

**CERTIFICATE OF HIGHWAY MILEAGE  
YEAR ENDING FEBRUARY 10, 2011**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2011 to:  
Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life  
Drive, Montpelier, VT 05633.

We, the members of the legislative body of **CAVENDISH** in **WINDSOR** County  
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 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		0.000	0.000
Class 2	11.850	0.000		11.850	0.000
Class 3	42.90	0.000		42.900	0.000
State Highway	11.822	0.000		11.822	7.652
<b>Total</b>	<b>66.572</b>	<b>0.000</b>		<b>66.572</b>	<b>7.652</b>
* Class 1 Lane	0.000	0.000		0.000	0.000
* Class 4	4.11	0.050		4.160	0.000
* Legal Trail	0.00	0.000		0.000	0.000
* Unidentified Corridor	0.00	0.422		0.422	0.000

\* Mileage for Class 1 Lane, Class 4, Legal Trail, and Unidentified Corridor classifications are 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".

NONE

*Changes not accepted  
5. Monitor 4/6/2011*

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

NONE

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

CLASS IV - Chapman Street, TH#51 0.050 mi.  
UNIDENTIFIED CORRIDOR - Swift Road (Historic) 0.422 mi.

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

NO CHANGE

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

**PART III - SIGNATURES - PLEASE SIGN.**

Selectmen/ Aldermen/ Trustees Signatures:

*James Ballentine Jr*  
*Daniel W Churchill*  
*George [unclear]*

T/C/V Clerk Signature:

*Jan Rley*

Date Filed:

3-15-11

Please sign ORIGINAL and return it for Transportation signature.

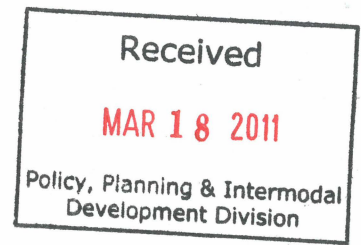
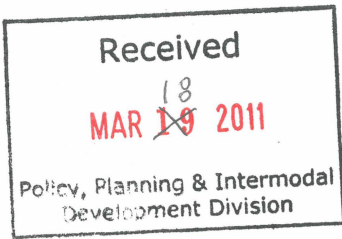
AGENCY OF TRANSPORTATION APPROVAL:

Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:



## Vermont Statutes Annotated

### 19 V.S.A. § 305. Measurement and inspection

#### § 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

12/20/2010





State of Vermont  
Division of Planning, Outreach and Community Affairs  
Mapping Unit

1 National Life Drive  
Montpelier, VT 05633-5001  
<http://www.aot.state.vt.us>

Telephone: 802-828-2600  
Fax: 802-828-2334  
Email: [johnathan.croft@state.vt.us](mailto:johnathan.croft@state.vt.us)

Agency of Transportation

April 15, 2011

James Ballantine, Jr., Selectboard Chair  
Town of Cavendish, c/o Town Clerk  
PO Box 126  
Cavendish, VT 05142

Dear Mr. Ballantine,

The VTrans Mapping Unit has not accepted the addition of 0.05 miles of class 4 town highway and 0.422 miles of unidentified corridor as submitted on Cavendish's 2011 Certificate of Highway Mileage, due to the lack of documentation and clarity showing the legal establishment of these highways through the formal laying out process or "dedication and acceptance".

VTrans sent a letter on March 21, 2011 to the Town of Cavendish requesting documentation regarding the establishment of these highways and no documents have been received to date. The Vermont Supreme Court decision, *Austin v. Town of Middlesex*, 2009 VT 102 (Oct. 27, 2009) has reaffirmed the need for documentation showing the legal establishment of town highways. A copy of this decision can be found at the following link –

<http://info.libraries.vermont.gov/supct/current/eo2008-428.html>

The changes that were listed on the 2011 Certificate of Highway Mileage may be re-submitted on the 2012 Certificate for review and the potential inclusion on the 2012 Town Highway Map.

Please feel free to contact me with any questions or comments related to this letter, or mapping in general.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnathan Croft", with a long horizontal flourish extending to the right.

