Town Highway #36 and

Whereas on December 14, 1998 the Board of Selectmen voted approval to reclassify Town Highway #36 as class 4 by a vote with four in favor and one recusal, then:

In accordance with the requirements of VSA T.19 § 711, the Board of Selectmen of the Town of Cavendish, Vermont does hereby order the reclassification of Town Highway #36 to Town Highway Class 4 effective January 1, 1999 and that this report be duly recorded by the Cavendish Town Clerk.

Dated at Cavendish, Vermont this 28th day of December, 1998.

William L. Buswell
William L. Buswell

Daniel W. Churchill
Daniel W. Churchill

Sandra F. Stearns
Sandra F. Stearns

Robert W. Glidden
Robert W. Glidden

Wayne Gilcris
Wayne Gilcris

Received for the Record December 29, A.D., 1998 at 9:00 A.M.

Attest: Jane S. Pixley Town Clerk
Jane S. Pixley

Received for record December 29 A.D. 1998 at 9 o'clock

00 min AM.

A True Record.

Attest: Jane S. Pixley Town Clerk
Jane S. Pixley

I hereby certify that this is a true and correct copy of road reclassification on file in the Land Records of the Town of Cavendish recorded in Book 50 Page 224.

Attest: Jane S. Pixley Town Clerk

TOWN MANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

To: Board of Selectmen

From: Richard F. Svec, Town Manager

Subject: Selectmen's Meeting, TUESDAY, OCTOBER 13, 1998 beginning at 6:00 PM at the Proctorsville Revitalization Project Site (Meet in front of the Freeman House) and then, after a brief site visit, resuming at the meeting room of the Cavendish Town Office at approximately 6:30 PM

..... AGENDA

1. Call the meeting to order
2. Site visit at the Proctorsville Revitalization Project
3. Recess to move the meeting to the Cavendish Town Office Meeting Room (Approximately 6:30 PM)
4. Reconvene
5. Sign Orders
6. Act on the minutes of the last meeting(s)
7. Review Correspondence
8. Hear citizens
9. Adjust agenda
10. Consider request of Listers for approval to correct a manifest error on the FY 1998-99 Grand List
11. Establish date for site visit and public hearing with regard to that section of Town Highway #36, Old Bailey Hill Road, which is currently classified as Class 3 and which is being considered for reclassification to Class 4 Town Highway per relevant sections of Title 19 of Vermont Statutes.
12. Consider letter from the Traffic Operations Section of the Vermont Agency of Transportation pertaining to a request for a flashing beacon signal at the school zone at CTES
13. Review the plan of CVPS to extend power lines along East Road (from the intersection with Chubb Hill Road westerly to the property of LaBelle.
14. Consider the request of the current owners of 16 Pratt Hill Road (formerly the Depot Corner Inn) to change the sewer allocation & billing for that property to reflect the modification of the building to a one family private residence.
15. Other business

**Cavendish Selectboard Meeting
October 13, 1998**

Bill Buswell called the meeting to order at 6:00 PM with a site visit at the Proctorsville Revitalization Project Site. Present were: Sandra Stearns, Dan Churchill, Robert Glidden, William Buswell Rich Svec and Wendy Brothers. Jane Pixley was at the site visit. Diana Hayes was present at the 6:30 pm meeting.

Recess to move the meeting to the Cavendish Town Office Meeting Room.

Reconvene meeting at 6:30pm at Town Office Meeting Room. Bill asked Selectboard to sign orders at their convenience.

#6 Act on the minutes of the last meeting(s) - July 16, August 10, August 13, August 17, August 20, September 14, and September 25.

Sandra Stearns moved/Dan Churchill seconded a motion to accept the minutes with corrections to August 10; (page 2 The DHART helicopter), August 13; (page 1, paragraph 4 - The bid included all 5 elements plus electrical work which was not specified), August 17; (paragraph 8 - A) Conduct further study and consider the bid.... for only the following project elements), August 20; (paragraph 4 - Dan Churchill moved/Robert Glidden seconded a motion to purchase International Series 2554 truck from Seward's with the 7 year warranty, paragraph 6 - with a 55 side degree of dump, paragraph 7 - with 30 side degree, paragraph 8 - 9 ft body, can install 10 ft body... There is a maximum 35 side degree; paragraph 9 - There is currently a 10 ft body available; Milt Bixby said he likes Tenco because it has heavier metal and honey comb understructure, page 2, paragraph 6 -Steve Hart has discussed the issues presented at the August 17th selectboard meeting with his boss), September 14; (page 2, paragraph 1 - Robert Glidden moved/Dan Churchill seconded a motion that we allow up to \$2,000 to be spent on necessary maps as requested for Act 200 compliance, paragraph 4 Gold Stone Marble (Ruby Brothers) donated and delivered the antique verde marble base, page 3 #15 Other Business - The State CAPTAP program license agreement was signed, the town has received \$32,458 of enhancement funds to supplement, page 4 paragraph 2 - Regarding Act 125 - it is now required that the Clerk must file a form as specified by the Secretary of State. This form regards town permits. Paragraph 5 - The road needs a drop inlet across from the Bakery. There also needs

to be one by the concrete slab in front of the brick building), and September 25th minutes - paragraph 2 - There was a discussion regarding how to proceed until review/consideration. (paragraph 5 - seconded a motion to reject offers received on both available properties). The board will meet Thursday. All were in favor.

Dan Churchill moved/Sandra Stearns seconded a motion to accept the minutes of the October 1st and October 7th meeting with corrections to October 1 minutes: (paragraph 4 - regarding Parcel #1 (ie) property on Hardscrabble to accept an offer of \$77,000. ~~Bill Buswell to sign.~~ Paragraph 5 - Parcel #2 - 3 active offers - It was decided to need to refer to legal counsel regarding one of the offers.) October 7 - (paragraph 4 - quit claim deed as advertised. It was further specified that..... Rich will contact Matt Birmingham. Paragraph 5 - #2 Other Business - generator building for Midway Station. Paragraph 6 Bill Buswell expressed concern regarding He has recently discussed this issue with Joel Stigers. Paragraph - Sandra Stearns pointed out recent correspondence regarding. All were in favor.

#7 Review Correspondence - Bill asked the selectboard to review correspondence at their leisure.

#8 Hear Citizens - No citizen comments.

#9 Adjust agenda - It was the consensus of the board to go to item #12 as Diana Hayes was present and was the person involved in writing letter to AOT regarding flashing safety light at CTES.

Add item 10A - Discuss forthcoming vote on the Windsor County Court House bond issue.

#12 Consider letter from the Traffic Operations Section of the Vermont Agency of Transportation pertaining to a request for a flashing beacon signal at the school zone at CTES. - Diana expressed her concerns with safety issues at Cavendish Town Elementary School (CTES) the school especially when school is letting out at the end of the day. It was mentioned that the site visit should have taken place when school is letting out. It appears it was done when school was in session not when the traffic problem was in evidence. If they visit at such a time, the dangerous aspects would be much more evident. The Town Manager will write a letter to AOT for the selectboard to sign.

Robert Glidden moved/Dan Churchill seconded a motion to write back to Mark _____

at AOT and ask him to revisit the site and to observe at a time when school is letting out and also to meet with the school Principal, Town Manager and others concerned. All were in favor.

#10 Consider request of Listers for approval to correct a manifest error on the FY 1998-99 Grand List - Sandra Stearns moved/Robert Glidden seconded a motion to approve request of listers to correct an error in the Grand List of 1998-1999. A camper belonging to Edward Lemieux with an assessed value of \$2,900 should not appear in the Grand List. All were in favor.

#10A Windsor County Court House Bond Vote issue - Bill Buswell discussed concerns with regard to the forthcoming Windsor County court house bond vote. The selectboard should publicly express its opinion on this issue. There was discussion regarding the possibility of placing an advertisement in the newspaper supporting a "no vote".

Dan Churchill moved/Sandra Stearns seconded a motion that the selectboard of Cavendish agree to contribute for a shared advertisement (with other towns) to recommend voting no on the Windsor County court house bond vote on the rehabilitation and expansion of the Windsor County court house to take place on November 3rd. There should be a meeting of the Windsor County Selectboard to determine wording of this advertisement before Cavendish selectboard sign. All voted in favor.

A letter to the editor will be written and placed in the Black River Tribune and The Message.

#11 Establish date for a site visit and public hearing with regard to that section of Town Highway #36, Old Bailey Hill Road, which is currently classified as Class 3 and which is being considered for reclassification to Class 4 Town Highway per relevant sections of Title 19 of Vermont Statutes. - Rich stated that he felt that it would be wise to combine the site visit and the public hearing on the same day. He also said that there needs to be 30 days notice regarding same. It was the consensus of the board to have November 16th set as the date, with the site visit scheduled to be at 2:30pm and the public hearing to be at 4:00pm in the meeting room of the Town office. Motion to this was made by Dan Churchill and seconded by Sandra Stearns. All were in favor.

