

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2004**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2004 to: VT Agency of Transportation, Program Development Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of CAVENDISH in 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.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000	—	—	—	0.000
* Class 1 Lane	0.000	—	—	—	
Class 2	11.850	—	—	11.850	0.000
Class 3	42.880	0.55	0.48	42.950	0.000
State Highway	11.822			11.822	7.652
* Class 4	4.000	0.48	0.55	3.930	0.000
Total	66.552			66.622	7.652

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

Robert White
Gregory [unclear]
Daniel W. Churchill
Sandra F. Stearns

Clerk Signature:

Jane [unclear]

Date Filed:

2/10/04

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

Michael Elery
Representative, Agency of Transportation

DATE:

3/22/04

Cavendish

TH-10. 0.36 From class 3 \rightarrow 4.

TH-36 0.55 - From 4 \rightarrow 3.

TH-46 0.07 From 3 \rightarrow 4.

TH-50. 0.05 From 3 \rightarrow 4

.36

.07

.05

.48 + Class 4 - Class 3

.55 - Class 4 + Class 3

SELECTMEN'S REPORT AND FINDINGS OF FACT

FOUR WINDS ROAD; TOWN HIGHWAY 10

1. Consistent with 19 V.S.A. §708, the Selectmen of the Town of Cavendish initiated re-classification proceedings upon their own motion for three highways located within the Town of Cavendish, Vermont, to re-classify such Highways from Class 3 to Class 4.

2. Consistent with 19 V.S.A. §709, the Selectmen promptly appointed a time and a date for examining said premises and hearing for those persons interested and they gave thirty (30) days notice to all persons owning or interested in lands through which the highway passes, of the time that they would be inspecting the site and receiving testimony. They also gave notice to the Municipal Planning Commission, posted a copy of the Notice in the office of the Town Clerk, and caused a Notice to be published in the local newspaper of general circulation in the area, not less than ten (10) days before the time set for hearing. The Notice was sent to the official residence of those persons required to be notified, by certified mail.

3. A hearing to re-classify was accordingly scheduled for Saturday, February 22, 2003 at 10:00 a.m. Prior to such re-classification, the road was examined by the Selectmen and all interested parties; the Town of Cavendish hired or caused to be hired a Cavendish school bus which was taken to the highway for examination and view.

4. After examining the premises and hearing any and all interested parties, the Selectmen adjudged that the public good, necessity, and convenience of the inhabitants of the Town of Cavendish require the following re-classification and thus make this their report and findings:

FOUR WINDS ROAD; TOWN HIGHWAY 10

1. Four Winds Road is a road which travels through both the Town of Reading and the Town of Cavendish.

2. At the commencement of the road, .02 miles are a Class 3 Town of Reading road; then and thereafter, .12 miles are a Class 4 Town of Reading road. Thereafter, .36 miles of said road are now a Class 3 Town of Cavendish road.

3. The road is presently gated and locked by the owners of the adjoining property and has been for many years; thus it is inaccessible.

4. The owners of said property were given notice by certified mail of the re-classification of Four Winds Road and did not participate in person or by counsel at the re-classification hearing, nor did they provide any response to the re-classification notice.

5. Four Winds Road has not received winter maintenance at anytime.

6. Four Winds Road serves a single house owned by a non-resident, which is used only in non-winter months.

7. Four Winds Road is not a through road to any other road or location.

Accordingly, having made these findings, the Selectmen of the Town of Cavendish conclude that the public good, necessity, and convenience require the re-classification of Four Winds Road to a Class 4 road, effective June 1st of 2003.

Dated at Cavendish, Vermont this 3rd day of March, 2003.

Ruth W. Gabranski
Ruth W. Gabranski

Daniel W. Churchill
Daniel W. Churchill

Robert W. Glidden
Robert W. Glidden

Sandra F. Stearns
Sandra F. Stearns

Wayne R. Gilcris
Wayne R. Gilcris

Received for the Record March 4, A.D., 2003 at 9:15 a.m.