Johnathan Croft  
AOT GIS Database Administrator  
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Chris Cole, Director of the VTrans Policy, Planning & Intermodal Development Division  
John Dunleavy, Assistant Attorney General  
Tammy Ellis, District Transportation Administrator  
Susan Clark, VTrans Planning Coordinator



**State of Vermont**  
**Division of Policy, Planning & Intermodal Development**  
**Mapping Unit**

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Email: [johnathan.croft@state.vt.us](mailto:johnathan.croft@state.vt.us)

*Agency of Transportation*

March 21, 2011

James Ballantine, Jr., Selectboard Chair  
Cavendish, c/o Town Clerk  
PO Box 126  
Cavendish, VT 05142

Dear Mr. Ballantine,

The Agency of Transportation (VTrans) – Mapping Unit has received the request to include Chapman Street (formerly listed as TH-51) as class 4 town highway. Due to a 1972 notation from the Cavendish Selectboard, it is felt that this highway was discontinued. Your letter dated February 22, 2011 states that this finding is not correct and the Selectboard seeks inclusion of the 0.05 miles on the Certificate of Highway Mileage and the Town Highway Map.

We request documentation as evidence of the legal establishment of Chapman Street, either through the laying out process defined in statute or through "dedication and acceptance." You have noted that deeds of the adjoining properties reference Chapman Street as being a town highway. I request copies of these deeds and any other documentation as evidence of Chapman Street being a public right of way.

VTrans will review the information supplied and if the documentation supports the legal establishment of Chapman Street, the 0.05 miles will be included in the mileage on the Certificate and the highway will be added to the Town Highway Map. If the documentation does not provide full evidence that the highway has been legally established and the Selectboard is adamant that Chapman Street is a class 4 town highway, and through due diligence has performed an exhaustive search of the town records. VTrans will consider the addition, provided the Selectboard understands fully that the addition of Chapman Street is done at their own peril.

Please feel free to contact me with any questions or comments regarding the consideration of the addition of Chapman Street, or mapping in general.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnathan Croft".

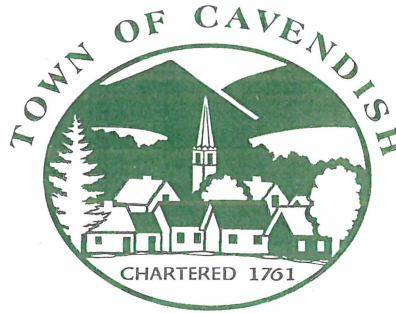
Johnathan Croft  
AOT GIS Database Administrator  
VTrans Mapping Unit

JFC/jfc

Enclosures



TOWN MANAGER  
SELECTMEN  
(802) 226-7291



TOWN CLERK  
TOWN TREASURER  
(802) 226-7292

February 22, 2011

Sara Moulton  
Vermont Agency of Transportation  
Div. Of Planning, Outreach & Community Affairs  
Mapping Unit  
11 National Life Drive  
Montpelier, VT 05633-5001

Dear Ms. Moulton,

Enclosed please find the completed 2011 Certificate of Highway Mileage for the Town of Cavendish. At their Select Board meeting of February 14, 2011, the Cavendish Selectmen again voted to include the addition of 0.050 miles to our Class 4 town highway mileage which represents TH#51, Chapman Street. We would note that the VTrans Mapping Unit chose not to accept the re-addition of this road as a Class 4 town highway when it was submitted as part of our 2010 Certificate of Highway Mileage as, according to your records, this highway was taken off the town highway system in 1972 as apparently based solely upon a letter from the Town of Cavendish Board of Selectmen dated 1972. There is no mention in that same letter of any discontinuance proceedings. The present day Cavendish Board of Selectman disputes the 1972 finding and declares that TH #51, Chapman Street still is a Class 4 Town Highway with a measured length of 0.050 miles.