#13 Review the plan of CVPS to extend power lines along East Road (from the intersection with Chubb Hill Road westerly to the property of LaBelle). - The selectboard

requested that the Town Manager look out for the best interests of the Town in this matter. Sandra Stearns moved/Robert Glidden seconded a motion not to object to CVPS's plan to extend power lines to Peter LaBelle property along East Road but that the Town Manager should review the exact pole placement along with the line superintendent. All were in favor.

#14 Consider request of the current owners of 16 Pratt Hill Road (formerly Depot Corner Inn) to change the sewer allocation & billing for that property to reflect the modification of the building to a one family private residence - It was the consensus of the board to defer this decision until the November 9 selectboard meeting and have the owner of property come to meeting and bring plans of what he plans to do with the property in for the selectboard to review. See number of bedrooms, bathrooms, etc. planned.

#15 Other business -

Rich read a letter from Bryana Goodrich regarding speed limit sign for Whitesville Road. There was discussion of the placement of two speed limit signs.

The Municipal Officers' Management Seminar scheduled for October 27 at Lake Morey Inn was discussed. Dan Churchill stated he wished to attend. Sandra Stearns and Robert Glidden will not be able to attend. Bill Buswell was not sure as of yet.

Rich said the purchaser of old yellow Mill building in Proctorsville would like 1st option on the brick building should the current tenant default or otherwise terminate his lease. Rich will refer this matter to Matt Birmingham. The Board felt that they could begin a right of first refusal, but not with the same conditions as the current tenant. The town would have to consider the conditions of the offering, should the termination of lease occur.

Rich said he has a draft copy of the revised Town Plan available for the selectboard.

There was discussion regarding the Williams placque that used to be in front of Blanchard/Brunnell property in Proctorsville. The placque was removed when the new modular home was placed on that lot. The placque has not been put back. The Selectmen suggested that Tom Sabo discuss the issue with Dr. Williams and perhaps find a new location for the placque as it is not a town problem.

Rich said Etienne Ting has expressed an interest in filling a Planning Commission vacancy. Sandra Stearns moved/Dan Churchill seconded a motion to appoint Etienne Ting to

Planning Commission vacancy. All were in favor.

Sandra Stearns moved to adjourn at 8:50pm. All were in favor.

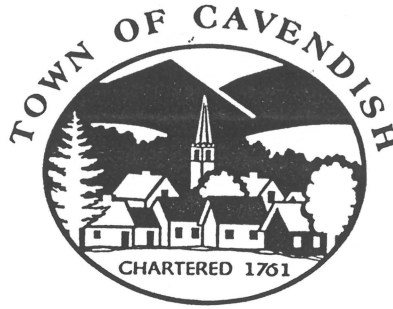
Approved by selectboard on:

William L. Buswell

Date

Nov 9, 1998

TOWN MANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

To: Board of Selectmen

From: Richard F. Svec, Town Manager

Subject: Selectmen's Meeting, Monday, November 9, 1998 in the meeting room of the Cavendish
Town Office at 6:30 PM

..... AGENDA

1. Call the meeting to order
2. Sign Orders
3. Act on the minutes of the last meeting
4. Review Correspondence
5. Hear citizens
6. Adjust agenda
7. Moment of silence in memory of Ronald Glidden
8. Welcome new Select Board member Wayne Gilcris who was elected 11/3 to fill the unexpired term of Tom Lazetera
9. Town Manager to introduce to the Board the new Highway Foreman, John Turco
10. Lucien and/or Constance Choiniere present as a follow-up to the Select Board's initial consideration (10/13/98) regarding the allocation of sewer to their property (former Proctorsville Inn, Allen's Inn and Depot Corner Inn)
11. Consider appointment of Kenneth Guy to vacant Planning Commission post
12. Discuss U.S. Census 2000 forthcoming activities and "Complete Count Committee"
13. Discuss forthcoming (November 16th) public hearing regarding reclassification of Town Highway #36, Old Bailey Hill Road
14. Update on Proctorsville Revitalization Project activities and work remaining
15. Consider survey request from USDA Rural Development office regarding communities' needs
16. Consider request from Cavendish Ambulance Service regarding the purchase of a patient simulator for the new defibrillator unit
17. Discussion of Town records books restoration progress
18. Other Business

Cavendish Select Board Meeting
November 9, 1998

Bill Buswell called the meeting to order at 6:30 PM. Present were: Bob Glidden, Dan Churchill, Sandra Stearns, Rich Svec, Wayne Gilcris, Yvonne Guy, Leo Graham (Black River Tribune) and Constance Choiniere.

#2 Sign Orders Bill Buswell asked the Select Board to sign orders at their convenience.

#3 Act on the minutes of the last meeting Sandra Stearns moved/Dan Churchill seconded that the Select Board conditionally approve the minutes of the last meeting subject to correction to Item #11 to read "Motion to this was made by Dan Churchill and seconded by Sandra Stearns. All were in favor".

#4 Review Correspondence Bill Buswell asked the Select Board to review correspondence at their convenience.

#5 Hear Citizens No citizen comments.

Bill Buswell took the opportunity at this time to recognize and congratulate Rich Svec on the Frances B. Elwell Award presented to Rich by the Vermont Town and City Management Association. The Select Board was unanimous in their support of the congratulations offered to Rich by Bill.

#6 Adjust agenda No adjustment to agenda.

#7 Moment of silence in memory of Ronald Glidden Bill recalled Ronald Glidden's years of service to the Town of Cavendish

#8 Welcome new Select Board member Wayne Gilcris who was elected 11/3/98 to fill the unexpired term of Tom Lazetera Board Chairman welcomed Wayne Gilcris to the

Select Board. Rich asked Wayne to contact Select Board members if he had any questions or needed any assistance. Wayne was also advised that he could review past correspondence, at his leisure, in the Town Office. Bill commented that the Selectman's Handbook was an excellent reference and noted that Rich had already given Wayne a copy of the book.

#9 Town Manager to introduce to the Board the new Highway Foreman, John Turco.

Rich welcomed John Turco on behalf of the Select Board and the Town of Cavendish as new Highway Foreman - he made reference to the period of time when John was a member of the Select Board and Rich was in the interview process for the Town Manager's position.

#10 Lucien and/or Constance Choiniere present as a follow-up to the Select Board's initial consideration (10/13/98) regarding the allocation of sewer to their property (former Proctorsville Inn, Allen's Inn and Deport Corner Inn). Mrs. Choiniere was

recognized by the Chairman. Rich Svec asked Mrs. Choiniere for information regarding modifications to the sewer and water in the proposed use of the property as a private residence and advised Mrs. Choiniere that the water connection status was a separate issue and would be reviewed by the Board of Water Commissioners. Mrs. Choiniere responded that the property in question was to be used as a family home with three (3) adults as the probable permanent number of occupants. Mrs. Choiniere also advised that at one time recently there had been as many as twenty-two (22) persons in residence but that was an unusual occurrence caused by various friends and family members assisting in the renovation of the property. Dan Churchill asked Mrs. Choiniere if there were any future plans to rent rooms to skiers - Mrs. Choiniere responded that they were intending to allow two couples to rent during the ski season which would probably amount to ten (10) weekends through the season. They have also installed a spa. Rich pointed out that the property currently is assessed for three (3) active sewer and water connections (ERUs) due to the large number of bedrooms and bathrooms contained in the building and prior use as an inn. He further advised that it would be unreasonable for the Choinieres to be assessed for only one (1) connection without some use history being established, it is still a very large building Sandra Stearns moved/Dan Churchill seconded a motion to allocate two (2) active and one (1)

inactive connection to the property subject to review of use after one (1) year. This rate will take effect beginning with the next quarterly reading period (December-February).

Upon the one (1) year review action may be taken to increase or decrease the number of active connections based on the use history. The vote in favor was unanimous.

#11 Consider appointment of Kenneth Guy to vacant Planning Commission post. Bill Buswell proposed Kenneth Guy to fill the vacancy on the Planning Commission. After discussion Bob Glidden moved/Dan Churchill seconded the appointment of Kenneth Guy to the Planning Commission. All voted in favor.

#12 Discuss US Census 2000 forthcoming activities and "Complete Count Committee." Rich informed the Select Board that the US Census Bureau had provided a set of guidelines for the Census 2000 that requested the information as to whether or not a "Complete Count Committee" was established in the Town of Cavendish. Rich advised that the previous count conducted in 1990 seemed to fall short of the actual number of residents. This could have significant impact on certain funding activities and it would, therefore, be in the best interests of the Town of Cavendish for a "Complete Count Committee" to be appointed. Wayne Gilcris moved/Bob Glidden seconded a motion to publicize the "Complete Count Committee" and seek appointees via the 'Black River Tribune', Town Meeting, etc. The vote in favor was unanimous.