Attest: Jane Pixley, Town Clerk
Jane Pixley

SELECTMEN'S REPORT AND FINDINGS OF FACT

OLD BAILEY HILL ROAD, TOWN HIGHWAY 36

1. Consistent with 19 V.S.A. §708 et seq, the Selectmen of Cavendish initiated reclassification proceedings upon their own motion for a portion of Old Bailey Hill Road, Town Highway 36 which portion is described as that section of Town Highway 36, Old Bailey Hill Road which runs between the intersection of Old Bailey Hill Road with the Proctor Piper State Forestry Highway and courses to a point nearby the so-called Bidgood camp. This same section of Town Highway 36 was the subject of a previous reclassification action in January of 1999. The proposed reclassification is a proposed reclassification from Class 4 to a Class 3 Town Highway with no winter maintenance. The length of road to be reclassified to Class 3, no winter maintenance, is approximately 0.55 miles.
2. Consistent with 19 V.S.A. §709, the Selectmen appointed a time and a date for examining the premises and hearing those persons interested and they gave 30 days notice to all persons owning or interested in lands through which the highway passes of the time that they would be inspecting the site and receiving testimony. They also gave notice to the Municipal Planning Commission, posted a copy of the notice in the office of the Town Clerk, and caused the notice to be published in the local newspaper of general circulation in the area not less than 10 days before the time set for hearing. The notice was sent to the official residence of those persons required to be notified, by certified mail.
3. A hearing to re-classify was accordingly scheduled for Tuesday, October 14, 2003, at

6:00 p.m. Prior to such reclassification hearing, the road was examined by the Selectmen and all interested parties. A site visit was conducted at Old Bailey Hill Road and all parties present drove or were driven the length of the 0.55 miles proposed to be reclassified.

4. After examining the premises and hearing any and all interested parties at the duly noticed hearing, the Selectmen have adjudged that the public good, necessity, and convenience of the inhabitants of the Town of Cavendish require reclassification and thus, make this their report and their findings:
 - a. Old Bailey Hill Road, Town Highway 36 is presently a Class 4 highway and it abuts the Proctor Piper State Forestry Highway.
 - b. Prior to its reclassification to Class 4 in January of 1999, this section of Old Bailey Hill Road, Town Highway 36 was a Class 3 road although winter maintenance was not provided as the road was inaccessible. The Proctor Piper State Forest Highway is not plowed in the winter and it is the only access to this road.
 - c. There are no full time residents on this road, but there are several seasonal camps.
 - d. From the Proctor Piper State Forestry Highway, the road runs to the Chester Town line and is thereafter not maintained and is presumed to be in the Town of Chester, a Class 4 highway.
 - e. The Town of Cavendish has, in the past, over many years prior to 1999, provided summer maintenance to Old Bailey Hill Road, Town Highway 36 by way of gravel, grading, and culvert work, but has never provided winter maintenance.
 - f. All of those persons present and interested at the time of hearing, other than Paul

Bidgood, testified positively that they would appreciate a reclassification to Class 3, no winter maintenance, as it would provide improved access and use to their camps.

- g. The Town of Cavendish is able, three seasons of the year, to maintain Old Bailey Hill Road, Town Highway 36 in a reasonable state of repair such that the land owners on the road may be able to access their camps in normal motor vehicles.
- h. Most significantly, the Town of Cavendish has been engaged in litigation with Paul Bidgood for many years over the maintenance and upkeep of Town Highway 36, Old Bailey Hill Road.
- i. This litigation, in the Windsor Superior Court, was terminated in the summer of 2003 by a stipulation signed by all parties to the litigation which included Paul Bidgood, the Town of Cavendish, the Town of Chester, and the State of Vermont. This stipulation was subsequently issued as an order by the Windsor Superior Court.
- j. The Court's order and its underlying stipulation provided in part that the Town of Cavendish would post, schedule, and hear a reclassification for Old Bailey Hill Road, Town Highway 36 and would notice such reclassification from Class 4 to Class 3, three seasons.
- k. Thus, the reclassification hearing posted for October 14, 2003 was part of an agreement reached in litigation in the Windsor Superior Court and subsequently ordered by the Windsor Superior Court, the Honorable Alan Cook presiding.
- l. It is to be noted that at the hearing, those persons participating including William Bidgood, the father of Paul Bidgood, felt that a Class 3 classification for three

seasons was an adequate and fair way to deal with a road that is otherwise inaccessible in the winter and that there was absolutely no reason why there had to be winter maintenance that to attempt such would be foolish and impractical.