As per VTrans guidelines (and/or 19 VSA § 709) supporting documentation for the changes submitted by a municipality in the mileage certificate should include copies of the notices and hearings of reclassification or discontinuance. There are no records that the legislative body at that time, or any other time; gave notice to any municipal planning commission in the town; posted a copy of the notice in the office of the town clerk; caused a notice to be published in a local newspaper of general circulation in the area not less than ten days before the time set for the hearing, or notified abutting property owners of their intent to "throw-up" this road. Further, there is no document whatsoever, other than the brief letter referred to which, in any way, indicates the town having given up, discontinued or otherwise abandoned said town highway nor any right of way or other rights to said roadway to any party. Consequently, despite the 1972 letter, the Cavendish Board of Selectmen maintain that, Town Highway #51, Chapman Street is still in its inventory of Town Highways and is not discontinued. Alas, all of the Selectmen whose names appear on the 1972 letter are deceased so that we are unable to obtain any anecdotal information pertaining to the questionable document. The fact remains that the historic and present day deeds to the abutting properties refer in their own descriptions to being bounded by this crossroad. Said road was never formally given up. Even if it was the intent of the Select Board in 1972 to discontinue the road, the Board took no action to do so. It was not then nor is it now a "private road." It needs to be pointed out that the Town of Cavendish seeks no State aid for this Class 4 town highway. Cavendish only wishes to keep this road on its inventory of Town Highways as a Class 4 town highway.

P.O. BOX 126, 37 HIGH STREET  
CAVENDISH, VERMONT 05142-0126

FAX (802) 226-7290

The Select Board minutes of February 14<sup>th</sup>, 2011 are scheduled to be approved at the March 14<sup>th</sup>, 2011 Select Board meeting and a copy of those and other, relevant, previous Select Board minutes excerpts will be mailed to you on March 15<sup>th</sup>, 2011.

During the Ancient Roads process last year, the historic so-called "Swift Road" was investigated and a determination made that Swift Road was to be categorized as an **unidentified corridor**. The unidentified corridor status became operant as of July, 1, 2010 per 19 VSA §305(6). Although the Swift Road historically traversed from the Perly Brown Road all the way to what is now Vermont Route 103 in Proctorsville, the Cavendish Board of Selectmen wish to only recognize the first 0.422 miles as an unidentified corridor as the remainder appears to have been discontinued in 1832. It is noted that this road happens to also be the access for five Cavendish parcels which are privately owned but which are imbedded in a section of the Proctor-Piper State Forest lands and are otherwise landlocked. Swift Road does not have a town highway number designation.

Copies of the Select Board meeting minutes associated with considerations and dispositions regarding the Swift Road unidentified corridor and map excerpts will be included in the documentation packet to be submitted to you on March 15<sup>th</sup> as previously described.

Very truly yours,

  
James I. Ballantine, Jr., Chairman  
Cavendish Board of Selectmen

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YEAR ENDING FEBRUARY 10, 2011**

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on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,  
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UNIDENTIFIED CORRIDOR - Swift Road (Historic) 0.422 mi.

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NO CHANGE

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

**PART III - SIGNATURES - PLEASE SIGN.**

Selectmen/ Aldermen/ Trustees Signatures:

*James Ballantine Jr.*  
*Daniel W. Churchill*  
*George T. ...*

T/C/V Clerk Signature:

*Jan Riley*

Date Filed:

3-15-11

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

Representative, Agency of Transportation

DATE:



## Moulton, Sara

---

**From:** Croft, Johnathan  
**Sent:** Monday, April 04, 2011 8:24 AM  
**To:** Moulton, Sara  
**Subject:** FW: TH51, Cavendish, VT

FYI

Johnathan

---

**From:** keith170 tds.net [<mailto:keith170@tds.net>]  
**Sent:** Sunday, April 03, 2011 9:14 AM  
**To:** Croft, Johnathan  
**Subject:** TH51, Cavendish, VT

Dear Mr. Croft,

We writing to you again as an abutting property owner of what was known as TH #51, Chapman St., in the town of Cavendish, VT. We have been doing research on this "road" as the town has been trying to "reopen" this "road". It is our understanding after doing many hours of research that the town doesn't own this property. We know that last year when the town sent in their Certificate of Mileage, they tried to add this road back on as it was removed by the state back in 1972, when the Selectboard asked for it to be removed stating that it was "private property". You have previously sent us this letter, thank you again!