#13 Discuss forthcoming (November 16th) public hearing regarding reclassification of Town Highway #36, Old Bailey Hill Road. Rich quoted from a letter from Atty. Sarah Vail to then Town Manager Rolf Van Schaik dated 1979 - which indicates that there is a long standing problem with this town road. He also presented copies of a letter from the Agency of Natural Resources signed by Ed Leary indicating the Agency's position. Rich quoted from Title 19 which outlines the responsibilities of the Town with regard to the definition and upkeep of Class III and Class IV roads. At this point the Select Board and the Town Manager briefly reviewed the history regarding this issue for Wayne Gilcris in order to bring him up to date on the status. Sandra Stearns stated that the November 16 public hearing must

go forward. Wayne Gilcris advised that he must recuse himself from the Select Board decision on this matter as he would be present as an interested party since his family owns and uses property accessed by TH#36. Rich advised that a decision on reclassification should be made before January 1999 due to State Aid deadlines.

The site visit is set for ^{2:30 PM}~~2:00 PM~~ November 16, 1998.

Public hearing will be held at the Town Office 4:00 PM November 16, 1998.

It was agreed that the Town Attorney's presence would be requested only in the event that Mr. Bidgood's attorney would attend the meeting.

At the hearing Rich will present a summary history of the events leading up to the public hearing. He also suggested that the Planning Commission may need to include some statements in the Town Plan regarding town highways which may help in the event that this kind of issue comes up in the future.

#14 Update on Proctorsville Revitalization Project activities and work remaining. Bill Buswell informed the Select Board as to the work performed by the Elfun Society and local volunteers at the site on October 17th. Rich advised that the Ludlow Okemo Valley Womens' Club is hoping to donate funds for shrubbery plantings. Remulching is being done by Bazin Bros. Construction because of loss of original mulch due to high winds. Electric service for exterior lighting is in the process of being completed. Paving will be done in June, presently additional gravel is being placed and grading completed on the Village Green Road.

A second monitoring review by the Vermont Community Development Programs staff is scheduled for November 30, 1998.

RACLT and Rich Svec believe the Freeman House will be ready for December occupancy. The ribbon-cutting ceremony has been scheduled for Friday December 4, 1998 at 3:00 PM. The Town Manager has written to Governor Dean requesting that he perform the ribbon-cutting. Rich asked for Select Board members to act as information resources at the Open House scheduled for December 4. Dan Churchill and Bill Buswell volunteered to be available from 3:00 PM to 5:00 PM with Bob Glidden and Wayne Gilcris taking over from 5:00 PM to 7:00 PM.

#15 Consider survey request from USDA Rural Development office regarding communities' needs. Rich read the questionnaire to the Select Board and asked for input from the Select Board in responding to the question regarding the Town of Cavendish priorities. The Select Board indicated the top priorities should be water/sewer, highways/sidewalks and bridges.

The Town Manager advised of the possibility of having to find a new water source in the future.

In response to the question of services needed in the community which are not currently being supplied the Select Board advised that a local medical service, i.e., Black River Health Center, is a high priority.

In response to the question of how the State and Federal Government may better serve the community Dan Churchill suggested recruitment of physicians and medical personnel for rural medical facilities. It was also suggested that the State system of tax collection needs improvement. Sandra Stearns would like to see greater recreational opportunities for the young people in the Town.

#16 Consider request from Cavendish Ambulance Service regarding the purchase of a patient simulator for the new defibrillator unit. The Cavendish Ambulance Service has requested funds for the purchase of a Quick Combo Patient Simulator (3 patient) for use with the new defibrillator unit. It was discussed that the defibrillator could not be used in practice without a receptor i.e. patient simulator. The Select Board perceived the need for the Ambulance Service personnel to be totally familiar with the use of the defibrillator in the event of a medical emergency. Bob Glidden moved/Dan Churchill seconded the motion to approve the expenditure of \$574.00 for the purchase of the Quick Combo Patient Simulator. The vote in favor was unanimous.

#17 Discussion of Town records books restoration progress. Rich reported that the recent charges for book restoration have been partially paid for by the surcharge added upon the filing fees per last year's legislation. The additional funds collect in that way have allowed Jane Pixley to have two volumes repaired instead of one. Sandra Stearns suggested that

perhaps a micro-fiche reader would enable researchers to access the Town records books and thus lessen the wear and tear on the books and documents. Rich said he thought there was a micro-fiche reader in storage in the Town Office but that it was not a popular means of searching records. Leo Graham advised the Select Board that Newsbank of Chester is going out of the micro-fiche business and may have equipment available. The Town Manager said he would look into that lead and discuss the matter with Jane.

#18 Other Business. Select Board members were requested to bring in their budget binders for new information to be inserted.

Neil Snyder and Jim Ballantine currently constitute the Budget Committee. Any candidates for appointment to the Budget Committee would be welcomed. Rich said he would be glad to contact any recommendations put forward.

Bill Buswell informed the Select Board of his intent to attend the County Budget Meeting in Woodstock on December 11, 1998 at 4:00 PM. Dan Churchill indicated that he would accompany Bill to that meeting.

Wayne Gilcris asked if there was any reason why trash from the Elementary School should not be disposed of by the Town of Cavendish instead of BFI. The Town Manager advised that he had previously approved of the school depositing their trash in the transfer station compactor. They would, however, have to sort out bottles and cans from the burnables. The town road crews should not be involved with trash handling as road maintenance, snow removal and so forth is their purview. Bill Buswell suggested that Wayne to attend the school board meeting to discuss the dumpster expense with that Board.

Wayne also inquired as to why the dump was holding so much metal. He was advised that, at the present time, all recyclable material prices were down - in fact the Town would have to pay to have it removed rather than be paid for the value of the recycled metal. Rich advised that shredded plastic is more readily disposed of and that Mack Molding may have a shredder that could be used for this purpose. Rich will follow up on this.

Bill Buswell asked Rich if the computer 2000 problem has been addressed. Rich informed Bill that the Town has the Y2K problem under control and that he has contacted the Vermont National Bank and been assured that the matter is being taken care of at their end as

well. Since the Town has a majority of its accounts held by VNB, Rich felt it was essential that we obtain an assurance of their readiness for the year 2000.

Sandra Stearns moved/Dan Churchill seconded the motion to adjourn at 9:20 PM. All were in favor.

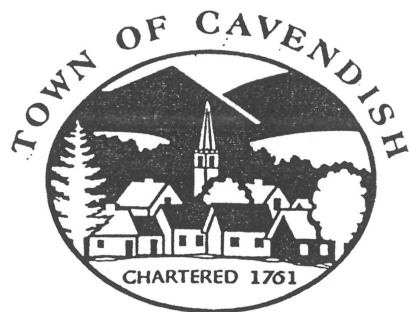
Approved by Select Board on:

Dec. 14, 1998

Date

William L. Buswell

TOWN MANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

To: Board of Selectmen

From: Richard F. Svec, Town Manager

Subject: Public Hearing will be held at Town Highway #36, Old Bailey Hill Road, on Monday, November 16, 1998 at 2:30pm o'clock to examine the premises and at 4:00pm special Selectmen's meeting in the meeting room of the Town of Cavendish Municipal Office.

..... AGENDA

1. Examine premises/special meeting for purpose of conducting a public hearing on the reclassification of this portion of Town Highway #36, Old Bailey Hill Road.
2. Other business.

**Cavendish Board of Selectmen
Public Hearing, November 16, 1998**

A public hearing before the Cavendish Board of Selectmen of the Town of Cavendish was held at Town Highway #36, Old Bailey Hill Road, on Monday, November 16, 1998 at 2:30 PM. to examine the premises. A special Selectmen's meeting was held at 4:00 PM in the meeting room of the Town of Cavendish Municipal Office for the purpose of conducting a public hearing on the reclassification of this portion of Town Highway #36, Old Bailey Hill Road. In attendance were the following:

NAME	ADDRESS	AREA OF INTEREST
Richard Svec	P.O. Box 126 Cavendish, VT	Town Manager
William Buswell	Cavendish	Selectman
Sandra Stearns	Cavendish	Selectman
Dan Churchill	Cavendish	Selectman
Robert Glidden	Cavendish	Selectman
Yvonne Guy	1483 Main Street Cavendish	Secretary
Kerri Bidgood	196 Laurel St., Melrose, MA 02176	Citizen
Donald Devereux	272 Hill Road, Ludlow, VT 05149	Property owner
Paul Bidgood	14 Fairbanks St., West Boylston, MA	Property owner
Rene Melanson	Box 61 Proctorsville, VT	Citizen
Ed Groark	Saugus, MA	Sportsman
Andrew Bidgood	Sandown, NH	Property owner
George Bidgood	196 Laurel St., Melrose, MA 02176	Property owner
Leo Graham	Black River Tribune	Reporter
Jennifer Stowell	20 Mile Stream Road, Proctorsville	Citizen
Daryl Stowell	20 Mile Stream Road, Proctorsville	Citizen
Richard Gilcris	Proctorsville	Property owner
Wayne Gilcris	Proctorsville	Concerned citizen
Leon Woods	Proctorsville	Snowmobiler
Richard Jewett	Chester	Chester Selectman
Arden Peplau	Reading	Snowmobiler
Ed Hurley	Eagle Times	Reporter
John Putnam		Counsel for Bidgood
Matthew Birmingham		Counsel for Town
Robert Parento		Property owner/snowmobiler
Tim Calabrese	Proctorsville	Planning Commissioner

Cavendish Board of Selectmen
Public Hearing, November 16, 1998

A site visit of Town Highway #36, Old Bailey Hill Road, was conducted beginning at 2:30 PM and ending at approximately 3:20 PM at which time the meeting recessed in order to move to the Cavendish Town Office.