- m. Accordingly, having made these findings and following a site visit and duly posted hearing, the Selectmen of the Town of Cavendish conclude that the public good, necessity, and convenience require reclassification of 0.55 miles of Old Bailey Hill Road, Town Highway 36 from Class 4 to Class 3 with three season, non-winter, maintenance.

Daniel W. Churchill

Robert Midden

Greg Yule

Received for Record November 12, A.D., 2003 at 9:20 a.m.

Attest: Jane Pixley, Town Clerk

Jane Pixley

SELECTMEN'S REPORT AND FINDINGS OF FACT

BALLANTINE ROAD; TOWN HIGHWAY 46

1. Consistent with 19 V.S.A. §708, the Selectmen of the Town of Cavendish initiated re-classification proceedings upon their own motion for three highways located within the Town of Cavendish, Vermont, to re-classify such Highways from Class 3 to Class 4.

2. Consistent with 19 V.S.A. §709, the Selectmen promptly appointed a time and a date for examining said premises and hearing for those persons interested and they gave thirty (30) days notice to all persons owning or interested in lands through which the highway passes, of the time that they would be inspecting the site and receiving testimony. They also gave notice to the Municipal Planning Commission, posted a copy of the Notice in the office of the Town Clerk, and caused a Notice to be published in the local newspaper of general circulation in the area, not less than ten (10) days before the time set for hearing. The Notice was sent to the official residence of those persons required to be notified, by certified mail.

3. A hearing to re-classify was accordingly scheduled for Saturday, February 22, 2003 at 10:00 a.m. Prior to such re-classification, the road was examined by the Selectmen and all interested parties; the Town of Cavendish hired or caused to be hired a Cavendish school bus which was taken to the highway for examination and view.

4. After examining the premises and hearing any and all interested parties, the Selectmen adjudged that the public good, necessity, and convenience of the inhabitants of the Town of Cavendish require the following re-classification and thus make this their report and findings:

BALLANTINE ROAD; TOWN HIGHWAY 46

1. Ballantine Road is .07 miles in length, and located in the Village area of Proctorsville.
2. Ballantine Road serves one residence only; that belonging to James and Elsie Ballantine.
3. Ballantine Road is in essence, a short driveway to the Ballantine house.
4. The non-maintenance of such a driveway will save the tax payers money, truck and highway time and expenses.
5. Ballantine Road is not a through road.
6. It is difficult for the town crew to turn and back out of the Ballantine's front yard.
7. There appears to be no necessity or need to maintain Ballantine Road as there is no other public use, other than the Ballantine's personal use.
8. The history of Ballantine Road is unknown, but it is assumed that it has been maintained as a Class 3 road since the 1950's. There are other similar situations in the Town of Cavendish where such driveways are not maintained by the Town of Cavendish.

Accordingly, having made these findings, the Selectmen of the Town of Cavendish conclude that the public good, necessity, and convenience require the re-classification of Ballantine Road to a Class 4 road, effective June 1st of 2003.

Dated at Cavendish, Vermont this 3rd day of March, 2003.

Ruth W. Gabranski
Ruth W. Gabranski

Sandra F. Stearns
Sandra F. Stearns

Wayne R. Gilcris
Wayne R. Gilcris

Daniel W. Churchill, Dissent

Robert W. Glidden, Dissent

Received for the Record March 4, A.D., 2003 at 9:15 a .m.

Attest: Jan J. Riley, Town Clerk

SELECTMEN'S REPORT AND FINDINGS OF FACT

DUTTONSVILLE SCHOOL DRIVE; TOWN HIGHWAY 50

1. Consistent with 19 V.S.A. §708, the Selectmen of the Town of Cavendish initiated re-classification proceedings upon their own motion for three highways located within the Town of Cavendish, Vermont, to re-classify such Highways from Class 3 to Class 4.