We also noticed on the maps that you have previously sent us that TH51 has been reassigned to another road in the town of Cavendish, it is no longer "Chapman St."

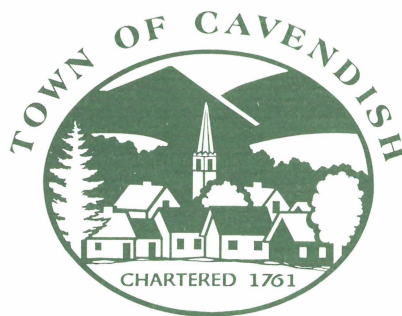
We are writing to you again as the town is still persuing this issue and when they sent in their Mileage Certificate for this year they again asked for this road to be added. We were wondering if you could tell us what the outcome of this was. We understand that in order for them to do so they would have to show proof of "deed and dedication" or that the road was "laid out", or that they had done lots of work to this road, we have lived here for 20 years next year and have not see the town do anything to this road ever, while doing our research, we were unable to find any of this information, so we are assuming that the town submitted the same information as last year.

Any information that you may be able to share with us would be greatly appreciated.

Thank you for your time in responding to this letter.

Sincerely,  
Heather and Keith Frye

TOWN MANAGER  
SELECTMEN  
(802) 226-7291



TOWN CLERK  
TOWN TREASURER  
(802) 226-7292

February 22, 2011

Sara Moulton  
Vermont Agency of Transportation  
Div. Of Planning, Outreach & Community Affairs  
Mapping Unit  
11 National Life Drive  
Montpelier, VT 05633-5001

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Very truly yours,

  
James I. Ballantine, Jr., Chairman  
Cavendish Board of Selectmen



Present: Jim Ballantine (Chairman), George Timko, Dan Churchill, Richard Svec (Town Manager), Diane McNamara (Recording Secretary)

Absent: Peter Gregg, Ed Garrow

1. Call the meeting to order

Jim Ballantine, Select Board Chairman, called the meeting to order at 6:45 p.m.

2. Sign paperwork for Special Posting of Town Highways, especially Town Highway Bridge #58 on Depot Street

Rich reminded the Board that the paperwork for special postings needs to be submitted to the State. Rich said that he discovered that it is not necessary for the Selectmen to sign the "Special Posting of Town Highways" paperwork. He does, however, need the Selectmen to designate him as the authorized signer. *Dan Churchill moved/George Timko seconded a motion to appoint Richard Svec as the designated signer for the "Special Posting of Town Highways" paperwork. All voted in favor.*

3. Sign Annual Certificate of Highway Mileage as discussed at the February 14<sup>th</sup> meeting.

A discussion with regard to the certificate of mileage included a recap of what occurred last year with regard to Chapman Street (aka Stone Church Lane) and the Swift Road. Rich will include a letter with the certificate which describes the changes and the Selectmen's action that led to the inclusion of these two roads on the certificate. The letter will also specify that the required minutes will be approved and submitted after the March 14<sup>th</sup>, 2011 meeting. *George Timko moved to accept the certificate of highway mileage as determined at the February 14<sup>th</sup>, 2011 meeting and have the Town Manager include the letter of explanation with the submission. Dan Churchill seconded the motion and all voted in favor of the motion.*

4. Sign paperwork on second amendment to Local Transportation Facilities Program grant agreement for the Proctorsville Curb and Sidewalk Project so that final payment processing can begin

After a brief explanation by the Town Manager, *Dan Churchill moved to sign the second amendment of the Proctorsville Curb and Sidewalk Project Cooperative Agreement. Jim Ballantine seconded and all voted in favor.* The document was signed by the Selectmen.

5. Town Manager to introduce the Board to a proposed modification to Article #6 of the Annual Town Meeting warning. This item would be officially proposed to and considered by the voters at the Annual Meeting.