1. After examination of the premises at Town Highway #36, Old Bailey Hill Road the meeting was reconvened by Chairman Bill Buswell at 4:10 PM in the meeting room of the Cavendish Municipal Office,

2. Mr. Buswell suggested that the Town Manager Richard Svec read the "Notice of Public Hearing" to introduce the purpose of the meeting.

3. Rich then delivered a summary history of the events leading up to this public hearing. Taxpayers (Bidgoods) had presented the Board of Selectmen with a request for winter maintenance of Town Highway #36, which is currently classified as a Class 3 town road. On consideration of this request the Select Board responded that it was not feasible as the 0.55 miles of road in question could only be accessed by way of State Forestry Highway that is not plowed in the winter months thus denying access to the Town of Cavendish to the portion of TH#36 in question. State Forestry Highway may only be plowed by loggers for the express purpose of logging access and the State Department of Forest and Parks has stated that they will not maintain their portion of TH#36 during the winter months. Paul Bidgood then appealed the decision of the Select Board to the Windsor County Road Commissioners which appeal was denied. Paul Bidgood, et als brought suit against the Town of Cavendish in Vermont Superior Court; Judge Norton presided. Judge Norton dismissed the suit.

Under the rules specified in Title 19, VSA the Town is required to maintain a Class 3 road in a condition that would allow the road to be used year round by pleasure vehicles. The unavailability of access to the road through State Forest right-of-way makes this impossible in the case of TH#36. Due to this dilemma the Town of Cavendish is technically in violation of Title 19, VSA and will, in all probability, lose State Highway Aid funds in the future.

4. Chairman Buswell then informed those assembled that the Board of Selectmen would listen to statements and requested a limit of 5 minutes for initial statements. No person would be allowed to testify a second time until all who wished to speak had an opportunity to do so.

5. Mr. Buswell then read the "Oath of Testimony" and requested that all who wished to address the Select Board affirm this oath. All members who wished to speak affirmed the oath.

6. Paul Bidgood was the first to speak and requested the indulgence of the Select Board on the time limit as he had a prepared statement that he wished to deliver. Mr. Bidgood reiterated the facts regarding his request to the Select Board for year round maintenance of TH#36 and subsequent denial of his request. He stated his position that as a taxpayer he was entitled to the same maintenance of TH#36 as all other taxpayers in the Town of Cavendish, further stating that this was the only means of access to his property. He informed the meeting that no emergency services would be able to reach his property during the winter months. He also stated that it was his belief that if TH#36 was not fully maintained it would fall into disrepair and it was his observation that when a road was in a poor state of repair properties associated with that road were also neglected. He offered some photographs for viewing.

Mr. Bidgood went on to state that other towns, Jay, Ludlow, Groton, etc., had worked out an accommodation with the Department of Forest, Parks and Recreation to allow travel over State Forest highways in order to plow roads in those towns.

7. Donald Devereux in response to Paul Bidgood's statements regarding the Ludlow maintenance matter stated that Okemo Mountain property accessibility is limited to the months when no plowing is necessary. He further went on to say that Mr. Bidgood has denied access to snowmobilers by erecting a gate on his property.

8. Robert Parento expressed his concern to the Select Board that property values would decrease if TH#36 was reclassified as a Class 4 road. He feels that it should be left as is.

9. To clarify the issue of Class 4 roads and trails Richard Svec quoted the Vermont Trails and Greenways Council 'Town Policy on Class 4 Road and Trails A Model for Vermont Towns' in which policy Title 19, VSA defines Class 1, 2 and 3 highway as those which are passable with a pleasure vehicle on a year-round basis. He also stated that the Vermont Trails and Greenways Council Policy stated that the definition of use of 'trails' was for the purposes of recreational multi-use activities, access to private property, and agricultural and forest management, a use which is supported by the State Department of Forests, Parks & Recreation.

10. George Bidgood informed the Select Board that he had purchased property which was served by a

Class 3 road - should this road be reclassified as Class 4 how will he be able to access the property? Bill Buswell asked George Bidgood how he felt about plowing of the road. Mr. Bidgood responded that as a taxpayer he was entitled to snow plowing of that road.

11. John Putnam, Counsel for Bidgoods et als, addressed the meeting at this time. He wanted to remind the Selectmen that the case Bidgood et als vs. The Town of Cavendish had been dismissed by Judge Norton without prejudice. He stated that this meant that the case could be refiled. It is his contention that the State Department of Forests and Parks should not be able to deny access to the Town of Cavendish to TH#36 for snow plowing. Bidgood et als will involve the State Department of Forests and Parks in a suit they intend to bring in Vermont Superior Court. He noted that the Department was not represented at today's meeting.

12. The Town Manager read to the meeting the November 4th letter of Ed Leary Department of Forests, Parks and Recreation addressed to the Board of Selectmen (see attached copy).

13. Wayne Gilcris informed the Board of Selectmen that he does not wish to have the road reclassified but thinks that it should be maintained at Class 4 level. He further said that he did not want to see the Town lose the State Aid for TH#36 maintenance. Bill Buswell answered that this would mean that all Class 4 roads in the Town would have to be maintained at the same level as TH#36. Wayne suggested that a bulldozer parked at the upper portion of TH#36 (beyond the 2 mile State Forest highway) would enable him to remove snow - was this feasible? Richard Svec stated that if this section of road becomes Class 4, it should not be treated any differently than any other Class 4 road in the Town.

14. Kerri Bidgood asked if there were any other reason why the Town is considering reclassification of Town Highway #36. When asked the nature of the inquiry she went on to question if the reclassification was being considered as retribution for the Bidgood et als suit against the Town.

15. The Town Manager responded that the move to reclassify this section of road to Class 4 has occurred because Paul Bidgood repeatedly brought to the attention of Agency of Transportation, the fact that he wished to have year-round maintenance of the road, it was Class 3 and the Town was not plowing it. Until this time the Town has been providing spring, summer and fall maintenance for TH#36. The whole reclassification issue hinges on the fact that the matter has now been brought to the attention of all of the State Agencies through voluminous correspondence and the filing of the lawsuit. Mr. Bidgood asked if

the Town will continue to provide maintenance to the road in the summer in the event that State Aid is no longer provided?16. Leon Woods spoke of the fact that old Class 4 roads had been accessible but that the floods of 1973 had eroded many of them. He stated that Old Bailey Hill Road is used, as is the Class 4 section of the road which goes from Cavendish/Chester. He went on to speak of the corridor trail that runs from Southern Vermont to the Canadian Border and the 33,000 snowmobilers in the State of Vermont and their income value to the State. It is his belief that the property owners along TH#36 should have known that the road has never been plowed in winter.

17. Rob Parento would like to see maintenance of TH#36 continued as it previously was.

18. Kerri Bidgood again raised the question of whether or not the reclassification hearing was in retribution for the law suit. Richard Svec responded that the Town is in a quandary. Paul Bidgood had repeatedly raised the issue that TH#36 was not being maintained in a manner consistent with a Class 3 road per the definition in Title 19. The State Forest Department will not maintain their section of the road in winter nor allow the Town of Cavendish access to snow plow, therefore, the Town of Cavendish cannot maintain TH#36 in winter. Mr. Svec also went on to say that after the spotlight was focused on the situation by Paul Bidgood the Town of Cavendish has no option but to review the possible reclassification of the road.. Certainly no retribution or retaliation was intended.

19. George Bidgood stated that the property on Old Bailey Hill Road had been in the family since 1818. In 1818 the road had been maintained and it is his position that with modern equipment the road should be maintained at a Class 3 level year-round - it is his entitlement as a taxpayer to receive this service. He further stated that the Bidgoods would work out something with the snowmobilers regarding cutting trails. Wayne Gilcris suggested that if Mr. Bidgood wanted winter access Mr. Bidgood was welcome to stable a horse and sleigh in his barn.

20. Kerri Bidgood said that everyone wanted to maintain status quo and have road maintenance for three seasons on TH#36. It is understood that the Town of Cavendish will not plow the road this winter. Why is it necessary for the Town to make a decision regarding reclassification at this point in time? She requested that the Select Board table the issue.