2. Consistent with 19 V.S.A. §709, the Selectmen promptly appointed a time and a date for examining said premises and hearing for those persons interested and they gave thirty (30) days notice to all persons owning or interested in lands through which the highway passes, of the time that they would be inspecting the site and receiving testimony. They also gave notice to the Municipal Planning Commission, posted a copy of the Notice in the office of the Town Clerk, and caused a Notice to be published in the local newspaper of general circulation in the area, not less than ten (10) days before the time set for hearing. The Notice was sent to the official residence of those persons required to be notified, by certified mail.

3. A hearing to re-classify was accordingly scheduled for Saturday, February 22, 2003 at 10:00 a.m. Prior to such re-classification, the road was examined by the Selectmen and all interested parties; the Town of Cavendish hired or caused to be hired a Cavendish school bus which was taken to the highway for examination and view.

4. After examining the premises and hearing any and all interested parties, the Selectmen adjudged that the public good, necessity, and convenience of the inhabitants of the Town of Cavendish require the following re-classification and thus make this their report and findings:

DUTTONSVILLE SCHOOL DRIVE; TOWN HIGHWAY 50

1. Duttonsville School Drive is .05 miles in length and serves an old school house now privately owned.
2. Duttonsville School Drive serves only one building, which is both commercial and residential. There are other buildings that do not appear to be in year round use purportedly owned by Centura Churchill.
3. Duttonsville School Drive is, in every sense, a driveway serving only the Churchill property.
4. The non-maintenance of such a driveway will save the tax payers money, truck and highway time and expenses.
5. There are other similarly situated driveways in the Town of Cavendish that are not maintained in the winter.
6. There appears to be no necessity or need to maintain Duttonsville School Drive as there is no other public use, other than the Churchill's private use.
7. Duttonsville School Drive is not a through road.
8. The history of Duttonsville School Drive is uncertain; it was probably maintained because it was originally an old school house, which has not now been used as a school house since 1972.
9. Servicing Duttonsville School Drive is difficult for the Town truck and crew.
10. Selectmen, Daniel Churchill and Robert Glidden, recuse themselves from this deliberation, because they had participated in the hearing, and determined that they had an interest in the outcome.

Accordingly, having made these findings, the Selectmen of the Town of Cavendish conclude that the public good, necessity, and convenience require the re-classification of Duttonsville School Drive to a Class 4 road, effective June 1st of 2003.

Dated at Cavendish, Vermont this 3rd day of March, 2003.

Ruth W. Gabranski
Ruth W. Gabranski

Sandra F. Stearns
Sandra F. Stearns

Wayne R. Gilcris
Wayne R. Gilcris

Received for the Record March 4, A.D., 2003 at 9:15 a.m.

Attest: Jane Pixley, Town Clerk
Jane Pixley

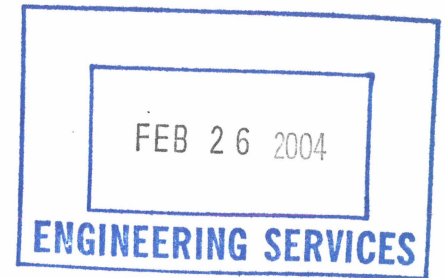
TOWN MANAGER
SELECTMEN
(802) 226-7291



TOWN CLERK
TOWN TREASURER
(802) 226-7292

*MIKE -
GOOD COPIES
FOR YOUR FILES -
Rich*

FACSIMILE COVER SHEET



DATE:	2/25/04
TO:	MIKE ELING, GIS SPECIALIST
COMPANY:	VTRANS - MAPPING
PHONE:	
FAX:	(802) 828-2334
FROM:	RICHARD SVEC, TOWN MANAGER
COMPANY:	TOWN OF CAVENDISH
PHONE:	(802) 226-7291 OR 226-7292
FAX:	(802) 226-7290
PAGES INCLUDING COVER:	11
COMMENTS:	RE: TH #36 - OLD BAILEY HILL RD TH #46 - BALLANTINE RD. TH #50 - DILTONSVILLE SCHOOL DRIVE TH #10 - FOUR WINDS ROAD

Mike - These are the "Selectmen's Report and Findings of Fact" for each of the four (4) road reclassifications which occurred in calendar-year 2003. I will send good copies via mail. I will also send you copies of the two recent redoxes (2/23/04) which involves two of the roads referred to above. Sorry that this has become somewhat complicated...
Rich Svec