Rich distributed copies of a proposed amended article #6. Rich explained that the proposed amended article reads exactly the same as the original article with the exception of the bolded portion. The amounts proposed are all the same but section (a) would call for the \$1,250 to be used for replacement of the Town sign on Route 131 at the Weathersfield town line and other 250<sup>th</sup> Anniversary activities. It is probable that a private donor will provide the \$1,250 needed to restore the Town Charter so that would be stricken from the article and the other activities put in its place.

6. **Selectmen and Town Manager to participate in a “pre-town meeting” discussion regarding the proposed town budget, the town meeting warning, etc. in a forum which begins at 7:00 pm.**

Rich explained that the minutes from the annual town meeting of last year which appear in the published 2010 town report are incorrect as the text for Articles #8 and #9 and the adjournment motion are actually from the previous year's minutes. Rich stated that he will announce this when the voters consider acceptance of the Town Report and he will have copies of the corrected minutes available as a hand-out at the meeting.

7. **Adjourn**

***Dan Churchill moved/Jim Ballantine seconded a motion to adjourn the meeting at 6:53 p.m. in order to attend the Pre-Town Meeting Candidate's Forum. All voted in favor.***

Approved: *James Ballantine, Jr.*

Date: *March 14, 2011*

Selectmen's Meeting, Monday, February 14<sup>th</sup>, 2011

Present: Jim Ballantine (Chairman), Dan Churchill, George Timko, Peter Gregg, Richard Svec (Town Manager), Diane McNamara (Recording Secretary), Duncan Love (LPCTV), Margo Caulfield, Barry Stearns

Absent: Ed Garrow

1. **Call the meeting to order**

Jim Ballantine, Select Board Chair, called the meeting to order at 6:40 p.m.

2. **Act upon minutes of the meeting of January 10<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup>, 2011**

*Dan Churchill moved/Peter Gregg seconded a motion to approve the minutes of January 10<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup>, 2011 as written. All voted in favor.*

3. **Sign Orders**

There were no orders to sign.

4. **Review Correspondence**

Jim Ballantine, Select Board Chair, instructed the Select Board to review correspondence at their convenience throughout the course of the meeting.

5. **Adjust agenda**

Rich requested to add item #13 (a) to the agenda; Revisit the draft of the Employee Health Insurance Policy that was reviewed at a Select Board meeting this past December.

6. **Hear Citizens**

Barry Stearns announced that he was present at tonight's meeting to discuss the cemetery, mediation, and litigation situation. He stated that he would like to alleviate the whole situation. Barry said that "On the premise that Norma was working side by side with Art all those years and I always thought she would be the one who was best educated in the process, I thought Norma should be the Sexton." Barry wondered if the board could make a correction and appoint Norma as a co-sexton. Rich said that the subject at hand is in mediation and that the mediation proceedings are confidential. Barry wanted to be sure that the Select Board at least knew where he stood on this situation. He was present tonight personally, not as a cemetery commissioner. The Board thank him for coming in and addressing them.

7. **Selectmen to review and sign Annual Certificate of Highway Mileage for the state. Discussion of this item to include further discussion on Chapman Street and the Swift Road and what references will be made in the Annual Certificate submission with respect to these two historical roads.**

The Selectmen instructed Rich to send a letter to the Vermont Agency of Transportation stating that the Cavendish Board of Selectmen voted to keep Chapman Street, TH#51, as a Class IV road and dispute any discontinuance of this road as proper legal proceedings are not in evidence in 1972 or at any other time. If you take the Select Board letter of March 13, 1972 at face value, it appears as though the Board, at that time, apparently believed it to not be a town road but the records do not show any evidence of discontinuance. Further, the Swift Road is designated as an "unidentified corridor" and has been added to the Annual Certificate of Mileage.



8. **Town Manager to discuss the publication of this year's Annual Town Report and to distribute the Selectmen's Reference Books for the Annual Town Meeting. General discussion is expected to include any items relevant to the meeting.**

Rich distributed the Selectmen's Reference Books he has prepared for the Annual Town Meeting and he reviewed the contents with the Board. Rich also noted that Town Reports will be picked up on Wednesday and we hope to get them mailed by Thursday.