21. Paul Bidgood asserted that it is his belief that TH#36 can be plowed in the winter months with access by way of the State Forest highway. Groton, Jay, Plymouth and Ludlow have similar situations

with snowplowing being done up to the State Forest Highway and individuals continuing the clearing after that. State Forest Department gives right-of-way during other seasons of the year. He went on to say there is no pressure to plow this winter so let the Vermont Superior Court decide the issue. He requested that the Select Board table the decision and asked that the Town of Cavendish join with him in pressing the State Department of Forests and Parks to allow winter maintenance of the 0.55 miles of Town Highway #36. Wayne Gilcris said that he believed that the State would not allow use of the highway. He suggested that Mr. Bidgood sue the State Forest Department not the Town of Cavendish. Paul Bidgood went on to say that he was only following procedure when he brought the issue of winter maintenance to the attention of the State Agencies. He stated that he wants year-round accessibility to his property.

22. Richard Svec responded to Paul Bidgood by stating that it was not practical to plow the road. It is physically possible to bulldoze the entire length of the State Forest Highway but permission could not be obtained from the Department and it would not be practical. He also stated that the Bobsled Trail (TH#35) could possibly be upgraded to a Class 3 road but only at tremendous expense which would have to be approved by the taxpayers of the Town of Cavendish. What had been experienced in 1818 was certainly not comparable to the situation in 1998. TH#36 is not an easy road to maintain nor is the State Forestry Highway. These are roads that wind steeply up a mountain, not straight and level roads.

23. Mr. Svec informed the Select Board that he had received a telephone call from William Bidgood, this morning. While he would not be making a personal appearance at this meeting, wished the benefit of his personal view to be made known to the Select Board. William Bidgood stated that it is his opinion that the road should not be plowed in the winter. This would protect the road from Spring run-off problems. He noted that no one lives up there. He would like to maintain the status quo.

24. Kerri Bidgood asked if the Town would be prepared to plow if the State Department of Forests and Parks allowed access. Paul Bidgood stated that he understood that Richard Svec had said that the Town would plow. Mr. Svec responded that no such statement had been made. The State Department of Forests and Parks has advised that they consider the current uses of the State Highway as the best uses, including winter use by snowmobilers. Rich stated that, in his opinion, taxpayers money would not be wisely used to maintain TH#36 in the winter. Many of the affected property owners do not seem to want the road accessible to pleasure vehicles in winter. Mr. Svec went on to say that TH#36 is a difficult road to

maintain. Chairman Buswell stated the Town does not want the responsibility of any maintenance of the State Forestry Highway. Tim Calabrese thinks that it would be a dangerous precedent to plow that portion of TH#36. He advised that the new State Department of Forests and Parks Plan states the intent to make this a preservation area. He would like to see the present highway classification maintained for property value purposes. Richard Svec advised that Ed Leary had stated in Court the intent of the State to allow recreational use, i.e. snowmobile route, on the State Forest land, specifically including the State Forestry Highway.

25. George Bidgood reiterated his position that the Town should upgrade TH#35 and that the upgrading would be paid for by the State of Vermont. Bill Buswell said the State will not pay for the rebuilding of TH#35. Richard Svec stated that he did not believe that the taxpayers of the Town of Cavendish would approve any funds for the rebuilding of TH#35. Tim Calabrese mentioned that a developer is responsible for financing road improvement for access to properties under development.

26. Kerri Bidgood asked Robert Glidden, in his capacity as Fire Chief, if a fire truck could access the Bidgood camp property by way of TH#36. Bob said a fire truck would probably not make it up Old Bailey Hill Road due to the narrowness and turns. A fully loaded water truck would definitely not negotiate the grades and turns. Leon Woods pointed out that an isolated property that was only occupied on a part-time basis was always vulnerable to fire - that the fire was sometimes over before anyone became aware of the event.

27. Dan Churchill advised the meeting that, even if the State Department of Forests and Parks gave permission for Town crews to snowplow, he would object because in his opinion these roads are not safe to plow. He would not want to be responsible for putting any member of the town crew in jeopardy. George Bidgood responded that he is not asking for the road to be plowed and does not wish to compromise the safety of any member of the town crew.

28. Chairman Buswell closed the public hearing on Town Highway #36 at 5:35 PM. and informed all that within sixty (60) days of the date of this hearing a decision will be made and interested parties informed.

29. Sandra Stearns moved/Bob Glidden seconded a motion that the Select Board go into executive session in order to confer with legal counsel pertaining to possible litigation. Motion was approved by all. and the meeting went into executive session at 5:40 PM.

30. Sandra Stearns moved/Dan Churchill seconded motion to come out of executive session at 6:25 PM. All approved.

31. Other business. Richard Svec read a letter from the Cavendish School Board regarding a request for appointment of Philip Stratman to the vacancy left by Sheila Patch's resignation. The letter was signed by three members of the School Board; David Savoy, Karen Sherer and Nancy Eckhert. Sandra Stearns moved/Bob Glidden seconded a motion to appoint Philip Stratman to the Cavendish School Board, until the next Annual Town Meeting. The vote in favor was unanimous.

32. The Town Manager reminded the Select Board that he had recently met with Molly Lambert, Secretary of the Vermont Agency of Commerce and Community Development and others and that they had toured the Proctorsville Revitalization Project site. Ms. Lambert had expressed her approval of the Proctorsville Revitalization Site in a follow-up letter just received. The Select Board was advised that the Ludlow Garden Club has donated a check for \$150.00 to be used for shrubbery plantings. Okemo Valley Women's Club also will be conducting a fund raiser for moneys to be used also for shrubbery planting. Calabrese Architects have donated spring bulbs. The bus shelters are in place. Robert Williams is patching the disturbed paving where curbing was installed. Richard reiterated his wish to have Governor Dean cut the ribbon at the opening on December 4 of the Freeman House and Revitalization Site - he has not yet heard whether or not Governor Dean will attend. In the event Governor Dean cannot attend the Town Manager believes the planned opening should still go ahead as the Freeman House will be ready for December occupancy. He requested funds to provide refreshments at the opening ceremony. Dan Churchill moved/Wayne Gilcris seconded a motion to allow expenditure of up to \$100.00 to provide refreshments for the ribbon-cutting/opening ceremonies. The vote in favor was unanimous. Rich pointed out that the Freeman House will be open for inspection by the public from 3:00 PM to 7:00 PM on that day.

Snow removal in the center of Proctorsville will have to receive some different treatment this year. Mr. Svec thinks that snow will probably have to be moved out of the village center sooner than in previous years and snow piled up in alternate locations. There will probably have to be a storm 'run' to test new removal plan and make adjustments.

A second monitoring review by VCDP is scheduled for 10:00 AM November 30, 1998 in the Town Office Meeting Room. The first review went well and it is anticipated that the second one will also be favorable.

33. Sandra Stearns moved/Dan Churchill seconded a motion that the meeting be adjourned. The vote in favor was unanimous.

Meeting was adjourned at 6:43PM.

Approved by Select Board on: Dec 14, 1998
Date

William L. Buswell

ate 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

Fax: (802) 244-1481

802-241-3693
State Lands Administration

November 4, 1998

Board of Selectpersons
Town of Cavendish
Cavendish Municipal Office
PO Box 126
Cavendish VT 05142-0126

Dear Board Members:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to reclassify a portion of land in the Town known as Town Highway #36, Old Bailey Hill Road.

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. However, the Town may want to consider discontinuing the road to "trail" status so 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:

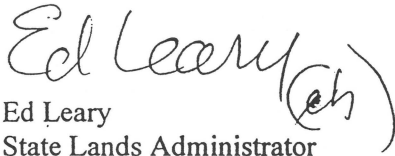
"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. § 302(a) (3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 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 Cavendish. 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 November 16, 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 reclassification.