9. **Discussion regarding a matter of a \$250 item discussed during the budget development process but inadvertently not included in the final Selectmen's Budget Spreadsheet and total appropriation.**

Rich explained that the Selectmen approved line item for a \$250 appropriation for the Cavendish 250<sup>th</sup> Anniversary activities was inadvertently left out of the final budget spreadsheet. Rich suggested that a motion can be made from the floor at Town Meeting during consideration of the budget to put that item into the budget for approval. The Board agreed. Rich informed the board that the 250<sup>th</sup> anniversary committee would like to be able to use the Town Logo in posters, banners, etc. for the semiquincentennial. It was the consensus of the Select Board that this was an appropriate use of the town logo and directed Rich to coordinate and monitor use of the logo for this purpose.

10. **Town Manager to distribute copies of some materials recently received from Holden Engineering regarding the proposed Carlton Road development. This materials is for preview before the March 14<sup>th</sup> meeting where there will be further presentation pertaining to that project.**

Rich informed the Selectmen that Holden Engineering plans to attend the March 14<sup>th</sup> meeting for a further presentation of the proposed project and he distributed copies of materials that the engineering firm sent to him. Rich summarized the project as being 50 lots for individual homes and 7 multi-units which contain 30 units each. More details will be available next month.

11. **Discuss the suggestion of a sidewalk ordinance with regard to snow removal issues (P. Gregg)**

Rich explained that Peter Gregg had called him about creating a simple sidewalk ordinance with regard to snow removal issues. Peter said that the ordinance could require that people who clear their driveways not block what the town has already cleared. This would be especially important with the elimination of school bus pick up in the village area next year. The villagers need to keep the sidewalks cleared for the school children who will be walking. Rich suggested that the Board could talk about this at town meeting in order to educate property owners. Rich asked if the Board wanted to draft an ordinance for this sidewalk issue? No, let's just introduce it at town meeting. Margo suggested placing an announcement in her Cavendish Update as this goes out to many second home owners.

12. **Review of engineer's report on Town Highway Bridge #58 on Depot Street and discussion regarding the courses of action to be pursued.**

Rich distributed copies of the engineer's report on Town Highway Bridge #58 to the Select Board. He said that the present bridge weight posting of 10 Tons is confirmed to be appropriate. Rich suggested discussing this at the next meeting after the Selectmen had the opportunity to read the report. Rich reminded the Board that the report could not be completed until a subcontractor with ground penetrating radar could be employed so that the amount and configuration of the reinforcing rod was able to be determined. Rich said he talked again with John Alexander, VTrans District 2 Technician, and again asked for financial aid with the engineering report. John said to submit the paperwork and he was hopeful that the town would receive something in the way of funds. Rich needs to write a letter to be signed by the Selectmen and to submit the form to the State with the special posting requirement.

**13. Town Manager to discuss with the Board plans for 2011 town highway work activities and State Town Highway Program applications for this year.**

Rich said that the town has approval from last year to replace the multi-plate culvert with a bridge structure at Town Highway Bridge #21, Greenbush Road. Rich would also like to apply for funds for Town Highway Bridge #7, Meadowbrook Campground Road as this bridge is in serious need of work. He stated that, with the town highway crew doing most of the work and using a precast concrete deck system, it should be a relatively inexpensive project. There are also some short term repairs needed for Bridge #58 for which we could apply for grant money. ***George Timko moved/Dan Churchill seconded a motion to proceed with the application for funding for Bridge #66 at Meadowbrook Campground and to also pursue monies to do the short term remediation work on Bridge #58, TH#1. All voted in favor.***

**13(a) Discussion on Employee's Health Insurance Policy**

Rich distributed copies of a revised draft on the Town of Cavendish Employee's Health Insurance Policy to the Selectmen. Rich explained that this draft is exactly the same as the last draft reviewed by the Selectmen but with the addition of the "Continuity of Co-Pay Rates" paragraph at the end which we had discussed and decided to add. ***George Timko moved/Dan Churchill seconded a motion to adopt the Town of Cavendish Employee's Health Insurance Policy as proposed. All voted in favor.*** The policy is effective as of this signing.