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

Sincerely yours,

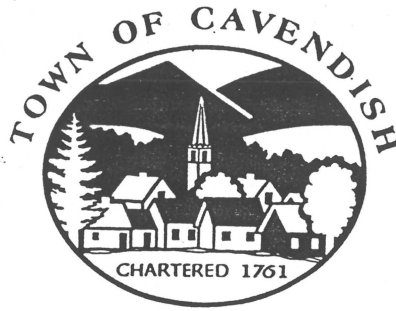

Ed Leary
State Lands Administrator

eh

Enclosures

c VAST Trails Coordinator
Rick White, District Trails Coordinator
Jay Kilton, Highway Dept, AOT

TOWN MANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

To: Board of Selectmen

From: Richard F. Svec, Town Manager

Subject: Selectmen's Meeting, Monday, December 14, 1998 in the meeting room of the Cavendish
Town Office at 6:00 PM

..... AGENDA

1. Call the meeting to order
2. Executive session with Town Attorney Birmingham regarding litigation and negotiations
3. Recess Select Board Meeting for Board of Civil Authority/Abatement Meeting at 6:30 PM
4. Reconvene Regular Select Board meeting following Board of Civil Authority/Abatement Meeting
5. Sign Orders
6. Review Correspondence
7. Act on the minutes of the last meeting
8. Hear citizens
9. Adjust agenda
10. Discussion with Treasurer Jane Pixley regarding loan renewal as well as Resolution and signature for Loan and Security Agreement with the State Municipal Equipment Loan Fund (\$30,000 on International 4700 @ 2%)
11. Leon Woods present to discuss snowmobile routes for the 1998-99 season, town highway crossings and uses, etc.
12. Selectmen to continue consideration of reclassification of Town Highway #36 to class 4. This will include discussion of the public comments received at the November 16, 1998 Public Hearing on this matter.
13. Consider resignation of Margaret Straub from Cavendish Board of School Directors.
14. Review VAOT project list for the Town of Cavendish
15. Consider request from the Cavendish Planning Commission regarding their recommendation for adoption of the revised Town Plan. The Planning Commission Public Hearing on the Town Plan Revision took place on December 2nd, 1998.
16. Town Manager to introduce the topic of Fiscal Year 1999-2000 Town Budget considerations and distribution of budget materials. Board to establish budget meetings Schedule.
17. Other Business

Cavendish Select Board Meeting

December 14, 1998

1. Call meeting to order

Chairman Buswell called the meeting to order at 6:00 PM - present were Bill Buswell, Dan Churchill, Bob Glidden, Sandra Stearns, Wayne Gilcris and Richard Svec.

2. Executive session with town Attorney Birmingham regarding litigation and negotiations.

A motion to go into executive session regarding litigation and negotiations with Town Attorney Birmingham was made at 6:01PM by Bob Glidden/seconded by Dan Churchill. All voted in favor.

A motion to go out of executive session was made at 6:27PM by Dan Churchill/seconded by Bob Glidden. All voted in favor.

3. Recess Select Board Meeting for Board of Civil Authority/Abatement Meeting at 6:30 PM.

A motion to recess the Select Board meeting until after the Board of Civil Authority/Abatement Meeting was made by Sandra Stearns/seconded by Bob Glidden. All voted in favor.

4. Reconvene Regular Select Board meeting following Board of Civil Authority/Abatement Meeting.

Chairman Buswell reconvened the regular Select Board meeting at 6:59 PM; present were Bill Buswell, Dan Churchill, Bob Glidden, Sandra Stearns, Wayne Gilcris, Richard Svec, Jane Pixley, Leon Woods, Leo Graham (Black River Tribune) and Yvonne Guy.

5. Sign Orders.

Chairman Buswell requested that Select Board members sign orders at their convenience.

6. Review Correspondence.

Chairman Buswell requested that Select Board members review correspondence at their convenience.

7. Act on minutes of last meetings.

A motion to accept minutes of last meetings (November 9 Select Board meeting and November 16 Public Hearing) was made by Sandra Stearns/seconded by Dan Churchill. All voted in favor.

8. Hear citizens.

No citizens wished to speak with the Select Board.

9. Adjust agenda.

The Town Manager advised the Select Board that Tom Kennedy had contacted him to say there could be a slight delay in his appearance before the Select Board, therefore, Rich asked that Items 14 and 15 on the agenda be moved to allow for Mr. Kennedy's schedule. The Select Board approved the adjustment to the agenda.

10. Discussion with Treasurer Jane Pixley regarding loan renewal as well as Resolution and signature for Loan and Security Agreement with the State Municipal Equipment Loan Fund (\$30,000 on International 4700 @ 2%).

Jane Pixley advised the Select Board that the \$210,000 Revitalization Project Interim Loan had been reduced to an outstanding principal amount of \$30,000 by various grants, donations, etc., Jane went on to state that the Bank would like to see the amount owing reduced by half. The Town Manager reviewed the matter of the \$30,000 pledged to the Revitalization project by CPH Inc. (former owner of Cavendish Pointe) which was not paid. The Town of Cavendish is in the process of suing CPH Inc., to obtain the pledged sum. Discussion of whether or not to take out a short term note for the \$30,000 followed. Mr. Svec informed the Select Board that he is of the opinion that the Town should cover the \$30,000 and not renew the note and that the General Fund balance would allow the \$30,000 payment until such time as the pledge from CPH Inc., was paid. If the CPH Inc., money was not obtained then the option of a loan could be considered. Bill Buswell questioned the Town Manager regarding costs to taxpayers. Rich replied that no extraordinary funds were budgeted and thus no unexpected costs would accrue to the taxpayers of the Town of Cavendish. A motion to pay off the \$30,000 on the Revitalization Project from the General Fund was made by Sandra Stearns/Dan Churchill seconded. All voted in favor.

Mr. Svec presented a Promissory Note in the amount of \$30,000 to the Select Board from the State of Vermont (State Municipal Equipment Fund) on the dump truck. Jane stated that \$10,200 is in this year's budget with the first payment on the note due December 3, 1999. She suggested that the \$10,200 be held in reserve in June 1999 for the December 1999 payment. Mr. Buswell inquired if early pay-off could be made and if there would be any benefit. The consensus of opinion was that early pay-off would be acceptable but would provide no real benefit to the Town. A motion to approve signing of the Promissory

Note and Security Agreement was made by Bob Glidden/seconded by Sandra Steans. All voted in favor.

11. Leon Woods present to discuss snowmobile routes for the 1998-99 season, town highway crossings and uses, etc.

Leon Woods presented a map showing all of the snowmobile routes, town highway crossings, etc. to the Select Board. He stated that virtually all the trails, corridor trails and secondary trails were the same as last year. He went on to say that he had no luck in obtaining permission for a snowmobile trail/crossing on Mrs. Holland's property instead of on Moriglioni Road. Bill asked Leon if crossings will be adequately sign posted. Mr. Woods advised that he had new trail signs and that wherever practical a crossing sign on secondary roads would be placed 500 ft. from the crossing in accordance with the State guidelines. Mr. Woods asked for advice on the best way of mounting the signs. Mr. Svec suggested steel channel posts to prevent theft of the signs and best resistance against snowplowing pressures. Leon thought that 4 x 4 pressure treated lumber was another option. The Select Board went on to discuss the fact that the State Police would like to receive information regarding snowmobile routes so that speed limits, crossings, etc., could be more effectively enforced. Mr. Woods advised that he was more than willing to cooperate with the State Police in their effort to make certain that snowmobilers complied with the law and that he would send a copy of the snowmobile routes to the State Police Barracks. A motion to approve the snowmobile routes and crossings as presented by Leon Woods was made by Sandra Stearns/seconded by Bob Glidden. All voted in favor.

Mr. Woods went on to inform the Select Board that he had received a letter from the Bidgoods regarding the TH#36 issue in which the Bidgoods expressed an interest in speaking with the *Snow Fleas*. Mr. Woods stated that he will invite the Bidgoods to attend the January 9 meeting of the *Snow Fleas* at the Cavendish Pointe Hotel. Rich noted that all snowmobile routes and crossings have been approved by the Select Board and a copy of the map will be part of these minutes and also be available in the Town Office.

12. Selectmen to continue consideration of reclassification of Town Highway #36 to class 4. This will include discussion of the public comments received at the November 16, 1998 Public Hearing on this matter.

Wayne Gilcris inquired about the status of TH#35. The Town Manager replied that the TH#35 right-of-way is still owned by the Town however it is now classified as a trail. Wayne suggested that TH#35 could possibly be utilized as a snowmobile trail, in his opinion the only viable use of TH#35. He inquired as to the possibility of VAST assisting in designating TH#35 as a new snowmobile route. He was

advised that this was not likely as a route already exists and it would just be a duplication. On being asked Mr. Woods stated that it would take time and money to bring TH#35 up to speed as a lot of damage had occurred during the flood of 1973

The status of TH#36 is perceived to be primarily a State Forestry road with a secondary function as a recreational trail. Mr. Gilcris questioned whether or not the State Forestry Department would continue to maintain the State Forestry Highway in perpetuity. Rich advised that the State Department of Forestry is currently doing a good job of maintaining TH#36 and would like to see them continue the present level of maintenance. There is no real reason to suppose that they will not do so in the foreseeable future. Dan Churchill advised that he would like to see TH#36 kept as a Class 3 road and thinks that Mr. Bidgood does not have a chance of prevailing in his suit to have the road maintained year round. Bill Buswell asked Dan Churchill if he felt that a majority of the property owners present at the public hearing wished to have TH#36 remain as a Class 3 road. Sandra Stearns disagreed with keeping TH#36 as a Class 3 road while not doing year round maintenance as this would result in a loss of State Aid to highways in the amount of approximately \$700 which would have to then be covered by the Town of Cavendish taxpayers. Mr. Svec advised that the State will not set a precedent and fund a road that is not being maintained under the State rules for a Class 3 road. Mr. Woods asked if it was possible to retain the status quo and keep the Class 3 classification for TH#36 with maintenance in the non-winter months, he also suggested that snowmobilers would make it their business to raise funds to replace the lost State Aid funds. Rich informed Mr. Woods that the Town of Cavendish would be in violation of State rules if TH#36 retained its Class 3 status while not being maintained as an all-season road and that the matter, having been brought to the attention of the State by the Bidgoods even to the Secretary of the Agency of Transportation, now had to be resolved. TH#36 upon reclassification as a Class 4 road could not be maintained as other Class 4 roads in the Town of Cavendish are not maintained. Mr. Woods and Selectman Gilcris suggested that if TH#36 was reclassified as a Class 4 road it could be privately maintained by property owners with assistance from snowmobilers (establishment of a property owners/snowmobilers fund). Rich agreed with this provided the Town granted permission for the work. A motion to reclassify TH#36 as a Class 4 road was made by Sandra Stearns/Bob Glidden seconded. At this time Wayne Gilcris recused himself from the vote. Four voted in favor with one recusal. The motion was passed.