**14. Discuss recent request by an abutting neighbor of the town sandpit lot for the town to consider sale of a portion of that lot to her.**

Rich informed the Selectmen that an owner of a property neighboring the town sandpit on Route 131 has requested that the town consider the sale of a portion of that lot to her. Rich said he spoke to the neighboring property owner and had visited the affected area with her. Rich told her that he would bring her request before the Select Board. Rich noted that this is not an easily developed piece of land and that the town has no future plans for it at this time. It was discussed that any plans to sell such town property should be put before the taxpayers. Any such sale would have to be contingent upon the town maintaining its current drainage conditions as there is no alternate way to drain the area. The Selectmen felt that, as the Butler property maintains a driveway right-of-way across that piece of land, Mr. and Mrs. Butler should be notified as to any availability since his only access to the highway is that right-of-way. The board suggested that the interested party come in to speak with the board this spring if she wishes to discuss the matter further.

**15. Town Manager to update the Board on various town activities.**

APAS has begun their work on the appraisal update for the town which is scheduled to be completed in time for the 2011 Grand List.

Rich discussed a revised town highway policy document that will have to be adopted in order to qualify for state assistance in the Town Highway and Town Highway Bridge Program this year. The State (VTrans) has added a few items especially with regard to ditches and slopes. For example, slope that exceeds 5% requires special treatment. You must adopt these standards in order to be eligible for the program money. Rich will make copies for the Selectmen and will put this on the March 14<sup>th</sup> agenda for consideration.

**16. Other business**

Peter Gregg inquired about the ambulance status. Rich informed him that there was no news on that front.

George Timko said that, at a solid waste district meeting that took place a few weeks ago, they discussed investigating hauler's reports to verify accuracy and trying to pool recycling efforts among the smaller towns in the district. George said that Tom Kennedy expressed to him that he'd be glad to meet with the Selectmen at any time to discuss solid waste issues.

Dan Churchill asked how the renovations are coming down at the transfer station. Rich said that some lighting has been added to the recycling area. He informed the Selectmen that Bill Jansak took a week off and didn't return as he encountered family problems during his visit. A letter of resignation was received from him just this past week stating that he has moved to Virginia due to the family situation. This means that Rich has no one to continue the trash pick up at CTES. Rich has informed the principal that we simply do not have anyone to transport the trash for the school but that the town will still accept the school trash at the Transfer Station at no charge.

Jim mentioned that the snowbank at the corner of High Street at the McNamara property is creating visibility problems on both High Street and Route 131. Rich said he would ask the highway crew to take care of that.

Duncan Love of LPCTV requested that Rich review the positions available for Select Board. Rich explained that Dan Churchill, who had previously held a three year term, is running for a one year term, Bob Glidden is on the ballot unopposed for a three-year term and there are two, one-year terms which are being sought by four individuals: Dan Churchill, Ed Garrow, Peter Gregg and Scott Ranney.

Jim Ballantine, Select Board Chair, recessed the meeting for 10 minutes so that Duncan Love, LPCTV, could pack up his recording equipment and so that the Select Board could have a break.

Jim Ballantine, Select Board Chair, reconvened the meeting after a brief recess.

17. **Executive session requested by the Town Manager on matters of current litigation.**

***Dan Churchill moved/Peter Gregg seconded a motion to go into executive session at 8:55 p.m. All voted in favor.***

***George Timko moved/Dan Churchill seconded a motion to go out of executive session at 9:58 p.m. All voted in favor***

Rich informed the Board that he has received the signed Purchase & Sales agreement for purchase of the Roozen parcel on Route 131. This purchase is the subject of article #4 of the Town Meeting Warning.

18. **Adjourn**

***Dan Churchill moved/George Timko seconded a motion to adjourn the meeting at 9:59 p.m. All voted in favor.***

Approved: *James Ballantine Jr.*

Date: *March 14, 2011*