The Town Manager advised that he needs a recess on implementation of the reclassification in order to refer to the statute as to when the reclassification would take effect.

14. Review VAOT project list for the Town of Cavendish.

In accordance with the adjustment to the agenda Item 9 Tom Kennedy, Director of the Southern

Windsor County Regional Planning Commission Office, appeared to review the VAOT list at this time and to discuss other transportation related issues.

Tom reminded the Board that both the Killington and Okemo ski areas are planning to expand and are in the process of Act 250 permitting. The Route 103 corridor will be significantly impacted by increased traffic to the two mountains. VAOT wants input as to what Towns along the Route 103 corridor see as issues. The Regional Planning Commission is concerned with the problems of traffic flow. Bob Glidden mentioned traffic control problems on Route 103 when accidents have occurred and the Fire Department was required to take action. Bob stated that the only viable option available to the Fire Department was to completely halt the flow of traffic for the safety of the emergency crews working at the scene. When Mr. Kennedy asked the Select Board of any other traffic related problems, the left turn from Route 103 onto Route 131 was quoted as a bottleneck and potential hazard due to the speed of traffic along that particular stretch of road. Jane Pixley told Tom that from November to April most residents of Cavendish/Proctorsville avoided the village of Ludlow. The Select Board suggested that the installation of a traffic light at the intersection of Routes 103 and 131 may alleviate the problems at that intersection and also serve to slow down traffic in general.

Mr. Kennedy told the Select Board that there is no possibility of a by-pass in the future for Cavendish. Rich mentioned that Okemo is interested in developing a rail link for the ski business and that this idea seems worth exploring. Rich also pointed out that Okemo would have to provide a means of transporting visitors from the rail link to the mountain and various area business, such as restaurants, motels and stores. Tom felt there was merit in the rail link proposal as rail traffic, i.e. freight, has increased on quite a large scale recently. A passenger study conducted by Okemo mountain indicated that skiers have shown interest in the rail link option. Mr. Kennedy said that he will represent the interests of the Town of Cavendish in the Act 250 hearings for the Okemo and Killington permits.

The Regional Planning Commission is studying rail freight expansion, which might help alleviate some of the truck traffic on the Route 103 corridor. In answer to questions from the Select Board Mr. Kennedy provided the Board with two documents "Myths and Facts About Trucks and Truck Traffic in Vermont" and "Route 103 Traffic Management Plan - Fact Sheet" (see attached). He went on to say that the trucking industry is trying to establish 53 ft. as the standard for trailers with a top weight of 90,000 lb. A forum will be held in January regarding truck traffic in Vermont. Mr. Kennedy will keep the Select Board informed.

Mr. Svec spoke to the Select Board about the two bridges which are the priority of the VAOT project list. Bridge #12 (metal truss bridge) was damaged by ice and flood conditions. He recently

discussed, with Roger Whitcomb of VAOT, the issues of hydraulic opening and deck height of the bridge to make the rehabilitated bridge less vulnerable to the same sort of damage in the future.

Other project items discussed were:

Chubb Hill ledge removal appears to be a major project which may not come to pass.

TH#32 (Cavendish Gulf Road) upgrade of railroad crossings.

Route 131 through to Route 106 is scheduled to be repaved.

Scenic by-ways program may make available Federal money which could be used for Black River access.

15. Consider request from the Cavendish Planning Commission regarding their recommendation for adoption of the revised Town Plan. The Planning Commission Public Hearing on the Town Plan Revision took place on December 2nd, 1998.

The Town Manager presented the revised Cavendish Town Plan to the Select Board and read the letter accompanying the Plan from Planning Commission Chairman Tim Calabrese. He went on to read from the statute wherein the necessity for public hearing on a Town Plan was outlined. According to the statute only one hearing needs to be held unless substantial changes are made in the Town Plan as presented, in which case the Town Plan must be returned to the Planning Commission and a new hearing set. Rich suggested that the public hearing on the revised Town Plan should take place at the end of January or beginning of February, after budget sessions are over and the Select Board have had the opportunity to study the Plan. The notice of Public Hearing must be advertised within 15 days of the proposed date of hearing, Chairman Buswell suggested that the February 8 regular Select Board meeting could be started at 6:00PM and the hearing on the revised Town Plan be held prior to the Select Board meeting. Mr. Svec was requested to publish notice of that hearing within the time period stated.

Mr. Svec thanked Tom Kennedy and the Regional Planning Commission for their assistance on the Town Plan revision and commended the Cavendish Planning Commission on doing a fine job with the update.

13. Consider resignation of Margaret Straub from Cavendish Board of School Directors.

The Town Manager read the letter of resignation of Margaret Straub from the Cavendish Board of School Directors. A motion to accept the resignation with regrets was proposed by Wayne Gilcris/seconded by Dan Churchill. All voted in favor.

Mr. Svec then read a letter from Karen Sherer Chairman of the Cavendish Board of School

Directors wherein Ms. Sherer requested help in filling the vacancy on the School Board left by Ms. Straub's resignation. A motion was made to advertise for a person to complete the unexpired term of School Board Director of Margaret Straub by Sandra Stearns/Dan Churchill seconded. All voted in favor

At this time a discussion took place regarding other unfilled vacancies in the Town. Mr. Svec pointed out the need for an animal control officer due to the rising number of uncontrolled dogs in the village and subsequent dog bite incidents. He suggested that the Select Board approve a rate of \$10 per hour and compensation for costs of transporting stray animals to the pound. Rich asked the Select Board if the animal control officer position would be restricted to Cavendish Town residents and was told that would not be the case but that if there were applicants equally qualified then preference should be given to the Cavendish resident. Bill Buswell said that it seemed appropriate for the Select Board to consider an ordinance regarding animal control. Bob Glidden suggested obtaining copies of similar ordinances from surrounding town. A motion was made to advertise the position of Animal Control Officer by Bob Glidden/Dan Churchill seconded. All voted in favor.

The position of Town Constable is also vacant. A motion was made to advertise the position of Town Constable by Bob Glidden/seconded by Sandra Stearns. All voted in favor.

The Town Manager suggested to the Select Board that this might be a good time to consider advertising for an Emergency Management Coordinator. Sandra Stearns pointed out that this has never been an easy position to fill. No decision was made at this time.

16. Town Manager to introduce the topic of Fiscal Year 1999-2000 Town Budget considerations and distribution of budget materials. Board to establish budget meetings Schedule.

The Town Manager advised the Select Board that he has been working on budget books but due to equipment problems (Town Office copying machine malfunction) he was unable to have complete budget books for Board members, but that they could be available as soon as tomorrow (December 15). Rich will distribute the books when they are ready. Chairman Buswell asked the Select Board to set up a schedule of Budget meetings, they are as follows:

Monday December 28, 1998 6:30PM - 8:30PM

Monday January 4, 1999 6:30PM - 8:30PM

Monday January 11, 1999 6:30PM - 8:30PM

It was agreed that the January 11 budget meeting be incorporated as part of the regular Select Board meeting scheduled for that date and that the need for and schedule of further budget meetings will be discussed at that time.

17. Other Business.

The Town Manager said he will contact VLCT regarding the reclassification of Town Highway #36. The Town also needs to hold a hearing regarding the laying out and acceptance of Village Green as Town Highway #69. A deed description of the Village Green right-of-way is being completed. Access permits are already in place. Rich will speak with Town Attorney Birmingham prior to advertising the public hearing on this matter.

Wayne Gilcris asked if the closing of Chubb Hill Road during the winter months could be discussed at the same public hearing. A motion to investigate the possibility of reclassifying Chubb Hill Road from a Class 3 road to a Class 4 road was made by Wayne Gilcris/Bob Glidden seconded. All were in favor. The Select Board asked the Town Manager to pursue this inquiry with the League of Cities and Towns.

Mr. Svec introduced the subject of sewer lift station improvements to the Select Board. He told the Board that Black River Produce has applied for an Act 250 permit amendment which was denied. Deficiencies in the midway and Depot Street sewer lift stations were a factor in the permit amendment denial. Rich feels that this state of affairs is detrimental to the potential growth in Town, especially in the Proctorsville village area and must be remedied as quickly as possible. Rich has concluded a need to borrow funds in the amount of \$130,000 to make all of the necessary improvements to the sewer system lift stations. Mr. Svec told the Select Board that replacement of both the pumps in the Depot Street station, telemetry, completion of the Midway station power backup and so forth is urgently needed. He went on to say that one of the most appropriate uses of local Community Development funds is to support infrastructure improvements. He believes that the community will greatly benefit from the sewer lift station improvements and resulting increased potential for business growth.; this is an appropriate source of partial funding. Rich reminded the Board that the original PRP grant applications included sewer lift state improvements but these improvements were eliminated from the grant proposals as they were not acceptable to the Vermont Community Development Program. Dufresne Henry engineers estimate a total of \$160,000 will be needed for the total sewer lift station upgrading. Some work has already been done and about \$135,000 more is needed to complete the improvements. \$54,000 currently is in the Local Community Development Fund of which Rich proposes using \$30,000 toward upgrading the lift station infrastructure. A motion to approve the use of \$30,000 from the Local Community Development Revolving Loan Fund to improve the sewer lift stations was made by Bob Glidden/Dan Churchill seconded. All voted in favor.

Rich also advised the Select Board that legislative changes related to Act 60 allow a town an opportunity to retain some specific tax receipts in order to finance certain infrastructure improvements which will enable specified private sector projects which will have positive economic impact. The Select Board requested that Rich continue to investigate this possibility with Pat Moulton Powden Springfield Regional Development Corporation. Motion to authorize the Town Manager to put together, with the assistance of SRDC an application/ proposal to the State requesting reallocation of certain tax revenue for the purpose of infrastructure improvement to support economic growth was made by Sandra Stearns/Bob Glidden seconded. All voted in favor,.

A motion to issue an Assurance of Discontinuance to the Agency of Natural Resources and to commit to a donation of up to \$10,000 for the purpose of providing funding to some worthy not-for-profit organization to help develop better access for sportsmen to the Black River for canoeing, kayaking, fishing and the like was made by Sandra Stearns/Wayne Gilcris seconded. All voted in favor. The donation monies will be allocated from Wastewater Treatment Systems funds.

A motion to amend the previous motion “. . . Assurance of Discontinuance” to read “. . . Assurance of Discontinuance relating to inadvertent discharge of pollution into the Black River in 1995 - 1996.” was made by Sandra Stearns/Wayne Gilcris seconded. All voted in favor.

Wayne Gilcris brought to the attention of the Select Board various complaints he has received from taxpayers with regard to the junk on Howard Merritt’s property and requested that the Town Manager, in his capacity as Health Officer, speak with Mr. Merritt in an effort to clean up the mess. Mr. Gilcris also asked Mr. Svec to speak with Duane Warren regarding clean up of the pile of gravel by his residence on Main Street.

Dan Churchill asked if there was to be a Town Christmas party. Mr. Svec and other members of the Select Board said they did not think it likely given the time constraints and activity levels..

The Town Manager asked Bob Glidden about the effectiveness of the E911 system. Bob pointed out that because of the looping of the 911 calls through Williston there was some difficulty in hearing the callers, but that this was outweighed by the instant location factor. In this vein a discussion took place about making certain that road markers are not easily removed by unauthorized individuals. The Town Manager stated that the new post

driving equipment that is now on hand should help to overcome this problem.

A motion to adjourn the meeting was made by Sandra Stearns/Dan Churchill seconded. All voted in favor.

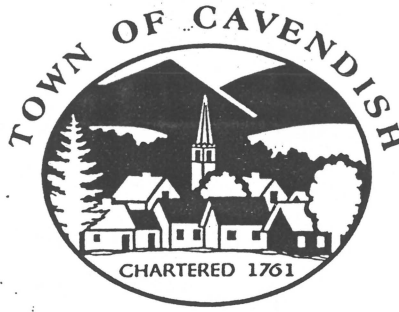
Meeting was adjourned at 10:20PM.

Approved by Select Board on:

Jan 16 1999
Date

William L. Buswell

TOWNMANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

To: Board of Selectmen
From: Richard F. Svec, Town Manager
Subject: Selectmen's Meeting, Monday, December 28, 1998 in the meeting room of the Cavendish Town Office at 6:30 PM

..... AGENDA

1. Call the meeting to order
2. Sign Orders
3. Review Correspondence
4. Hear citizens
5. Adjust Agenda
6. Sign Declaration of Reclassification of Cavendish Town Highway #36 such that it shall be classified as class four in its entirety from its beginning at the State Forestry Highway to its end point at the Cavendish-Chester border. This is a paperwork follow-up to the decision made at the December 14, 1998 Cavendish Select Board meeting on this same item.
7. Consider FY1999-2000 Budget Proposal
8. Other business
9. Adjournment by 8:30 PM

Wayne Gilcris moved/Dan Churchill seconded motion to move section b) under Office: Tax Bills at \$0; Land Record Book at \$400; Land Book Repairs at \$450; Land Record Pages at \$100; Dog Tags at \$100; Dog Registration Supplies at \$50; Index Card File at \$0; Paper and Supplies at \$1,750; Postage and Envelopes at \$1,725; and Microfilming of Records at \$200. All voted in favor.

Sandra Stearns moved/Dan Churchill seconded the motion to move page 2 of Office part c) Office Equipment: Copier Service Agreement at \$745; Equipment Repair (General) at \$150; Computer Supplies at \$1,400; Software Support at \$960; Computer Service/Repairs at \$550; Calculators at \$75; Software at \$650; Rack/Folders/Shelving-Vault at \$100; Computer Equipment at \$1,250; Computer Printer Stand at \$0; Copier Capital Fund change name to Office Equipment Replacement Fund amount raised to \$1,000 from \$500 requested. Replacement telephone at \$85; Fax Machine at \$0; and Furniture at \$500. All voted in favor.

Wayne Gilcris moved/Bob Glidden seconded the motion to move page 3 part d) of Office: Electric at \$1,400; Water at \$80; Sewer at \$150; Telephone at \$2,850; Heating Fuel at \$800; and Furnace Maintenance at \$100. All voted in favor.

Bill Buswell moved/Wayne Gilcris seconded the motion to move items e and f of Office page 3. E) Janitorial/Housekeeping - Contract Services at \$1,300; Supplies and Equipment at \$75; f) Building Maintenance: Air Conditioners at \$0; Alarm System and Safety at \$450; Roofing Renewal at \$4,000; and Miscellaneous at \$500. All voted in favor.

Dan Churchill moved/Bob Glidden seconded the motion to move all items as requested under Elections/Town Meeting. Election Wages at \$700; Advertising-Town Meeting at \$200; Ballot Printing at \$75; Voting Booth/Equipment at \$0; Electronic Podium at \$0; and Polling Place Signs at \$0. All voted in favor.

Sandy Stearns moved/Dan Churchill seconded the motion to move section a) of General Services as requested. Fire (Fire Warden Appropriation) at \$500. All voted in favor.

Dan Churchill moved/Bob Glidden seconded the motion to move section b) of General Services. Transfer Station - Attendants at \$6,905; Token Printing at \$575; Tipping Fee - Compactor/District Assessment at \$24,000; Non-Trans. Station Waste (GAT) at \$0; Demo Waste at \$4,500; Hauling Fees at \$4,800; Electric at \$1,200; Recycling at \$1,500; Metal S.W. Removal at \$0; Tire Removal at \$1,000; Site Improvement/Compactor at \$1,500; and hold on

Storage Container. All voted in favor.

Bill Buswell moved/Wayne Gilcris seconded the motion to move section c) of page 2 of General Services. Police Services - Police Telephone at \$0; Constables at \$500; Animal Control at \$400; and hold on amount for Sheriff's Office Services. All voted in favor.

Sandra Stearns moved/Dan Churchill seconded the motion to move items D, E and F of page 2 of General Services. D) Legal at \$2,000; E) Planning - Regional Planning Dues (SWCRPC) at \$926; Local Planning at \$100; Emergency Management at \$250; and F) Halloween (Contribution to Fire Departments) at \$100. All were in favor.

Other Business - Contract negotiation team Selectboard representatives will be Bill Buswell, and Richard Svec. All voted in the affirmative.

Hold on page 1 of General Services - Storage Container and page 2 of General Services - Sheriff's Office Services.

The next budget meeting is scheduled for 6:30pm, January 4th.

Dan Churchill made the motion to adjourn at 8:30pm. All were in favor.

Approved:

William L. Buswell

Date:

Jan 11, 1999